

To: State Emergency Response Commission (SERC)

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

Subject: October 12th, 2011 SERC Meeting Minutes

Date: December 1, 2011

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The October 12th, 2011 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency by Mel House, SERC Co-Chair (Ohio EMA).

**14 Voting Members were present:**

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Mel House, Ohio EMA, SERC Co-Chair (Alternate)
- Randy Van Dyne, Environmental Representative
- Tim Kern, AG Office
- Dan Fisher, Public Utilities Commission of Ohio
- Clyde McKenzie, Ohio Fire Chiefs' Association
- Frank Conway, State Fire Marshal's Office
- Steve Wagner, Ohio Department of Health
- Brian Gallagher, EMA/LEPC Representative
- Rick Hoffman, Professional Firefighters' Representative
- Jack Pounds, Ohio Chemistry Technology
- Willie Brantingham, Volunteer Firefighters' Representative
- Richard Hughes, Industry Representative
- Gary Obermiller, Ohio Department of Natural Resources

**5 Voting Members were absent:**

- Al Phillips, Ohio Department of Transportation
- County Interest Representative (**Vacant**)
- Elected Official Representative (**Vacant**)
- Captain Pat Vessels, State Highway Patrol
- Raenell Nagel, Environmental Representative

**Waive the 24 Hour Rule:**

Randy van Dyne made the motion, seconded by Steve Wagner, that the 24-hour rule be waived.

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

**Approval of August 10th, 2011 SERC Meeting Minutes:**

Mel House asked for a motion to accept the August 10th, 2011 SERC meeting minutes. A motion was made by Willie Brantingham. Motion to accept was seconded by Rick Hoffman.

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 SERC meeting.

The first issue discussed centered on the status of orders to Putnam and Washington county LEPCs regarding their LEPC Plans. Both are currently under review by Ohio EMA and all indications appear that the Plans will be favorable per the Ohio EMA review. It was decided that the SERC Co-Chairs will not issue the orders at this time. Mel House stated that this entire process has been a learning experience for the Committee and SERC now has a process to follow in case the issue comes up in the future.

The Executive Committee finalized and sent out a letter of clarification to the Trumbull County LEPC and their county fire departments regarding a letter written by the LEPC that was misdirected and contained nonfactual statements. Ohio EMA was the lead on the drafting of the letter.

The HMEP Grant Program is undergoing significant changes such as now requiring quarterly reporting, budgets required, and activity reports to be submitted. SERC needs to review the entire process by June 1<sup>st</sup> of next year to ensure that the new requirements are followed. Ohio EMA would like to have the SERC review the grant application for next year prior to June 1, 2012. Ohio EMA anticipates that we most likely will have to amend the budget request after the initial grant application submittal.

Mel House stated that the Committee discussed the Medina County actual event exercise request for SERC credit. The event centers at a swimming pool where the hazardous substance was released inside a small storage building. The facility is not in the LEPC Plan and the fire and police department did respond, but no hazmat response was activated. The committee recommended that SERC not approve the request for consideration based on the event does not meet the intent of the exercise rule(s) and that it really did not test the county Plan.

Cindy talked about the LEPC fiscal reports and the fact that annually we always have a select few that do not submit their required fiscal report despite multiple requests from Ohio EPA. This year as it stands today, we currently have 3-4 outstanding fiscal reports that are still due to the SERC. The committee would like the SERC to conduct a

monitoring visit to these county LEPCs to review their programs from the fiscal perspective. In addition, a letter should be sent to the County Auditor regarding this issue. SERC does have the option of issuing orders, but we feel that the site visit would have a greater impact than going the punitive route. Steve Wagner made an oral motion for SERC to move forward with the county LEPC monitoring visits. Clyde McKenzie seconded the motion. Motion was approved by a 14-0 vote in the affirmative.

Vikki Bunting (Ohio EMA) mentioned that the Trumbull County LEPC did not report any carry-over or fiscal concerns on their LEPC fiscal report, but the county auditor's office reviews state that they are carrying a negative balance and fiscal concerns for the LEPC. Cindy DeWulf followed that with the fiscal form is being discussed within the Administration and Funding Committee and may very well be restructured for clarification and to make it more meaningful for SERC.

