

STATE EMERGENCY RESPONSE COMMISSION

MEETING MINUTES
Multi-Agency State Office Building, Four Corners Conference Room #4100
195 North 1950 West
Salt Lake City, Utah
February 15, 2012 @ 2:00 p.m.

Attendance List:

Everett, Brent Utah Department of Environmental Quality/DERR
Hamlet, Kris Utah Department of Public Safety/DEM

Also Attending:

Bailey, Rick..... San Juan County Fire and Emergency Services
Bailey, Ty..... Utah Department of Public Safety/DEM
Balaban, Ihor..... Utah National Guard
Bekkemellom, Shane Utah Department of Environmental Quality/DERR
Figueroa, Ray..... U.S. Environmental Protection Agency/Region VIII
Gray, Teresa..... Salt Lake Valley Health Department
Halladay, Brent Utah Department of Public Safety/SFMO
Ipson, Dale DATS Trucking
Mixco, Joaquin..... Utah National Guard
Riley, Mike Utah Department of Public Safety/SFMO
Rose, Bernadette U.S. Environmental Protection Agency/Region VIII
Scharman, Reed West Jordan Fire Department
Shinton, Harry..... Tooele County Sheriff’s Office
Taylor, Neil..... Utah Department of Environmental Quality/DERR
Urban, Dale..... Utah Department of Environmental Quality/DERR
Van Dame, Kathy..... Wasatch Clean Air Coalition
Zucker, Mike..... Utah Department of Environmental Quality/DERR

▪ **WELCOME AND INTRODUCTIONS..... Brent Everett**

On Wednesday, February 15, 2012, at 2:00 p.m., a State Emergency Response Commission (SERC or Commission) meeting was held at the Multi-Agency State Office Building in the Four Corners Conference Room #4100. Brent Everett welcomed the attendees to the meeting and thanked them for their participation in the SERC.

▪ **APPROVAL OF SEPTEMBER 21, 2011, MEETING MINUTES Brent Everett**

Minutes from the September 21, 2011, SERC meeting were distributed and reviewed by the Commission. A motion was made that the meeting minutes be approved, with the following corrections:

- Under the “Attendance List” section, page 1, the subsequent changes should be made: “Bernadette Rose – ~~FEMA U.S. EPA~~ Region ~~III~~ VIII;” “David Ostrander – ~~FEMA U.S. EPA~~ Region ~~III~~ VIII;” “Gina Gristiano – ~~FEMA U.S. EPA~~ Region ~~III~~ VIII;” and, “Ray ~~Figueron~~ Figueroa – U.S. EPA Region VIII;”
- Under the Introduction to R8 RRT (Region 8 Regional Response Team) Section, page 2, 1st paragraph, 1st line, the sentence should read: “Update on the RRT and what it is.”
- Under the Introduction to R8 RRT (Region 8 Regional Response Team) Section, page 2, 1st paragraph, 5th line, the following change should be made: “R8 RRT is co-chaired by EPA and ~~Cost~~ Coast Guard, includes other Federal Agencies, and two representatives from each state in Region 8;”
- Under the Introduction to R8 RRT (Region 8 Regional Response Team) Section, page 2, 2nd paragraph, 1st line, the sentence should read: “NRS – National Response System is separate from Stafford Act and does not require a disaster declaration to ~~initial~~ initiate Federal assistance;”
- Under the Introduction to R8 RRT (Region 8 Regional Response Team) Section, page 2, 2nd paragraph, 2nd line, the subsequent change should be made: “The State representatives on the RRT are to be conduits ~~to~~ in regard to Hazmat planning and response issues;”
- Under the Blasters Permits Section, page 3, 1st paragraph, 6th line, the sentence should read: “Senator ~~Oakland~~ Okerlund and Representative Seeger ~~Sagers~~ have agreed to sponsor the changes needing to be made to allow permitting through the Fire Marshal’s office;” and,
- Under the Other Section, page 4, 1st paragraph, 1st line, the following change should be made: “Brent Everett reported on a Lean Six Sigma ~~processes~~ process ~~they~~ the DEQ conducted for their permitting process.

The SERC then unanimously approved the meeting minutes, with the corrections noted.

