

STATE EMERGENCY RESPONSE COMMISSION

MEETING MINUTES

March 15, 2016, 1:00 p.m.
Multi-Agency State Office Building
195 North 1950 West
Salt Lake City, Utah 84116

Attendance List:

Everett, Brent Utah Department of Environmental Quality/DERR
Whitesides, Jona Utah Department of Public Safety/DEM

Also Attending:

Barton, Cody..... Sevier County Emergency Management
Craig, Bill Utah Department of Environmental Quality/DERR
Crowther, Angelia Utah Department of Public Safety/DEM
Falde, Samantha..... Utah Department of Public Safety/DEM
Gallacher, Jeff..... Utah Department of Public Safety/DEM
Hammer, Kim..... Utah Department of Public Safety/DEM
Martin, Chris Utah Department of Environmental Quality/DERR
Mortensen, Duane Utah Department of Environmental Quality/DERR
Reed, LoriU.S. Environmental Protection Agency
Riley, Mike..... Utah Department of Public Safety/State Fire Marshal's Office
Smith, Elisa Utah Department of Environmental Quality/DERR
Urban, Dale Utah Department of Environmental Quality/DERR
VanDame, Kathy Breathe Utah

Attending Telephonically:

Alvord, Scott..... Utah Department of Public Safety/DEM
Bockstahler, Breann.....U.S. Environmental Protection Agency
Bolander, Kevin..... Utah Attorney General's Office
Miller, Mechelle..... Utah Department of Public Safety/DEM

WELCOME AND INTRODUCTIONS

Brent Everett

Brent Everett welcomed attendees to the State Emergency Response Commission (SERC) meeting and thanked them for their participation. Introductions of those in attendance were made.

ACTION ITEMS

Approval of December 10, 2015 Meeting Minutes

Brent Everett

Minutes from the December 10, 2015 SERC meeting have been reviewed by the SERC. With no comments or changes needing to be made, a motion was made by Jona Whitesides to approve the minutes. The motion was seconded by Brent Everett. The meeting minutes were unanimously approved.

Approval of Rule Change | R698-5-4

Brent Everett

The Division of Emergency Management (DEM) is requesting permission to move forward with the formal rule making process in order to make changes to Rule 698-5-4, relative to Local Emergency Planning Committees (LEPCs). Brent Everett made a motion to move forward with the formal rule making process. The motion was seconded by Jona Whitesides. It was unanimously approved that the DEM should move forward with the rule making process to change Rule 698-5-4. The changes will streamline reporting processes for LEPCs.

Change Rule Making Authority Provision to Subsection 53-2a-702(2) Brent Everett

The administrative rule references an old code in Title 63k. Jona Whitesides explained that when Kevin Bolander, the Assistant Attorney General assigned to the Department of Public Safety, reviewed a previous rule change, he noticed that references were made to the old statute and recommended that as rules are being changed, the statute reference also be updated. Jona Whitesides made a motion to move forward updating the rule references. The motion was seconded by Brent Everett. It was unanimously approved that the DEM will move forward with the rule making process to correct the reference to 63-K-3-301(2) in R698-5-1 to reflect subsection 53-2a-702(2).

INFORMATIONAL ITEMS

Cost Recovery Ordinance

Jona Whitesides

Statute 33-2A-703 refers to cost recovery of expenses. The SERC is able to recover from negligent persons, expenses incurred by state agencies. The SERC cannot recover costs on behalf of a local governmental entity. It does say that a local entity can enact an ordinance that would allow them to recover their own costs. The question has been asked if a local entity can reference 33-2A-703 in their cost recovery or if they actually need to enact a local ordinance. According to Kevin Bolander, under subsection 703, a local ordinance would be needed. The DEM will look into the possibility of changing the statute to allow local entities to use the state statute instead of having to enact their own ordinances for cost recovery or determine definitively that the state cannot be involved in cost recovery efforts.

Legislation Updates

Neil Taylor

Neil Taylor was out of the office. Dale Urban said that he could obtain information when Neil gets back and forward it to the SERC. Brent Everett said that he is not aware of any legislation from the Department of Environmental Quality (DEQ) perspective that would effect the SERC. Jona Whitesides was not aware of DEM bills that would effect the SERC either.

Western States SERC Meeting

Chris Martin

Chris Martin reported on the Western States SERC Meeting that was attended by both DEQ and DEM representatives. There were updates on federal rule changes that are occurring. There was information sharing between states and talk of apps that could assist in the future. There have been occasions in the past when LEPCs have tried to obtain chemical information from facilities when it is not provided. Mike Riley said that the Fire Marshal's

Office is willing to assist if needed. Regional SERCs feel a lack of direction and think there is a need to improve communication with the regulated industry.

Lori Reed added that this was the first SERC conference. The U.S. Environmental Protection Agency, Region 8, has taken feedback that was given at the conference and are working to improve the next conference which is scheduled for January 31-February 1, 2017, and will be held in Denver, Colorado.

LECP/SERC Conference Call (Spring)

Kim Hammer

The next LECP/SERC Conference call will be held on April 14, 2016, at 1:00 p.m. The conference call participants will be representatives from the SERC, the LEPC chairs, co-chairs, vice-chairs, etc. There will be a brief agenda which includes discussion about rule changes, legislation changes, the LEPC Conference (August 17, 2016), grant overviews and questions and concerns from the LEPCs.

LEPC Related Concerns and Strategic Planning

Reed Scharman

Reed was unable to attend the SERC meeting. Cody Barton reported that Reed is concerned about the communication between incident reporting and the local agency being notified. There has been a concern that the Salt Lake County Health Department is going out on events within the individual cities without notifying local agencies. The DEQ has changed the spill reporting protocol to ask if a first responder has been notified. If they say no, the DEQ is reminding the caller to notify the local agency if it seems to be warranted.

Other Items

Lori Reed mentioned that her group has been working on incident management and incident command. Some restructuring has occurred and further discussion will take place at the Regional Response Team meeting which will be held on May 11-12, 2016. There will be two working sessions and attendance is encouraged.

Lori Reed said that the proposed federal rule changes regarding the hazard ranking system were published on March 14, 2016, in the Federal Register. The public comment process has begun and will remain open for 60 days.

Dale Urban informed the SERC that the DEQ will be holding their annual Environmental Incident Conference on April 19, 2016. The conference is an opportunity for local health departments, LEPCs, and state agencies to discuss incidents that have occurred over the past year. It is an opportunity to talk about coordination and communication. This year's topics will include discussions on the Gold King Mine release and the U.S. Fish and Wildlife Service will be talking about resources they have available if an incident occurs on the Green River. There will also be discussions regarding what was done right during environmental incidents and what can be learned from past experiences. Dale Urban will make sure invitations are extended to DEM personnel.

Chris Martin informed the SERC that the SERC Advisory Committee is in need of two representatives from the general public. However, it was determined later that only one representative from the general public is needed. They will begin searching for applicants.

The need for representation will also be mentioned during the LEPC/SERC Spring Conference Call.

Next Meeting Date and Time

Brent Everett

The next SERC meeting will be held on June 21, 2016, at 1:00 p.m. in the Four Corners Room of 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

Brent Everett

The meeting adjourned at approximately 1:54 p.m.