

To: State Emergency Response Commission (SERC)

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

Subject: December 8th, 2010 SERC Meeting Minutes

Date: February 1st, 2010

The December 8th, 2010 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency by Mel House, SERC Co-Chair (Ohio EPA).

15 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
- Brian Gallagher, EMA/LEPC Representative
- Rick Hoffman, Professional Firefighters' Association Representative
- Willie Brantingham, Volunteer Firefighters' Association
- Dan Fisher, Public Utilities Commission of Ohio
- Gary Obermiller, Ohio Department of Natural Resources
- Raenell Nagel, Environmental Representative
- Nancy Osborn, Ottawa County Health Commissioner, County Interest
- Jack Pounds, Ohio Chemistry Technology
- Steve Wagner, Ohio Department of Health
- Jeff Dickey, State Highway Patrol
- Richard Hughes, Industry

4 Voting Members were absent:

- Clyde McKenzie, Ohio Fire Chiefs' Association
- Frank Conway, State Fire Marshal's Office
- Al Phillips, Ohio Department of Transportation
- William Bishilany, Elected Official 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 October 13th, 2010 SERC Meeting Minutes:

Mel House asked for a motion to accept the October 8th, 2010 SERC meeting minutes. A motion was made by Willie Brantingham. Motion to accept was seconded by Nancy Osborn.

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 Richard Hughes (Millenium) as the SERC's new industry representative. Clyde McKenzie has been added as the Fire Chief's representative, but was unable to attend today's meeting. Gary Obermiller is the new ODNR representative. Cindy reminded that a few SERC appointments are set to expire in January 2011 and encourages those seeking reappointment to complete a new application on the Governor's web site. Cindy mentioned that state agency representatives have to have a letter from your new agency Director designating you to be his/her alternate on the SERC.

Cindy mentioned that the ethics requirements call for training every 2 years and the financial disclosure forms are due April 15th. SERC members should be mailed the financial disclosure forms from the Governor's Office of Board and Commissions.

Jack Pounds recommended having the Ethics Commission come to SERC and provide the abbreviated version of the training. Cindy noted that she had contacted the Ethics Commission to schedule this training and was informed that that the Commission no longer provides small group training due to the large number of people that fall under the Ethics Training Executive Order. Raenell indicated that the Ethics Commission may have changed their position on this, so Cindy will follow up with the Ethics Commission. Ethics training is required by Governor's Strickland's Executive Order, and a question was raised as to whether the training was still required by Governor Kasich. Cindy will look into this.

Cindy continued that the public records request for the Ohio chemical inventory statewide database has been finalized and coordinated between Tim Kern, the Department of Homeland Security, and Ohio EPA.

Mel House stated that the SERC and his office received a letter from the Allen County LEPC regarding the pending changes to the SERC exercise rules. Mr. House called Russ Decker (Allen County EMA Director) and they talked through the issue. Allen County thought that SERC was a lot farther ahead with this issue that where we stand

as of today. Mel stated that we are in at least a six (6) month holding pattern due to the new administration changes with having a new Governor taking office in January 2011.

Cindy then discussed that the Committee reviewed a proposal from the SERC's Administration & Funding Committee regarding what to do with "non-performing LEPCs" who fail to perform key activities. The current funding formula provides small reductions in grant funding for LEPCs that do not complete key requirements. Even with these reductions, two LEPCs continue to fail to submit an acceptable plan. Trumbull County is going into a third consecutive year of having their LEPC Plan in a non-concurrence status with the SERC and Putnam County is entering their second consecutive year of having their LEPC Plan in non-concurrence.

The Administration and Funding Committee is proposing to add additional substantial reductions to the LEPC grant to prompt the LEPCs to prepare acceptable plans. The failure to have an acceptable plan can impact neighboring counties during a spill. The proposal is that if a LEPC has two consecutive years in having their LEPC Plan in non-concurrence by the SERC then that LEPC will forfeit 50% of their total grant award. For an LEPC to be in 3 or more consecutive years of LEPC Plan non-concurrence by the SERC, the LEPC forfeits the entire SERC grant award. Mel House noted that a LEPC still has 60 days from a non-concurrence vote from the SERC to correct their plan and receive a concurrence. The proposal also calls for the SERC through Ohio EMA to notify the LEPC and the County Commissioners as to the current status of their LEPC in this area. Nancy Osborn made a motion to approve the above discussed proposal as presented by Cindy DeWulf and Mel House. Randy Van Dyne seconded said motion. Mel House. Tim Kern noted that he would review the statute to determine if law supports the proposal. Brian Gallagher noted that the LEPCs support this change to address non-performing LEPCs. No further questions. Mel asked for a vote on the motion.

