

STATE EMERGENCY RESPONSE COMMISSION
SERC Advisory Committee

Meeting Minutes
DEQ Boardroom 1015
Multi Agency State Office Building (MASOB)
195 North 1950 West - Salt Lake City Utah
June 20, 2017 | 10:30 – 12:30 PM

Attendance List:

Urban LEPC

Reed Scharman (present) West Jordan Fire Department

Rural LEPC

Cody Barton (present) Sevier County Sherriff's Office

Hazardous Materials Advisory Council

Art Deyo (present) Utah Department of Public Safety/SFMO

Hazardous Chemical Transportation Industry

Dale Ipson (absent) DATS Trucking

Federal and State Agency Representatives

Jona Whitesides Utah Department of Public Safety/DEM
Kim Hammer Utah Department of Public Safety/DEM
Mechelle Miller Utah Department of Public Safety/DEM
Tara Behunin Utah Department of Public Safety/DEM
Angelia Crowther Utah Department of Public Safety/DEM
Jeff Gallacher Utah Department of Public Safety/DEM
Neil Taylor Utah Department of Environmental Quality/DERR
Bill Craig Utah Department of Environmental Quality/DWMRC
Rebecca Broussard United States Environmental Protection Agency

Fixed Site Regulated Industries (2)

Kent Bradford (absent) Westinghouse
Vacant (absent)

National Guard

Colonel Andy Owens (absent)
MSG Joe Parker (absent)
SMSG Wayne Ormond (absent)

Local Health Departments

Teresa Gray (absent)

Environmental Interest Groups

Kathy Van Dame..... (present via telephone)

Environmental Cleanup Contractors

John Hart..... (present)

General Public (2)

James Buchanan..... (present)

Vacant(absent)

Justin Needles Carbon County Emergency Manager

Rick Bailey Grand County Sheriff’s Office

Welcome and Introductions – John Hart, Chair

Action Items

Approval of March 21, 2017 Meeting Minutes

The meeting minutes for the March 21, 2017 meeting were approved without changes.

Informational Items

Advisory Committee Positions (Fixed Site Regulated Industry and General Public) – Mr. Neil Taylor, UDEQ

Mr. Neil Taylor introduced the two candidates, TJ Heuser and Brock Carter, both being considered for the open positions on the Advisory Committee. Neil explained that TJ Heuser was contacted about her role as the general public representative. Her company does not currently submit for EPCRA reporting; therefore, she is an appropriate candidate for the position. Also, she approved of her candidacy for the general public representative prior to the meeting. Both candidates were approved for the positions.

LEPC/SERC Guidance update– Mr. Jim Buchanan

Mr. Jim Buchanan provided a revised copy of the guidance document. Mr. Buchanan requested that he send related information to Ms. Kim Hammer who can then forward to the Advisory Committee. Mr. Buchanan also reached out to Ms. Bre Bockstahler to identify other states working on similar projects. Therefore, the revised guidance document reflects changes based on work from other states obtained from Ms. Bre Bockstahler.

Mr. Buchanan also explained that many people throughout the State do not understand the role of the SERC Advisory Committee. He suggests that two presentations be developed including one for elected officials and the other for Local Emergency Planning Committees (LEPC). The presentation for elected officials would cover the importance of having an LEPC, why the LEPC is around, and what needs to be accomplished by LEPCs. The other presentation would be used within LEPCs primarily for the initiation and revitalization of LEPCs. It would cover the purpose and role of the LEPC. He also explained that many LEPCs misunderstand the work performed by the SERC Advisory and SERC Committees on a quarterly basis. The LEPCs have requested a list of the top 25 chemicals that would push industry into the Tier 2 category.