### **Administrative & Funding:**

Cindy DeWulf mentioned that the committee met prior to today's SERC meeting.

The first item discussed was the LEPC Funding Guidance document. The committee received a few comments from LEPCs and the committee discussed each and decided whether to incorporate or not. The document will be updated and forwarded to Executive Committee for approval.

As discussed earlier, the committee discussed the LEPC Fiscal Reports that were submitted back in July 2011. Main focus was what to do with the 3-4 LEPCs who every year do not submit such report. The committee recommended performing a LEPC monitoring visit with LEPCs with delinquent reports

The general consensus of the committee members is to revisit the LEPC Fiscal Report as currently incorporated and reformat the report to make more user friendly for both the LEPCs to fill out and for SERC to review that is meaningful and fiscally sufficient for all involved.

Willie Brantingham asked if LEPC funds can be used to pay for internet access to the fire departments for Tier II access. Cindy replied that the current Tier II reports are not available on-line and thus the answer is no at this time. Cindy commented that she will have the committee look into this issue in more depth in the coming months.

### **Operations & Issues:**

Brian Galligher stated that he and Rich Lauffer (Ohio EMA) are going through the LEPC Planning documents to try and get them updated. Once they have completed their initial review, they will then share with the full working committee to refine and eventually bring back to the SERC for approval.

The committee discussed and agreed that this program needs to make it a priority to move forward with going toward electronic reporting. Several issues tossed around were, but not limited to, having facilities report electronically to SERC only then have the state cascade the information down to the LEPCs who in turn get the information to their

fire departments to paying for a web based system that will benefit all by taking funds SERC grant program to fund the system. This funding concept could impact each LEPC in receiving a small decrease in their LEPC grant award, but the loss would be absorbed by not having to pay for someone to do all the annual data entry. The committee sees merit in making this issue a reality. Brian Galligher would like to survey the LEPCs regarding this matter to see if the counties are interested in electronic reporting.

The committee then briefly discussed the issue of LEPCs using volunteers for their exercises and someone getting hurt. It raises a few important issues of concern that LEPCs should be aware of. The conversation concluded that it is not a sole issue that SERC can fix so it was determined that SERC should issue a bulletin or fact sheet of some type that brings the issue and concerns to all the LEPCs.

Brian then stated that SERC should take a step back from the program as it exists today and evaluates what works, what doesn't work, what makes sense, what doesn't make sense after the program being around now for 20 plus years. Over the years, the program landscape has changed and maybe there are ways to improve the program while helping out the- LEPC.

#### **Training and Education:**

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

Committee members reviewed and discussed the evaluation comments from the past August 2011 LEPC Conference. Over-all the comments were quite favorable, but most wanted more time allocated for attendees to network and exchange ideas.

There was also noted concern on a few of the evaluations that the SERC is holding a meeting prior to the conference, but were disappointed when it came time for representatives on SERC to give reports on their state agency but had nothing to report. The SERC members agreed that it would be a good idea to have each SERC representative provide some basic information about who they represent and their interest in the SERC at the next meeting.

One additional comment centered on the need for an LEPC inspection type class and manual to assist the efforts. The manual was started a few years ago, but is stagnate at this point in time. Dan Fisher offered to look at what Jeff Beattie has put together at this time to see about possible scanning type character software that PUCO may have to help out.

On a side note, Willie Brantingham noted that the Columbiana County presentation on our pipeline explosion incident has been request to be given in Houston, Texas at an event sponsored by the National Association of State Fire Marshall's. The thought and need still holds that Ohio has major pipelines going through our state and the need is vital for all groups to communicate with one another from the company to fire to EMA to LEPCs.

**Agency Reports:**

**EMA**

Ohio EMA indicates that there are **2 LEPC Exercises up for SFY 2012 Exercise Concurrence**. Steve Wagner made a motion to approve **Resolutions 2011-132 through -133** as documented. Frank Conway seconded the motion. No discussion.

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

Ohio EMA indicates that there are **9 LEPC Exercises up for SFY 2011 Exercise Concurrence**. Brian Galligher made a motion to approve **Resolutions 2011-134 through -142** as documented. Dan Fisher seconded the motion. No discussion.