Record of Vote: 15 -For
 0 -Against
 0 -Abstain

Administrative & Funding:

Cindy DeWulf mentioned that the Administration and Funding Committee met prior to the meeting. Committee members met with Mel House and discussed the issue as note above. The committee also discussed an equipment purchase request from Summit County LEPC. The request was approved, as the LEPC certified that training has been completed per their LEPC Plan and the LEPC plan and exercise are on concurrence status.

Operations & Issues:

Brian Gallagher stated that the committee had a conference call to discuss the rail road issues that we discussed at last SERC meeting. Our goal is to assist LEPCs with finding the proper means and contacts to get rail distribution/hauling hazmat data for planning purposes. Committee has solicited the assistance of Troy Anderson (Auglaize County

LEPC) and Sheldon Lustik from Cuyahoga County. Brain asked if Dan Fisher can give him a contact name from PUCO who can help out with this project. The end product will center on 2 areas: (1) the emergency response side; and (2) where LEPCs can go to get rail commodity flow data and how to properly ask for such information.

Training and Education:

Willie Brantingham stated that the committee met this morning prior to the meeting. The main topic was a concern about the “new direction” of the HMEP training portion of that grant and the low numbers of training being handled under that grant. The committee suggested having HMEP federal experts come to the LEPC Conference to discuss the changes to HMEP grant program.

Agency Reports:

EMA

Mel House stated that there are **7 LEPC Exercises up for SFY 2011 Exercise Concurrence**. Rick Hoffman made a motion to approve **Resolutions 2010-152 through -158** as documented. Jeff Dickey seconded the motion. No discussion.

Record of Vote: 15/14- For
0- Against
0/1- Abstain

Brian Gallagher abstained on Delaware County.

Mel House stated that there is **1 LEPC Exercises up for SFY 2010 Exercise Concurrence (Trumbull County-60 day corrective action)**. Willie Brantingham made a motion to approve **Resolution 2010-159** as documented. Jack Pounds seconded the motion. No discussion.

Record of Vote: 15- For
0- Against
0- Abstain

Mel House stated that there are **50 LEPC Plans up for SFY 2011 Plan Concurrence**. Rick Hoffman made a motion to approve **Resolutions 2010-160 through -209** as documented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 15/14- For
0- Against
0/1- Abstain

Nancy Osborn abstained on Ottawa County and Brian Gallagher abstained on Delaware.

Mel House stated that there is **1 LEPC Plan (Putnam County) up for SFY 2011 Plan Non-Concurrence**. Steve Wagner made a motion to approve **Resolutions 2010-210** as documented. Brian Gallagher seconded the motion. No discussion.

Record of Vote: 15- For
0- Against
0- Abstain

EPA

Cindy DeWulf introduced **LEPC 2009-11 LEPC Membership Appointment, Resolutions 2010-211 through -214**, appointing LEPC memberships to **4 planning districts (Athens, Guernsey, Lawrence, and Ross)** as documented. Steve Wagner made a motion to approve. Dan Fisher seconded the motion.

Record of Vote: 15- For
0- Against
0- Abstain

LEPC meeting minutes were provided for Clermont, Cuyahoga, Defiance, Mercer, Trumbull, and Wayne counties.

ODNR

No Report.

PUCO

The Hazardous Materials Transportation Act (HMTA) of 2005 indicates that the hazardous materials transport regulations do not apply to pipelines covered by the US DOT pipeline regulations. HMTA 2005, Section 5126, Paragraph (b) (1) states that Title 49, Chapter 51 (Transport of Hazardous Materials) does not apply to "a pipeline subject Chapter 601 of this title". Chapter 601 of Title 49 CFR deals with the pipeline safety.

Health

No Report

SHP

No Report

SFM

Willie Brantingham spoke on behalf of Frank Conway. SFM and others have a concern that the number of people trained using HMEP funds has declined greatly from last year. Ohio went from 1,573 being trained to 705. LEPCs are not using the HMEP funding and Kathleen Nelson stated that available funds are returned to the feds. Mel mentioned that LEPCs struggle with the 20% match and this past year Ohio returned more available funds than any previous year. Mel stated that Ohio EMA does not agree with the new guidance on what training is eligible or not eligible for HMEP funding. Brian Gallagher stated that more stringent recordkeeping now being required also plays a factor in the use of this funding. Mel mentioned that the number trained appeared to

decrease when SFM no longer let an LEPC set up an account with the Academy.

ODOT

No report.

AGO

Tim Kern stated that he wants to discuss with his legal chief the legal aspects of the changes to the funding distribution previously discussed.

Other

Raenell Nagel stated that the Ohio Environmental Council has grants available to support training on environmental issues, mostly 4 hour training. The audience varies and the training is not technical in nature. There are hazmat related training as well.

Motion to adjourn.