

**STATE EMERGENCY RESPONSE COMMISSION  
SERC Advisory Committee**

**MEETING MINUTES**

Four Corners East and West, Room 4100  
Multi Agency State Office Building (MASOB)  
195 North 1950 West  
Salt Lake City Utah  
March 15, 2016 10:30 a.m.

**In Attendance:**

**Urban LEPC**

Reed Scharman ..... (excused) West Jordan Fire Department

**Rural LEPC**

Cody Barton ..... (present) Sevier County Sherriff's Office

**Hazardous Materials Advisory Council**

Michael Riley ..... (present) Utah Department of Public Safety/SFMO

**Hazardous Chemical Transportation Industry**

Dale Ipson ..... (present) DATS Trucking

**Federal and State Agency Representatives**

Jona Whitesides ..... Utah Department of Public Safety/DEM

Kim Hammer ..... Utah Department of Public Safety/DEM

Christian Martin ..... Utah Department of Environmental Quality/DERR

Lori Reed ..... United States Environmental Protection Agency

**Fixed Site Regulated Industries (2)**

Kent Bradford ..... (present) Westinghouse

Mark Illum ..... (present) IM Flash Technologies

**National Guard**

Wayne Ormond ..... (present)

Eric Anderson ..... (present)

MSG Joseph Parker ..... (present)

**Local Health Departments**

Teresa Gray ..... (present)

**Environmental Interest Groups**

Kathy Van Dame ..... (present)

**Environmental Cleanup Contractors**

John Hart ..... (present)

**General Public (2)**

Don Rigtrup ..... (absent) Private Citizen

John Veranth ..... (excused) Private Citizen

Rick Bailey ..... Grand County LEPC

Tara Behunin..... Wasatch Front Region DEM Liaison

Jeff Gallacher ..... Central Utah Region DEM Liaison

Scott Alvord ..... Southwest Utah Region DEM Liaison

Mechelle Miller..... Northeastern Utah Region DEM Liaison

Angelia Crowther ..... Castle Country and Four Corners Region DEM Liaison

**Action Items**

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**Approve previous meeting minutes**

The meeting minutes from the December 10, 2015 meeting were approved unanimously without changes.

**Informational Items**

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**Cost Recovery Ordinance Information – Jona Whitesides, DEM**

The Assistant Attorney General (AG) clarified statute 53-2a-703 for recovery of expenses from a hazardous materials emergency based on comments from the last meeting. The statute specifically states that the SERC can recover costs on behalf of state agencies. It may use the Attorney General’s Office and or a county attorney’s office. A local entity may enact an ordinance that would allow it to recover its own costs. No other code exists that specifically allows a local entity to recover costs for a hazardous materials emergency. However, it is a legal question each local entity would need to decide if it could (or how to) proceed on cost recovery without an ordinance in place.

Idaho has a program in place where local entities can charge to a state fund then the State pursues cost recovery. Utah has an account that does apply to hazardous material incidents but requires a disaster declaration.

**Legislation Updates – Jona Whitesides, DEM**

A motion was voted on in the last meeting to change rule R698-5.4.4. The rule was modified and sent to the SERC Advisory Committee for final review. The Assistant AG stated that the

SERC itself doesn't have rule making authority, but they should vote on the rule changes. The SERC Advisory Committee already approved the motion; therefore, the SERC could and should vote on the rule change. During the Assistant AG's review, It was determined that the rule making authority provision to subsection 53-2a-702(2) is still referencing the old code in Title 63k.

#### **Western States SERC Meeting – Chris Martin, UDEQ**

The Western States SERC Meeting was held in San Diego, California from February 2 to 4, 2016. Next year's meeting will be held from February 7 to 8, 2017 in Denver, Colorado. The meeting consisted of presentations by Federal and State agencies and a roundtable session including structure, obstacles, and priorities; Tier II; LEPC and Tribal; and resources and training needs. The roundtable revealed that most of the SERCs operate similarly as Utah with a few exceptions.

The roundtable discussion prompted further conversation resulting in potential meeting times to discuss Tier II relevance with LEPCs. The chief's meeting might be a good time for State representatives to meet with LEPCs to discuss Tier II relevance and other relevant topics in several counties. The Utah National Guard also reminded the group of a catalog developed for the State showing various chemicals and the associated responses. The catalog was distributed but has not been updated based on the last version Advisory Committee members received.