Mr. Jona Whitesides explained that he has been attending some of the LEPC meetings. He pointed out that many of them would like to see the SERC and SERC Advisory Committee meetings be held during an LEPC meeting. This would help the LEPCs understand what the SERC and SERC Advisory Committees work on rather than being confused with other state groups like the State Emergency Response Team (SERT). EPA further iterated their ability to assist with this initiative. Ms. Rebecca Broussard explained that the presentations sent to Mr. Buchanan were developed by EPA for other states. EPA can modify the presentations for use within Utah. The plan is to develop the presentations prior to the LEPC Conference in September, 2017. Also, the presentations would be incorporated into the LEPC handbook as another resource. The Utah Public Safety Summit could be another delivery method for the presentation according to Mr. Reed Scharman. He added that framing the language to say “Did you know that you are required to comply with EPCRA regulations” could also be helpful for individuals taking on LEPC responsibilities or curious about LEPCs in general. Tara Behunin is a member of the group that coordinates this event so she can this topic put on the agenda for this group when planning for next year’s summit.

HAZMAT scene cleanup update – Advisory Group

Mr. Taylor discussed the work being performed on this topic. Mr. Chris Martin has conducted research with other states on how they address hazardous material cleanup and whether they certify companies doing this work. Generally, what was found is that states push off to the responsibility party and that the responsibility party has to cleanup to a certain standard. However, they do not provide certification. A few states have a program like California and Oklahoma. A copy of Oklahoma’s legislation was provided in the last meeting. The question is whether we want to license individuals or certify companies. In Oklahoma, they do both with certified companies hiring licensed individuals. The company then pays \$10,000 initially then a \$1,000 annual fee and a state inspection. Mr. Taylor stated that this is one option but believes this isn’t the best approach due to the significant costs associated with the program.

Mr. Cody Barton stated that he would like to reduce the potential for dumping on back roads and allow a large majority of companies to be vetted enough through a process that establishes a standard that does not eliminate companies to the metro area. Mr. Scharman further added that there is a gap that needs to be filled in regard to hazardous material qualified people managing the hazardous materials being reported in an appropriate manner. In order to fill this gap, a legislator will need to be contacted to sponsor a bill via the appropriate state agency. Mr. Barton stated that this is the proposal, in general, that was proposed to the SERC during the last meeting. It is his understanding that they agreed to the proposal but further research was required including how it needs to be done, where it needs to be done, who it needs to be channeled through, and finding the legislative representative willing to provide support. Mr. Scharman replied that if this is the case then the SERC would need to give the SERC Advisory Committee a specific assignment to carry out the required work associated with the proposal. The SERC Advisory Committee doesn’t have the authority to act upon the requirements set forth in the proposal. Mr. Barton agreed with Mr. Scharman on his assessment and stated that the SERC gave the SERC Advisory Committee the approval to move forward on the proposal.

It was determined that the group needs to work on determining how existing programs are operated and what currently works within the state agencies. Mr. Scharman explained some of the details of the Oklahoma Highway Spill legislation and how it actually is tailored to highways. Mr. Hart added that UDOT requires a \$25,000 bond and insurance to work on their property. It would be logical to reach out to them to get their opinion on the matter. Mr. Taylor stated this is an important point because the legislation should be directed toward federal and state highways rather than on private property. It was

determined the most appropriate terminology would be public roads to account for other roads within the State. Overall, the key is to identify the requirements for cleanup at the incident location rather than in transport to the disposal facility which are already in place. Mr. Buchanan mentioned that other state agencies should be involved with the bill such as the Utah Department of Transportation (UDOT) since it could impact their operations. UDOT involvement with the SERC Advisory was mentioned again but Mr. Taylor stated that they were not interested since they have minimal involvement in this area. A sub-committee should be established for completing this work. Mr. Buchanan asked if it would be a good idea to complete a proposal stating what will be done and who will be doing the work. All agreed this would be a good approach. Other potential stakeholders could be representatives from the local health departments and environmental cleanup companies.

