

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: June 13, 2012 SERC Meeting Minutes

Date: July 24, 2012

The June 13, 2012 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency by Cindy DeWulf, SERC Co-Chair (Ohio EPA).

13 Voting Members were present:

Cindy DeWulf, Ohio EPA, SERC Co-Chair
Mel House, Ohio EMA, SERC Co-Chair (Alternate)
Tim Kern, AG Office
Dan Fisher, Public Utilities Commission of Ohio
Staff Lieutenant Kenneth Kocab, State Highway Patrol
Richard Hughes, Industry Representative
Randy Van Dyne, Environmental Representative
Willie Brantingham, Volunteer Firefighters' Representative
Frank Conway, State Fire Marshal's Office
Brian Galligher, LEPC Representative
Jack Pounds, Chemical Manufacturer Representative
Clyde McKenzie, Fire Chief Representative
Raenell Nagel, Environmental Representative

4 Voting Members were not present

Steve Wagner, Ohio Department of Health
Al Phillips, Ohio Department of Transportation
Rick Hoffman, Professional Firefighters' Representative
Gary Obermiller, Ohio Department of Natural Resources

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 Clyde McKenzie, that the 24-hour rule be waived.

Record of Vote: 11 -For
 0- Against
 0- Abstain

Approval of April 11th, 2012 SERC Meeting Minutes:

Cindy asked for a motion to accept the April 11th, 2012 SERC meeting minutes. A motion was made by Willie Brantingham. Motion to accept was seconded by Richard Hughes.

Record of Vote: 11 -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 the SERC membership still has two (2) remaining vacancies. She will check with the Governor's Office of Board and Commission's to see if anyone has applied to be considered for appointment.

At the April 2012 SERC meeting, SERC voted in favor of a LEPC SFY 2012 Plan non-concurrence for Jefferson County. The Committee will move forward with issuing Finding and Orders against the Jefferson County Planning District.

Over the years, SERC has discussed forming a committee to evaluate Chapter 3750 with goal to consolidate/revise the exercise requirements that affects the counties and recommending possible language changes to the law or administrative rules. The work group will also coincide with EMA's review of the exercise requirements under ORC 5502. Work group shall consist of Brian Gallagher, Tammy Little, Jack Pounds, Cindy DeWulf, Willie Brantingham, Dennis Tomzik, Nancy Dragani and Tim Kern.

Tim Kern and the AGO Opinions Section have concluded in an informal opinion that SERC cannot fund the LEPC Excellence Award Program. ORC 3750.14 was reviewed and the language is very limited in what can be funded. The Operations & Issues committee will put issue on their next meeting's agenda to discuss options for future recognition programs.

Cindy discussed the "LEPC Funding Guidance Document", which provides broad guidance on the use of SERC grant funds. It is not meant to be an all or nothing type document, and the document is updated periodically to reflect common questions asked by LEPCs. The proposed changes were provided to the SERC and no further comments were received. Brian Gallagher made a motion to approve the document as updated. Randy Van Dyne seconded the motion. Frank Conway asked if item 1, on page 2 (internal cost of internet access) was intended to apply to fire departments.

Cindy stated that the approval is for the LEPCs to provide internet access for the EOC. The motion was approved by a vote of 10-Yes, 1-No (Frank Conway) and no abstentions.

Mel mentioned the HMEP grant application was send to USDOT. The SERC members were e-mailed a copy of the application. Mr. House asked for the SERC's approval of the HMEP application package to USDOT. EMA can incorporate any SERC member's comments in an amendment to the grant. Motion to accept said recommendation and conditions as outlined by Mel House made by Jack Pounds and seconded by Clyde McKenzie. Vote approved 11-Yes, 0-No, 0-Abstain.

Mel House wanted to address the State of Ohio HazMat Plan (ESF #10). Sarah Moore (Ohio EMA) was introduced and had been responsible for updating the plan and coordinating the updates with other state agencies. The standalone Plan (ESF#10) has been rolled into the State of Ohio Emergency Operations Plan (EOP) and as a formality the SERC must adopt and approve the Plan that eventually will be promulgated by the Governor's Office. A motion to accept the State of Ohio HazMat Plan being incorporated into the state's EOP was made by Dan Fisher and seconded by Frank Conway. Motion approved 12-Yes, 0-No, 0-Abstain.