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

Ohio EMA indicates that there are **4 LEPC Exercises up for SFY 2011 Exercise Concurrence (Corrective Action)** for Ashtabula, Hamilton, Highland, and Stark county LEPCs. Steve Wagner made a motion to approve **Resolutions 2011-143 through -146** as documented. Randy Van Dyne seconded the motion. No discussion.

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

Mel continued that there are **8 LEPC SFY 2012 Plan Concurrence**. Willie Brantingham made a motion to approve **Resolutions 2011-147 and -154** as documented. Clyde McKenzie seconded the motion. No discussion.

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

Dennis Tomcik (Ohio EMA) requested to speak before the SERC regarding the issue of the need for SERC to find a way for LEPCs to receive exercise credit involving the pipeline sector. Mr. Tomcik presented and read a letter date September 23, 2011 signed by Nancy Dragani, Ohio EMA Executive Director requesting the SERC to consider the applicability of allowing pipeline incidents (actual or planned) in the county to be considered for LEPC exercise credit. Beth Nevel, Clermont County EMA Director also provided direct testimony to SERC about the need to get these pipelines into the planning and exercise activities of the LEPC. She feels that the pipeline fits the

definition of being a facility under this program and wonders why they are not having to report under this program. If not at this time, maybe it is time to do whatever is needed to get them as a designated facility by the SERC. This is a public safety issue that all of us need to take seriously. Jack Pounds stated that SERC has been talking about fixing and/or updating the exercise rules and credit eligibility for 2-3 years now and should make the changes as quickly as possible. Mr. Pounds cautioned that it will be unrealistic to think that SERC will get legislation or a variance through to require pipelines to become a reporting facility under this program. Randy van Dyne requested SERC to establish an action deadline date to get this issue resolved and noted that Tim Kern must be involved. Jack Pounds requested that any proposed changes should be broad enough to allow for flexibility. Steve Wagner asked if it would be unrealistic to have something by the December 14<sup>th</sup> SERC meeting. Dan Fisher stated that he can look into the issue from the PUCO perspective since they do have pipeline regulatory language that impacts that sector. Brian Galligher requested that at least by the December SERC meeting that we as a Commission receive a legal briefing from the AGOs regarding the issue. Mel House stated that if any legislation is needed that it can take at least 6-9 months to get something moving.

#### **EPA**

Cindy DeWulf introduced **LEPC 2011-155 LEPC Membership Appointment Resolution**, appointing the remaining 17 LEPC memberships for a new two year term of office starting on August 15, 2011 and ending come midnight on August 14, 2013 as documented. Clyde McKenzie made a motion to approve. Rick Hoffman seconded the motion.

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

Cindy DeWulf introduced **LEPC 2011-156 thru -164 LEPC Membership Appointment (Adds) Resolution(s)**, appointing individuals to appointed LEPC memberships for a two year term of office starting on August 15, 2011 and ending come midnight on August 14, 2013 as documented. Dan Fisher made a motion to approve. Randy Van Dyne seconded the motion.

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

LEPC meeting minutes were provided for Fairfield, Hamilton, Jefferson, Licking, and Morrow counties.

#### **ODNR**

No Report.

#### **PUCO**

Dan Fisher stated that he again will do some research into the pipeline issue and report back in December.

**Health**

No Report.

**SHP**

Not in attendance.

**SFM**

Frank Conway wanted to thank all the county EMA's and LEPCs for coordinating the ordering and placement of the North American Response Guide Book. The order has been placed and shipment expected to be received in January/February 2012. The new updated version should also be on-line in a web based application.

The SFM Fire Academy has a new on-line service available for fire and EMS continuing education training. There is a cost per person fee that is being implemented for the year and there will be 93 different programs offered. Programs can be uploaded on-line. Visit <http://www.com.ohio.gov/fire/fmacMain.aspx> and click on "Brand New Online Training Program Fact Sheet" for more information.

The SFM is replacing most current rolling stock at the Academy.

**ODOT**

Not in attendance.

**AGO**

No Report.

Meeting adjourned.