Annual LEPC Conference Update – Ms. Kim Hammer/Ms. Rebecca Broussard

The Annual LEPC Conference is scheduled for September 13, 2017 from about 8 AM to 4 PM. It will be held at the Utah Valley Convention Center which is the same location as last year. The current agenda for the conference will include an EPA update and SERC update by the SERC Chair, SERC Co-Chair, or SERC Advisory Chair. A post conference survey has been conducted which helps understand what went well or did not go well. The results are summarized as follows:

- A break from CAMEO training
- Brainstorming ideas on how LEPCs should or can be conducted
- Energizing LEPCs and improving interest in the LEPCs
- HMEP grant update
- Local lessons learned and case studies
- How LEPCs can support local HAZMAT incident cleanup
- Industry best practices

Mr. Taylor suggested that Ms. Melissa Ottley could provide an update on Tier 2 one-stop submissions. Ms. Hammer is planning to have a draft agenda for the LEPC Conference by the end of July. Mr. Taylor asked if it might be too early to discuss licensing and HAZMAT contractors during the Conference. Overall, the group believed that this would help push the schedule for completion. Mr. Whitesides suggested that Envirocare could be a potential speaker as well which would provide a private perspective. Ms. Broussard suggested that the EPA could do a tabletop exercise to work through a release and do a walk through on the response which typically takes about 2 hours. This exercise was completed in Arizona with positive feedback. Ms. Hammer mentioned a recent exercise between EPA, State, Local and industrial entities named Operation Pirate held in Emory County. This could be another potential topic for the LEPC Conference.

State Radiological Licenses – Bill Craig, UDEQ

Mr. Bill Craig stated that a request for information related to radiological sources within the State was made by a county emergency manager. This request could be helpful as a whole to all emergency managers. The Division of Waste Management and Radiation Control (DWMRC) derive regulatory authority from the Nuclear Regulatory Commission which is different from the EPA. A question about how radiological sources relate to Tier 2 chemicals has been made. They are different because the radiological materials are in benign chemical forms. DWMRC manages about 200 licensees in the State of Utah. Some of the licensees are required to follow stricter rules based on the quantity of material stored at the facility. The stricter rules were established after the 9/11 incident. The stricter rules apply to privacy rules. In general, DWMRC is not able to release information about the type of sources at a

facility. It was determined that DWMRC can release a list of licensees to an LEPC with name, address, phone number and contact for the radiation safety officer. Licensees classified under category 1 and 2 requirements are required to notify local law enforcement agencies not necessarily the LEPC. This is an inspection requirement typically performed on an annual basis.

Other items:

SERC Strategic Plan-Jim Buchanan

Mr. Buchanan explained the potential for added attention on the SERC based on the development of an education plan. The added attention will bring questions about what the SERC does on a quarterly basis. Mr. Buchanan received a three page document titled Utah SERC Future Strategic Planning which is an excellent document. However, the document doesn't state any timeframes on when tasks will be accomplished. He further iterated that DEQ and DPS have excellent strategic plans posted in their buildings. Mr. Buchanan is recommending that the SERC Advisory further explore the document and call it a 5-year plan. A motion was made to create a SERC strategic plan which was approved. A second motion was made by Mr. Scharman to review DEQ and DEM strategic plans which could be utilized by the SERC to support both agencies in their missions.

Deliverables for the Next Meeting:

- Identify potential candidates for the vacant environmental interest board position – Chris
- Develop a list of top 25 chemicals triggering Tier 2 reporting – Neil/Melissa
- Complete a draft SERC/LEPC guidance presentation for the LEPC Conference - Jim
- Develop an outline for cleanup contractor legislation based on existing programs within the DERR - Chris
- Create a SERC strategic plan starting with a review of existing plans through the two primary state agency representatives – Chris/Jona

Next Meeting Date and Time:

September 19, 2017, 10:30 in the DEQ Boardroom 1015 at MASOB, 195 North 1950 West, Salt Lake City, Utah.

In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Ashley Nelsen, Office of Human Resources at 801-903-3978.

You may also join the meeting by conference call:

Call: 1-877-820-7831 | Enter the Meeting Room Number: 673825#