

STATE EMERGENCY RESPONSE COMMISSION

MEETING MINUTES

September 19, 2017 - 1:00 p.m.
Multi-Agency State Office Building
195 North 1950 West
Salt Lake City, Utah 84116

Attendance List:

Matheson, Alan..... Utah Department of Environmental Quality
Squires, Keith Utah Department of Public Safety

Also Attending:

Alvord, Scott..... Utah Department of Public Safety/DEM
Ball, Tom..... Utah Department of Environmental Quality/DWMRC
Behunin, Tara Utah Department of Public Safety/DEM
Broussard, Rebecca U.S. Environmental Protection Agency, Region 8
Crowther, Angelia Utah Department of Public Safety/DEM
Deyo, Art..... Utah Department of Public Safety/Fire Marshal’s Office
Everett, Brent Utah Department of Environmental Quality/DERR
Hamlet, Kris..... Utah Department of Public Safety/DEM
Hammer, Kim..... Utah Department of Public Safety/DEM
Hart, John EnviroCare
Martin, Chris..... Utah Department of Environmental Quality/DERR
Mortensen, Duane..... Utah Department of Environmental Quality/DERR
Scharman, Reed West Jordan Fire/LEPC
Smith, Elisa Utah Department of Environmental Quality/DERR
Taylor, Neil Utah Department of Environmental Quality/DERR
Urban, Dale Utah Department of Environmental Quality/DERR
Whitesides, Jona Utah Department of Public Safety/DEM

Attending Telephonically:

Miller, Mechelle..... Utah Department of Public Safety/DEM

WELCOME AND INTRODUCTIONS

Alan Matheson

Alan Matheson welcomed attendees to the State Emergency Response Commission (SERC) meeting and thanked them for their participation. Kris Hamlet thanked the members of the SERC Advisory Committee for their service.

ACTION ITEMS

Approval of June 20, 2017 Meeting Minutes

Alan Matheson

Minutes from the June 20, 2017, SERC meeting have been reviewed by the SERC. No comments or changes needed to be made and a motion was made by Alan Matheson, seconded by Kris Hamlet, and unanimously approved.

Approve Brock Carter as the Fixed Industry Representative

Alan Matheson

Chris Martin provided a brief background on Brock Carter and his qualifications to represent Fixed Industry on the SERC Advisory Committee. Kris Hamlet motioned that Brock Carter be approved as the Fixed Industry Representative on the SERC Advisory Committee. This motion was seconded by Alan Matheson and unanimously approved.

Approve TJ Heuser as the General Public Representative

Alan Matheson

Chris Martin provided a brief background on TJ Heuser and her qualifications to represent the General Public on the SERC Advisory Committee. Kris Hamlet motioned that TJ Heuser be approved as the General Public Representative on the SERC Advisory Committee. This motion was seconded by Alan Matheson and unanimously approved.

INFORMATIONAL ITEMS

LEPC/SERC Guidance Update

John Hart

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. 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

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. Updates on the Strategic Plan will be provided on a quarterly basis at SERC meetings.

HAZMAT Scene Cleanup Update

Art Deyo

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. 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. 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.

Cost Recovery - possible legislation change to 53-2a-703(1)(a) 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 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.

Commissioner Squires asked about adding the LEPC Conference to the Governor's Public Safety Summit. Ms. Hammer said that it could be considered. They have been working with Utah County and using a grant to cover costs of the conference. Mr. Whitesides said there have been requests for HAZMAT information at the Governor's Public Safety Summit. The DEM will continue to work with the planning committee for the Governor's Public Safety Summit.

Local Health Department SERC Advisory Representative Replacement John Hart

Teresa Gray has asked that Ron Lund replace her on the SERC Advisory Committee. Mr. Lund serves in a HAZMAT and emergency response position for Salt Lake County. Ms. Gray feels that Mr. Lund would be a good replacement for her on the committee. The SERC Advisory Committee agrees with the replacement and would like Mr. Lund to complete the remainder of Ms. Gray's term. Discussion was held that any replacement must be approved by the SERC. Mr. Lund will be presented to the SERC for approval as the Local Health Department SERC Advisory Representative replacement at the next meeting.

Review Advisory Board Candidate (Environmental Interest) 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.

Tier 2 reporting (Top 25 chemicals triggering a Tier 2 report)

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

Mr. Whitesides mentioned that a discussion was held during the SERC Advisory Committee meeting regarding a possible need to add more members to the SERC Advisory Committee. 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 evaluate the interest of these agencies in being members of the SERC Advisory Committee.

Commissioner Squires asked about the overall health of LEPCs throughout the state. Mr. Whitesides reported that most LEPCs in the rural areas of the state are strong. He said they lack resources but they have a good group of members. Mr. Deyo mentioned a few communities have done away with their LEPCs, but where they exist most are strong.

Next Meeting Date and Time

Alan Matheson

The next SERC meeting will be held on Tuesday, December 19, 2017, at 1:00 p.m. in Room 1015 at the Multi-Agency State Office Building.

The SERC Advisory Committee meeting will be held the same day at 10:30 a.m. The location will be the same as the SERC meeting.

Adjourn

Alan Matheson

The meeting adjourned at approximately 1:59 p.m.