

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
September 19, 2017 | 10:30 – 12:30 PM

Attendance List:

Urban LEPC

Reed Scharman (present) West Jordan Fire Department

Rural LEPC

Cody Barton (excused) 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

Alvord, Scott..... Utah Department of Public Safety/DEM
Whitesides, Jona Utah Department of Public Safety/DEM
Jona Whitesides Utah Department of Public Safety/DEM
Kim Hammer Utah Department of Public Safety/DEM
Kimberly Giles 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
Chris Martin Utah Department of Environmental Quality/DWMRC
Rebecca Broussard..... United States Environmental Protection Agency

Fixed Site Regulated Industries (2)

Kent Bradford.....(absent) Westinghouse
Brock Carter(excused)

National Guard

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

Local Health Departments

Teresa Gray (present)

Environmental Interest Groups

Vacant(absent)

Environmental Cleanup Contractors

John Hart..... (present)

General Public (2)

James Buchanan.....(excused)

TJ Heuser (present)

Ron Lund Salt Lake County Health Department

Justin Needles Carbon County Emergency Manager

Attending Telephonically:

Miller, Mechelle Utah Department of Public Safety/DEM

Welcome and Introductions – John Hart, Chair

Action Items

Approval of June 20, 2017 Meeting Minutes

The meeting minutes for the June 20, 2017 meeting were approved without changes.

Approve replacement of LHD representative

Ms. Teresa Gray has dedicated herself to the Advisory Committee for several years. Due to other commitments, she has asked Mr. Ron Lund to replace her on the committee. In addition, Ron Lund is the emergency response coordinator and would be an appropriate replacement. Generally the replacement fills the remainder of the unexpired term based on the handbook for members of the State of Utah Boards and commissions. The Advisory Committee approved the replacement.

Informational Items

LEPC/SERC Guidance update – Mr. John Hart

Mr. Jim Buchanan has been working to update the guidance material for both Local Emergency Planning Committees (LEPCs) and the SERC. Jim was unable to attend the SERC meeting. Mr. John Hart provided information in his absence. The updated information will be added to the LEPC Toolbox which is housed on the Department of Public Safety’s (DPS) Division of Emergency Management (DEM) website. Links to the LEPC Toolbox will be provided from the Department of Environmental Quality (DEQ) website. LEPCs or the SERC can use information modules or PowerPoint presentations as needed. A presentation was made to private industry and LEPCs as part of the recent LEPC conference. The outline for the LEPC Toolbox should be completed by December 2017.

SERC Strategic Plan – Mr. John Hart

The SERC Advisory Committee is working to use existing documents to define a Strategic Plan. The Strategic Plan will then be used to determine goals for the SERC and the SERC Advisory Committee in

assisting LEPCs. The document will be modeled after the DEM Strategic Plan. The subcommittee working on the LEPC/SERC Guidance will work on coming up with an outline based on the following parameters: enhance community support through DEM liaisons, emergency planning, and receiving and managing chemical information submitted under EPCRA.

HAZMAT scene cleanup update – Advisory Committee

A concern was raised during previous SERC meetings regarding HAZMAT scene cleanup companies and a lack of regulatory oversight. The SERC Advisory Committee wanted to try to have legislation drafted to define a regulatory authority and contractor certification. More research will be conducted to determine if a regulatory authority already exists. However, it may not matter based on current funding and budgeting for the local health departments. Mr. Neil Taylor suggested that a survey could be developed and distributed to the local health departments to gauge the overall need. Ms. Teresa Gray added that there are two groups that meet routinely including the Conference of Local Environmental Health Administrators (CLEHA) and Utah Environmental Health Association (UEHA) which hold annual conferences. The UDEQ ER Workshop could also be the first location to introduce the topic for further discussions. A presentation to these groups would be the best method to communicate the information since surveys have not traditionally been useful tools. However, the survey could establish a basis for the need within this particular stakeholder group. Prior to sending a survey, information gathering should be performed to establish an effective survey. Summit County has a smaller local health department which has developed a successful program. Gathering information from these departments will be critical in developing the survey. The biggest difficulties that will be encountered are the funding, budgeting, training, and differences in program demographics (i.e. 5 employees to over 100 employees). DEQ assists in rural areas with the DEQ DE. Ron Lund explains that if the topic is taken to CLEHA, that many of the local health departments will say that this is not part of their normal role even with the DEQ DE. In many cases, they spend time on it because they believe it is important. There are existing rules and laws that need to be enforced. Oversight is needed and waste needs to be disposed of properly. Mr. Deyo said that it would be easier to enforce existing regulations rather than work to have new legislation drafted. He also mentioned that the sub-committee will likely be incorporated into the workgroup currently working on the State Hazardous Material Response Plan. Support can be provided to local health departments as needed to help them enforce local laws. Discussions are still being held within the SERC Advisory Committee and further recommendations will be brought before the SERC in the future. Mr. Reed Scharman made a motion to formalize a standing committee to include Cody Barton, John Hart, Art Deyo, Ron Lund, Jona Whitesides, Jim Buchanan, and Chris Martin. This group will perform information gathering and report back on a regular basis.