Administrative & Funding:

Cindy stated that the Committee met this morning prior to today's meeting.

The Committee reviewed a funding request from Hardin County regarding the purchase of a "Basic Photo ID System" that they can create identification cards for all their responders in their county planning district. It shall ensure that the scene is staff with approved personnel. The purchase request was approved as allowable, but did not specifically approve what brand to purchase, dollar amount, or vendor to use. There appears to be no final guidance from the state on ID cards and credentials, but there are national standards in place. Cindy requested Ohio EMA to provide a web link to where one can go to search the national standards in this area.

Cindy continued to discuss the pending letter that SERC will be sending to the County Commissioners as a way to reintroduce the program and LEPCs to them. It will be short and to the point and will not be a "report type card" at this point. The intent is to draft and mail out the letter in mid-July 2012.

Cindy passed out a draft copy of the proposed new "LEPC Grant Application." The intent is to create a more streamlined application, more relevant in information being requested and is more of a check-off type application. The committee plans on seeking comment to the document and hopefully will be presented to SERC at the October 2012 SERC meeting.

The Committee also is trying to revamp and streamline the "LEPC Grant Fiscal Report" to account only for LEPC funds received from the SERC. Again it is being designed as

more of a checklist and we'll send it out for comments before the committee seeks formal approval.

Cindy DeWulf introduced Resolution **2012-35 "SFY 2013 LEPC and Training Grant."** The Resolution outlines the LEPC grant funding formula to be used for the upcoming distribution of the SERC grant awards. The resolution is the same as used last year. Willie Brantingham made a motion to approve as documented. Brian Gallagher seconded the motion. Brian Gallagher asked of the possibility of taking funds off the top next year to get the chemical reporting on-line over the web. Cindy stated that she has been looking into the E-Plan tool that is a web based reporting tool used by several states. Jack Pounds stated that ODNR has some type of energy software reporting tool that maybe we could look at. Brian Gallagher speculates as to all the duplicate data entry and money being spent between industry, the State, and the 87 LEPCs. Cindy mentioned that the E-Plan is funded through the federal Homeland Security and is a secured database housed in a central location. It also is compatible with CAMEO. Brian Gallagher stated that he would believe that most LEPCs would be ok with losing a small amount of grant funding for a year to get the state up and going with a web based reporting tool. This would eliminate data entry cost for the locals in the long run.

Record of Vote: 12- For
0- Against
0- Abstain

Cindy introduced SERC **Resolution 2012-36 "SFY 2013 Funding; Ohio EMA"** that outlines the state share of the SERC grant awards to the Ohio EMA. Jack Pounds made a motion to approve as documented. Dan Fisher seconded the motion. No discussion.

Record of Vote: 11- For
0- Against
1- Abstain (Ohio EMA)

Cindy introduced SERC **Resolution 2012-37 "SFY 2013 Funding; Ohio EPA"** that outlines the state share of the SERC grant awards to the Ohio EMA. Clyde McKenzie made a motion to approve as documented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 11- For
0- Against
1- Abstain (Ohio EPA)

Operations & Issues:

The Committee is reviewing the Planning Document and are about three quarters of the way to completing the review. Their hope is to meet in July and finish up our review and have something to present come the August 2012 SERC meeting.

Training and Education:

Willie Brantingham stated that the Committee met prior to today's meeting.

The Committee has settled on the upcoming LEPC Conference agenda, speakers, time slots, etc. We will have the SERC meeting start at 10:30 am on Wednesday August 8th to kick off the Conference. Cindy reinforced the need for all SERC members to be prepared to give a short talk on what your agency's role or your appointed spot on SERC does as it pertains to SERC business in the area of emergency planning.

Agency Reports:

EMA

Mel House stated that the agency has contracted with the University of Findlay for the course module "HazMat Officer" and "HazMat Safety Officer" training development. Project 8 regional delivery sites for the training with July looking at a pilot course with August being set up for train the trainer. PUCO will eventually fund the course delivery costs.

