

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, OEPA/DAPC

Subject: August 12, 2015 SERC Meeting Minutes

Date: September 28, 2015

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The August 12, 2015 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency in Columbus, Ohio by Ohio Department of Public Safety Director John Born.

**13 Voting Members were present:**

John Born, Ohio Department of Public Safety, SERC Co-Chair  
Jim Canepa, Ohio EPA, SERC Co-Chair (alternate)  
Tamara McBride, Ohio Department of Health  
Frederick Nelson, Attorney General's Office  
Jack Everson, Municipality Representative  
Doug Johnson, Ohio Department of Natural Resources (alternate)  
Don McDonald, County Interest Representative  
Larry Lindrose, Industry Representative  
Randy Van Dyne, Environmental Representative  
Willie Brantingham, Volunteer Firefighters' Representative  
Jeff Leaming, State Fire Marshal's Office  
Staff Lieutenant Kenneth Kocab, State Highway Patrol  
Dan Fisher, Public Utilities Commission of Ohio

**5 Voting Members not present:**

Jennifer Klein, Industry Representative  
Ohio Department of Transportation  
Cliff Mason, Fire Chief's Association  
Tim Flock, LEPC/EMA Representative  
Kevin Crist, Environmental Representative

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

Professional Firefighters' Representative (Vacant)

**Waive the 24 Hour Rule:**

Director John Born made the motion, seconded by Jeff Leaming that the 24-hour rule be waived.

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

**Approval of June 10, 2015 SERC Meeting Minutes:**

Director John Born asked for a motion to accept the June 10, 2015 SERC meeting minutes. A motion was made by Willie Brantingham to accept. Motion to accept was seconded by Don McDonald.

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

**SERC Committee Reports:**

**Executive:**

Assistant Director Jim Canepa stated that the committee continues to discuss pipelines and continued training and exercise credit for the LEPCs. The committee has identified a process to get these entities designated as being subject to the plan for planning purposes only and will not require inventory reporting or fees. Cindy Dewulf shall coordinate with agency legal and program staff to move forward in putting this process in place. The committee does not anticipate any resistance from affected parties since no additional reporting or filing fees shall be placed on them. One step for Cindy and her team is to develop draft administrative rules for SERC to issue an Order making a facility subject to the plan.

With the goal of including pipelines for the committee discussed the improvements being discussed and/or recommended over the past few meetings. The committee would like the Training and Education Committee to look into railroad issues of interest to the LEPCs such as commodity flow studies on rail transit. Randy Van Dyne stated that HMEP grant funds can support such activity. The Committee is moving forward with its review of enforcement referrals and will be reviewing the SERC Enforcement Policy.

**Administrative & Funding:**

Jack Everson stated that the committee met the morning of today's meeting.

The committee discussed a funding request from the Athens County LEPC regarding if the LEPC can use funds for the calibration of dosimeters for their fire department in Athens. Since the LEPC Purchase Policy includes an attachment "Example List of Hazardous Materials Response Team Equipment" as developed by the Ohio Technical Advisory Team and this item is contained within the document, the committee approved the request. Jeff Beattie shall contact the LEPC to let them know their request was approved.

Mr. Everson reported that the committee continues to discuss the proposed penalty structure for non-performing and/or complying LEPCs. The committee received feedback from the SERC that compliance and assistance is preferred to over penalties. The committee is examining the use of regional training, and fact sheet development.

**Operations & Issues:**

No report. Committee chair was not in attendance.

### **Training and Education:**

Willie Brantingham discussed the upcoming LEPC Conference agenda. Registration levels are adequate at this point being one month plus out.

Committee member Don McDonald provided an overview on his issue of concern being found in school chemistry lab safety. Don has scheduled a few meetings up in Stark County to address the issue up there in his county.

The committee requests that the State Fire Marshal's Office start to send a representative to their meetings. The Academy has a course listing of different hazmat related courses and classes that we may want to coordinate and help provide marketing their programs to the locals.

### **Agency Reports:**

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

ODPS Director Born indicated that there are **41 LEPC Exercises recommended for SFY 2015 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolutions 2015-72 thru -112**. Larry Lindrose seconded the motion. No discussion.

Record of Vote: 13/12- For  
0-Against  
0/1-Abstain (Brantingham-Columbiana; McDonald-Stark)

Ohio EMA indicated that **Resolution 2105-113; SFY 2015 State of Ohio Exercise Concurrence** is recommended. Don McDonald made a motion to approve **Resolution 2015-113**. Willie Brantingham seconded the motion. No discussion.

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

Ohio EMA indicated that there is **1 LEPC Plan recommended for SFY 2015 Plan Concurrence**. Kenneth Kocab made a motion to approve **Resolution 2015-114**. Jack Everson seconded the motion. No discussion.