Cost Recovery – possible legislation change 53-2a-703(1) – Mr. Jona Whitesides

The SERC Advisory Committee has had previous discussions regarding statute 53-2a-703(1)(a) that allows the SERC to recoup costs from negligent third parties for expenses incurred by State agencies. LEPCs have asked that the statute be changed to include local jurisdiction cost recovery actions also. The statute currently states that local jurisdictions can enforce local ordinances. Mr. Whitesides has worked with the DPS legislative liaison who in turn worked with the DEQ's legislative liaison to determine any concerns over adding "or local jurisdictions directly associated" to the statute. Mr. Whitesides received permission to engage the legislature. He has talked to Representative Kelley Miles in Weber County and will be meeting with him next week for further discussion. If legislation is run and passes, the SERC Advisory Committee would be tasked with defining a procedure to help LEPCs recoup cleanup costs by working with their county attorney(s).

Annual LEPC Conference Update – Ms. Kim Hammer

The Annual LEPC Conference was held on September 13, 2017 at the Utah Valley Convention Center. There were approximately 90 attendees including an increase in private industry attendance. The conference for next year will be planned for about the same time and will continue to be a one-day conference. Some members of the SERC Advisory Committee have been asked to be part of the Conference Committee. The goal is to make the LEPC Conference a better conference each year.

Western SERC 2018

The Western SERC will be held in Seattle, Washington on January 30 - 31, 2018. A room block was not able to be established and the agenda is currently being developed. There is a Marriot hotel near by the conference facility with the best rate available. More information will be provided as it is available. No funding is available through EPA.

Advisory Board Candidates (Environmental Interest) – Mr. Chris Martin

There is a need to replace Kathy Van Damme as the Environmental Interest Representative on the SERC Advisory Committee. Her term has ended and the SERC Advisory Committee has been working to find a replacement. Only one individual has expressed interest in the position. He is a professor and the Director of the Center of Technological and Natural Hazards at the University of Utah. The SERC Advisory Committee has not yet approved him and would like to meet with him first to determine his level of interest. He will be invited to attend the next SERC Advisory Committee and SERC meeting. Mr. Reed Scharman also mentioned speaking with some individuals in his LEPC and community about the vacancy.

Tier 2 reporting (Top 25 chemicals triggering a Tier 2 report) – Mr. Chris Martin

Mr. Buchanan told the SERC Advisory Committee that many LEPCs asked him for a list of the top 25 chemicals reported in Tier 2 reports. The DEQ has produced a list of the top chemicals including fuels, natural gas production process chemicals, cement, coal, gases, acids, etc. The SERC Advisory Committee may want to receive this information on a more regular basis and is considering adding it as part of the LEPC Toolkit. The SERC Advisory Committee voted to formally request that the DEQ put the necessary resources toward making the top 25 chemical information more readily available.

Other items:

The SERC Advisory Committee discussed the potential for having additional members. The SERC Advisory Committee would like the SERC to consider adding members from the Utah Department of Transportation (UDOT) and the Utah Highway Patrol. The statute does not prohibit the addition of additional members. A rule change would be necessary to add new advisory committee members. Many spills that occur happen on land owned by UDOT and cleanup companies have expressed that a UDOT member on the committee could help create a better relationship. The Utah Highway Patrol does not have a HAZMAT division; but many times in rural areas they are first responders. Mr. Matheson and Commissioner Squires felt that this could be a good opportunity with both agencies to add their voice to the collaboration and gave permission to evaluate the interest of these agencies in being members of the SERC Advisory Committee.

Deliverables for the Next Meeting:

- Contact Thomas Cova about attending the next SERC Advisory and SERC Meetings – Chris
- Complete adding links to the DEM website with modules and powerpoint presentations – Jona

- Work on the framework for a strategic plan based on the parameters discussed in the meeting within the LEPC/SERC subcommittee – Jona
- Work on gathering information to develop a survey to assess the need for cleanup contractor oversight based on local health department feedback – Chris
- Evaluate the interest of UDOT and the Utah Highway Patrol in being members of the SERC Advisory Committee – Jona

Next Meeting Date and Time:

December 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#