

To: State Emergency Response Commission (SERC)

From: Jeff Beattie, OEPA-RTK through Cindy DeWulf, DAPC & SERC Co-Chair

Subject: December 14th, 2011 SERC Meeting Minutes

Date: February 2, 2012

The December 14, 2011 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
- Mel House, Ohio EMA, SERC Co-Chair (Alternate)
- Michael Idzkowski, AG Office (Alternate)
- Dan Fisher, Public Utilities Commission of Ohio
- Captain Pat Vessels, State Highway Patrol
- Clyde McKenzie, Ohio Fire Chiefs' Association
- Frank Conway, State Fire Marshal's Office
- Michael Snee, Ohio Department of Health (Alternate)
- Brian Gallagher, EMA/LEPC Representative
- Jack Pounds, Ohio Chemistry Technology
- Willie Brantingham, Volunteer Firefighters' Representative
- Richard Hughes, Industry Representative
- Raenell Nagel, Environmental Representative
- Al Phillips, Ohio Department of Transportation

4 Voting Members were absent:

- County Interest Representative (**Vacant**)
- Elected Official Representative (**Vacant**)
- Gary Obermiller, Ohio Department of Natural Resources
- Randy Van Dyne, Environmental Representative
- Rick Hoffman, Professional Firefighters' Representative

Waive the 24 Hour Rule:

Al Phillips made the motion, seconded by Willie Brantingham, that the 24-hour rule be waived.

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

Approval of October 12th, 2011 SERC Meeting Minutes:

Cindy DeWulf asked for a motion to accept the October 12, 2011 SERC meeting minutes. A motion was made by Clyde McKenzie. Motion to accept was seconded by Brian Gallagher.

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.

The committee discussed the issue of allowing exercise credit for pipelines. This has been an issue raised by Ohio EMA and a few LEPCs. Several conference calls were held to discuss the issue. Michael Idzkowski (AGO) stated that Tim Kern (AGO) is working on determining if pipeline exercises can be used for exercise credit under ORC 3750. He has consulted with his Chief on the issue. The issue centers on the term "transporter" and if a pipeline qualifies under that definition. Cindy DeWulf stated that SERC hopes to be able to use a broad interpretation so that SERC can approve such exercises under Chapter 3750. Jack Pounds asked if SERC can approve the pending decision now prior to a legal determination in order to expedite the notification to LEPCs. Mike Idzkowski noted that the SERC has to make an interpretation that agrees with law. Mel stated that once this is finalized, the SERC Co-chairs will send a letter to all LEPCs with a copy of the AGO's interpretation.

Cindy continues to work with the Governor's Office of Board and Commission's to get our 2 vacant positions filled on the SERC.

Administrative & Funding:

Cindy DeWulf reported that the Administration & Funding Committee did meet prior to this meeting.

The committee is finalizing makes a few changes to the LEPC Funding Guidance that outlines allowable/non-allowable expenses. Once they are refined, the committee will bring back to SERC for approval at the February 2012 SERC meeting.

Cindy stated that the committee spent majority of time discussing the soon to be proposed LEPC monitoring visits. The intent of the program is to secure visits to LEPCs to discuss and review the LEPCs in both administrative and fiscal perspectives. Andrew Elder detailed how Ohio EMA Grants Branch performs their visits from the EMA side of the house. Cindy's intent is not to start new, but to take what Ohio EMA uses and make

modifications to fit SERC and LEPC activities. The LEPC monitoring visits will be a comprehensive review and shall enlist the assistance of Ohio EMA field liaisons, Ohio EPA staff, and LEPC representative(s).

Don McDonald asked if SERC still has intentions in formally contacting County Commissioners as to the status of their respective LEPC. If so, is there a date when SERC plans to do this? Cindy responded that the SERC indeed plans to do such notification but most likely will not be until mid-year. Mel House added that the logistics and content of such notifications still need to be worked out with the Committee.

Operations & Issues:

Brian Gallagher stated that he and Rich Lauffer went over the "Ohio Hazardous Plan Development and Exercise Document with goal of bringing it up to date. We wanted to try and bring a more common sense approach to the document. The committee would like the document to be reviewed for final approval and Brian will forward to Cindy to distribute. This document does contain the "crosswalk" which has created a lot of discussion on what it does and not do and whether or not it is required. Brian stated that the issue of whether or not it is required needs resolved. Cindy DeWulf mentioned that there are historical resolutions and meeting minutes that should be reviewed by the AGO when the legal review takes place.

Training and Education:

Willie Brantingham stated that the committee met prior to today's meeting. The LEPC Conference will be held August 8 and 9, 2012. The committee discussed 6-8 topics for consideration and may use the monkey survey software to seek topics of interest from the LEPCs. Vicki Bunting (Ohio EMA) will contact the Ohio EMA computer people to see how to proceed with the survey software. The committee hopes to finalize the agenda by June 2012.

Agency Reports:

EMA

Ohio EMA indicates that there are **4 LEPC Exercises up for SFY 2012 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolutions 2011-165 through -168** as documented. Al Phillips seconded the motion. No discussion.

Record of Vote: 14/13- For
0- Against
0/1-Abstain (Brian Gallagher- Delaware County)

Mel continued that there are **67 LEPC SFY 2012 Plan Concurrence**. Clyde McKenzie made a motion to approve **Resolutions 2011-169 and -235** as documented. Frank Conway seconded the motion. No discussion.

Record of Vote: 14- For

0-Against
0-Abstain

Ohio EMA indicates that there are **2 LEPCs for SFY 2012 Plan Non-Concurrence (Jefferson & Trumbull Counties)**. Jack Pounds made a motion to approve **Resolutions 2011-236 through -237** as documented. Brian Gallagher seconded the motion.

Record of Vote: 12- For
0- Against
2-Abstain (Clyde McKenzie & Michael Idzkowski)

Raenell Nagel asked for additional information concerning Jefferson County. Ohio EMA stated that their plan did not meet 7 out of 13 plan objectives. Jefferson County submitted a 2002 Plan with no changes, and that did not meet 7 out of 13 objectives.

The Trumbull County has no hazardous analysis updates since 2003. The plan still has a lot of issues which need to be corrected. The LEPC and the EMA field liaison previously agreed that if the LEPC was taking steps to improve the plan, including the hazard analysis updates, EMA could recommend that the SERC concur with the plan. The LEPC failed to improve their plan.

Both LEPCs have a 60-day corrective action period to make the needed changes.

EPA

Cindy DeWulf introduced **LEPC 2011-130 LEPC Membership Appointment Resolutions 2011-238 through -242**, appointing new LEPC memberships for Erie, Lucas, Richland, Marion, and Portage as noted. 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 Auglaize, Fairfield, Hamilton, Sandusky, and Stark counties.

ODNR: Not in attendance.

PUCO: No Report.

Health: No Report.

SHP: No Report.

SFM

Frank Conway mentioned that 938 responders were trained under the HMEP grant from

October 2010 - September 2011. This number is up 230 people from previous year. Our peak was 1,230 a few years back.

ODOT

No Report.

AGO

No Report.

Meeting adjourned.