Ohio EMA indicates that there are 27 **LEPC Exercises up for SFY 2012 Exercise Concurrence**. Clyde McKenzie made a motion to approve **Resolutions 2012-38 through -64** as documented. Brian Gallagher seconded the motion. No discussion.

Record of Vote: 12- For
0- Against
0- Abstain

Mel continued that there is **Resolution 2012-65, SFY 2012 Exercise Concurrence for "The State of Ohio."** Mel stated that the exercise was in coordination with the Muskingum County LEPC. Brian Gallagher made a motion to approve **Resolutions 2012-65** as documented. Kenneth Kocab seconded the motion. No discussion.

Record of Vote: 12- For
0-Against
0-Abstain

EPA

Cindy DeWulf introduced **LEPC 2011-13 LEPC Membership Appointment Resolutions 2012-66 through -75**, appointing new LEPC memberships for Auglaize, Gallia, Lawrence, Lucas, Madison, Marion, Morrow, Ross, Tuscarawas, and Wood Planning Districts as noted. Dan Fisher made a motion to approve. Jack Pounds seconded the motion.

Record of Vote: 12- For
0- Against
0- Abstain

LEPC meeting minutes were provided for Cuyahoga, Hamilton, Morrow, Richland, and Summit Counties.

Cindy asked Jeff Beattie to give an overview of his trip to Chicago to meet with the other Region 5 EPA and state representatives who deal with implementation of EPCRA. Jeff started with the issue of information management. With the exception of Ohio, all region 5 states (Indiana, Minnesota, Wisconsin, Illinois, and Michigan) have incorporated web based reporting in their states. Indiana has their own system they designed, Minnesota, Wisconsin and Illinois incorporate Tier2 Manager and Michigan uses the E-Plan system that Cindy is looking into. The group talked of doing facility inspections and Ohio by far is doing more in this area than any other of the states. Our use of reimbursing LEPC under the HMEP grant has proven very successful by those LEPCs taking advantage of the grant. As for enforcement under this program, USEPA seems to be taking the lead and most if not all states have chosen to be mostly inactive and choosing to do compliance and getting them into compliance. Jeff continued to give the SERC an overview of some soon to be final changes that USEPA will be making on the federal inventory data elements. The big change is that EPA will be modifying the range codes to be making the range closer in quantity, as opposed to the large range that exists now. The group was given presentations on the wind turbines and ethanol plants and what they may have to report. Some states are doing compliance toward hotels, motels, and resorts for the chlorine.

ODNR:

Not in attendance.

PUCO:

No Report.

Health:

Not in attendance.

SHP:

No Report.

SFM

Frank Conway stated that the North American Emergency Response Guide books have not been received to date. Ohio is receiving a 10% reduction in what we requested. When we get them, we'll get them out as soon as possible.

The SFM Field training has completed to date 68 programs (43 hazmat) encompassing 882 total students across the state.

We have received HMEP grant approval to help in the development of the HazMat Ops curriculum. Funds will be used to print, pay instructors, student manual production and CD.

ODOT

Not in attendance.

AGO

Tim Kern asked about Jeff's presentation on EPCRA enforcement and wonders why our state is not more active in this area. If enforcement is being done, those settlements should stay in Ohio as opposed to going the federal route where we do not see any of it.

Other SERC members and Attendees

Raenell Nagel was wondering if the SERC should send out some guidance on the Ohio Sunshine laws that address "closed sessions" that may be taking place with our LEPCs.

Raenell also inquired as to if LEPCs (and SERC) have any plans or responsibilities to address the oil & gas fracking issue. Mr. House indicated most likely not unless they have the quantities of hazardous chemicals that would trigger an inventory report or they have a reportable spill/release.

Sima Merick (Ohio EMA) announced that effective August 2012 SERC meeting, Ohio EMA Director Nancy Dragani will reassume the SERC co-chair responsibilities, with Sima Merick and Denny Tomcik being her two alternates. Director Dragani is looking forward to re-engaging with the LEPCs and the SERC now that she has completed her Master's degree course through the US Naval Academy network in California.

Meeting adjourned.