#### **LEPC/SERC Conference Call (Spring) – Kim Hammer, DEM**

It was determined during the last SERC Advisory and SERC meetings that the conference call will be performed in the spring of this year. Potential topics will include rule changes, Western SERC summary, interest in SERC members attending LEPC or chief meetings, fall conference topics, HMEP grant, and any concerns or questions. A tentative date and time of April 14, 2016 at 1 p.m was determined for the LEPC/SERC conference call.

The fall conference is tentatively scheduled for August 17, 2016 at the same venue as last year in Provo, Utah. A large amount of discussion was performed on the format of CAMEO training proposed for the conference. One option might be to add on a session for those looking for more extensive training beyond the general information covered in last year's meeting.

#### **State LEPC related concerns – Teresa Gray, Salt Lake County Health Department**

The last couple of meetings resulted in a discussion on strategic planning for LEPCs led by Reed Scharman. The primary focus here is ongoing communication and getting information to local first responders. It is critical to ensure incident notifications are received by the first responders. Work has been completed on incorporating NFER reporting into the incident notification process. This topic will continue to be revisited as needed in future meetings.

## **Chemical Safety Board West Texas Recommendations – Advisory Committee**

It was mentioned that the Chemical Safety Board has 16 recommendations in total during the meeting but there are actually 19 open recommendations. This item will be discussed in further detail at the next meeting.

### **Other Items:**

Lori Reed provided an update from EPA including words of wisdom from the EPA Administrator. LEPC 101 will be presented to the Wyoming Emergency Manager's Meeting. EPA would be more than willing to do the same presentation at Utah's LEPC Conference. EPA is also planning on presenting to facilities in South Dakota in regard to all the regulations they are facing with respect to the agency and the reactive chemical executive order. Breann Bockstahler was mentioned as a new member of the Region 8 Preparedness Unit who will be involved with the Utah SERC. She mentioned the availability of a LEPC Handbook and a Tier II compliance guide. She mentioned that Lance Petersen was looking for some clarification on Tier II rules. She also reminded everyone of a signup sheet for the EPA Paratus Newsletter and applications for the TERA viewer. Some people have experienced difficulties with progressing through the online training. It has been discovered that it might be due to a browser compatibility issue. Lori will look into this issue.

The group was reminded that Don Rigtrup, General Public Representative, was contacted and expressed that he is looking for a replacement. Two vacancies were mentioned during the meeting but only one is vacant. John Veranth is the other General Public Representative. Please send information on any potential candidates to Chris Martin so that he can distribute an application.

Samantha Falde discussed the programmatic features of the HMEP Grant. This year, one of the grant requirements includes a needs assessment intended to identify areas in the future for allocating the funds. The needs assessment is a state request rather than a federal request to assist with completing the upcoming grant application. The next grant cycle is for three years which differs from the past one year cycle. An annual progress check will still be expected even though the grant covers a three year cycle. Mike Riley clarified that the HMEP grant includes preparedness primarily intended for training excluding meals except under very specific guidelines. The training often includes travel, manuals, office supplies, PPE, and monitoring equipment supplies. The following is a grant fund breakdown by year:

- 2016-17 - \$218,000 (not including \$54,000 state match) with \$3,250 per LEPC
- 2017-18 and 2018-19 increases to \$273,000 with \$4,200 per LEPC

One technician class will be funded out of UFRA. In the past there have been several conferences so training was moved to the Public Safety Summit. This has changed with less focus on HAZMAT at the Public Safety Summit. About \$18,000 each year has been set aside for

two classes. A crude-by-rail course is being held this year in Price, Carbon County, Utah with about 50 to 70 spots available for the course. The State Fire Marshall's Office is sending people to federal classes. A brief description of classes was provided including the explosives and radiological training in New Mexico and Nevada Test Site, respectively. One local agency sent people with multiple disciplines to a FEMA course in Anniston. This is an effective method for training with having all members of the team participating.

Commodity flow studies are planned biannually for the three years of the new grant. Flow studies really provide substantial information for the surrounding communities. No specific process has been established for selecting flow study locations.

### **Assignment Review**

- Jona will identify the potential to change the statute for cost recovery to cover local entities.
- Jona will work with DPS admin to finalize the rule amendment.
- Neil or Chris will summarize the CSB recommendations including 6-minute video presentation.
- Neil or Chris will present on a modified list of lists to assist LEPCs.
- Chris will work on getting applications for the General Public representative currently filled by Don Rigrup.
- Kim will arrange the Spring LEPC conference call with a tentative date of April 14, 2016 at 1 p.m.

**Next Meeting Date and Time: June 21, 2016 at 10:30 pm.**