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

#### **EPA**

Cindy DeWulf introduced **Resolution 2015-115 "2015-2117 LEPC Membership Appointment for Two (2) Year Term"**, appointing new 2-year terms for 56 LEPCs. The lists for the county LEPCs were submitted respectively by the County Commissioners. Jeff Leaming made a motion to approve. Kenneth Kocab seconded the motion.

Record of Vote: 13/12- For  
0- Against  
0/1- Abstain (Madison/Columbiana and Stark)

LEPC meeting minutes were provided for Clark, Miami, Montgomery-Greene, Tuscarawas and Washington planning districts.

**ODNR:** Doug Johnson deferred to Scott King for the update. Scott indicated that ODNR has new oil and gas well which address issues such as pad rules improved engineering, permitting process, emergency response and air monitoring capabilities. ODNR is working on oil and gas release reporting rules that will add a requirement to report to ODNR for specific incidents. These rules will not take away release reporting under the SERC release reporting requirements.

**PUCO:** No Report.

**Health:** No Report.

**SHP:** No Report.

**SFM:** Jeff Leaming indicated that grants to local fire departments for upgrading to the MARCS radio network are being offered again similar to last year. Three million dollars in grant funding is offered. Information should be on the SFM web site Fall 2015.

**ODOT:** Not in attendance.

**AGO:** Frederick Nelson thanked the Co-Chairs for having the opportunity to serve on the Commission. Mr. Nelson shall serve as the AGO designee on the Commission and Tim Kern shall continue to provide legal support.

**Other:** Cindy DeWulf mentioned that annual ethics training continues and information on training can be found on the Ohio Ethics Commissions web site.

Director Born stated that he has received a letter from Don McDonald (Stark County LEPC) that outlines some of his concerns about the current SERC law and recommend ideas for improvement. Director Born shall forward the letter to Sima Merick and Russ Decker. A copy of the letter is attached to the minutes

## Attachment

August 12, 2015  
Stark County LEPC  
Don McDonald  
Program Director

Craig W. Butler, Director Ohio EPA – Co-Chair SERC  
John Born, Director Ohio DPS – Co-Chair SERC

Directors,

I would like to start by expressing my sincere appreciation for the effort you both have given in taking on the roles of Co-Chairs of the SERC. It is reassuring to know the state is willing to commit this level of support to us. I look forward to working with you for the balance of my term on the SERC or my tenure with the LEPC.

You have recently reached out to all members of the SERC and asked us to research and look into ways to enhance the effectiveness and outreach of the SERC. Though I am one of the newer members of the commission, I have been attending these meetings for over 10 years. During that time, I have reached a few tentative conclusions and observations. While I thoroughly enjoy participating on this committee, I am afraid that it is oftentimes considered less relevant than it should be by both county and state officials.

I have prepared a few bullet points that I would ask you to review that I feel may help the SERC to regain the importance it once had in the areas of emergency planning and support to 1<sup>st</sup> Responders.

The following are some of my thoughts.

- All hazards approach between LEPCs and EMAs  
Though there are limitations on areas that LEPCs may expend funds, I believe that advances in technology, for both good and bad, mandate that we reduce the distinction between “chemical hazards” and an “all hazards” approach in that both often require similar planning and response procedures. This may require some changes in the law, and indeed I am looking into that but this time.
- Participation and Representation  
At most SERC meetings, participating agencies have little, if anything to say past “nothing to report at this time”. This is not intended to be disrespectful to those attending agency representatives, but what are they bringing to the table?
- Send out updated lists of projects being worked on by committees.  
It may be that EMA/LEPC personnel may have comments or insights into particular topics but cannot attend meetings of subcommittees. This may stimulate enough interest as to increase county participation on subcommittees.
- Provide for conference calls for committees as the EMA Training committee does.  
I believe this will increase participation.
- SERC certainly has statutory responsibilities and regulations but some of what LEPCs do falls outside those areas by necessity.

As I indicated at the last SERC meeting, safety in chemistry labs was brought to my attention at the National Association of SARA Title III Public Officials last month. The presentation was made by a US EPA representative from Region 1. He has been called in to review the status and use of chemicals in colleges and high schools and the results have been unnerving in some cases. I firmly believe that as much as we are responsible to oversee the safe use of chemicals in the private sector, we should take the same position in all academic settings. Will this require a change of the law? Perhaps it should. Note: I have recently learned that the repeal of Jarod's Law has reduced the ability of Health Department Inspectors to oversee school based chemistry labs which they were able to do to at least some extent in the past.

- Which bring up the next point, the ORC/OAC  
As I have said many times at SERC meetings, ORC 3750 is badly in need of revisions. It is a very relevant law but technology has changed and the law must change with it if it is to be enforceable and relevant. I have begun an effort to meet with Fire Chiefs to gather their support to take some recommendations for changes to the General Assembly.
- Enhance interaction between RPM at EPA and LEPCs. PSM also.  
The SERC is, or seems to be, set aside, or "out of the loop" from other state agencies and programs with which I believe it should interact on a regular basis. LEPCs do interact with these agencies but without coordination from the SERC.