▪ **DISTRIBUTION OF NEW REGULATIONS TO LEPCs Reed Scharman**

Reed Scharman informed the Commission that in the SERC Advisory Committee meeting, elections were held to select a new Chairman and Vice-Chair. Mr. Scharmann was selected to serve as the new Chairman, with Don Rigrup serving as the new Vice-Chair. Another issue that was discussed in the Advisory Committee related to the distribution of new regulations for Local Emergency Planning Commissions (LEPCs), which is now being brought before the SERC. It was proposed that the meeting minutes from both the Advisory Committee meetings and the SERC meetings be distributed to the LEPCs across the State, which would guarantee that the LEPCs would be informed of the work that is being conducted by the Commission. It would also assist in educating the LEPCs on various issues involving their assigned areas. It was also recommended that these minutes, as well as any rule changes or other pertinent information, be included in a new handbook that would be distributed to the LEPCs in order to define what the overall duties of the LEPCs are and what they would be responsible for handling. After discussing this topic further, the SERC tasked the Advisory Committee and the LEPC Liaisons

to include in the new LEPC handbook any information that has changed from one SERC meeting to the next relative to the responsibilities of the LEPCs. The SERC also directed the Utah Department of Environmental Quality (UDEQ) to host a website to include the minutes of both the Advisory Committee and SERC meetings.

▪ **LEPC HAZMAT RESPONSE PLAN REVIEW TEMPLATE..... Reed Scharman**

Mr. Scharman also stated that the SERC Advisory Committee has been working with Don Cobb of the Utah Department of Public Safety (UDPS) in developing a template for LEPC Hazmat Response Plans, which would include a detailed review process. One responsibility an LEPC is charged with is reviewing and approving individual response plans. The Advisory Committee felt that it would be advantageous for a template and/or model be developed in order to ensure that the review of response plans would be completed in an enhanced fashion. Mr. Cobb will be sharing more information regarding this subject with the Advisory Committee in the near future. In addition, it was decided that a workgroup would be organized, with Mr. Cobb acting as the lead, in order to review the hazardous materials section of the State's Hazmat Response Plan. When organized, this workgroup will assist in moving the process along in reviewing this type of documentation in the State's Response Plan.

▪ **UTAH OPEN MEETING REGULATIONS..... Ty Bailey**

Ty Bailey explained that all public bodies that are subject to the Utah Open and Public Meetings Act, which includes the SERC, have an annual training requirement that public bodies must adhere to in order to ensure that all provisions of the Act are being properly followed. Due to this requirement, the SERC Advisory Committee recommended that Lana Taylor of the Utah Attorney General's Office and counsel for the UDPS attend the next SERC meeting in order to provide this training. These requirements include, but are not limited to, recording each meeting in order to provide the recording if requested, posting agendas on the State's public meeting notification website, having established protocols in order to have electronic participation in the meeting, and posting the minutes of prior meetings at least 72 hours before the next meeting of the public body.

▪ **TIER II INFORMATION RELEASE REGULATIONS..... Mike Zucker
Ty Bailey**

Mike Zucker informed the SERC that several meetings ago, a discussion was held in regards to an inconsistency between the Emergency Planning and Community Right-to-Know Act (EPCRA) and Homeland Security regulations. This inconsistency occurred due to a new level of Homeland Security regulations established for the protection of information and that EPCRA information should be made available to the general public. At this time, EPCRA information is available to the general public online through the UDEQ's Interactive Map. However, it was felt that if an individual were to gather information for all EPCRA facilities through the Interactive Map, it would not be legally defensible according to these new regulations unless the

information was received through an official Government Records Access and Management Act (GRAMA) request for a particular facility. If the UDEQ were to head this direction, it would allow the UDEQ to maintain the rules under the EPCRA that the State does not have to supply universal facility information on EPCRA facilities, but just information in regards to a single facility.

Mr. Bailey also added that the new Homeland Security regulations state that sensitive information needs to be protected, which causes facilities to have the wrong assumption that they do not have to share EPCRA information anymore. This extra protection only means that whomever the EPCRA information is shared with needs to have a particular reason to have the information, needs to request it through a formal process, and needs to agree that once the information is received, it is protected. Due to this inconsistency, it was felt that there should be consistency between all agencies who handle EPCRA information. In addition, it was also felt that it would be advantageous to share this information in further LEPC and outreach meetings, and to have the Transportation Security Administration come to a quarterly meeting with the Emergency Management Community to discuss this issue further.

▪ **UTAH SHAKEOUT 2012 EXERCISE UPDATE Neil Taylor**

Neil Taylor reminded the SERC of the Utah Shakeout exercise that has been scheduled for April 17-19, 2012, in which a 7.0 earthquake will be simulated in order to test the State of Utah's response to a natural disaster. This will be a functional exercise where the federal, state, and county Emergency Operation Centers will be tested in order to ensure that the established protocols can meet the challenges of this type of emergency situation. Training is also being developed for the individuals who will be entering messages into the simulation center that will alert all of the varying agencies participating in the exercise. This training has to be developed and entered into the Federal Emergency Management Agency website by March 1, 2012, which will then be reviewed to ensure that they adequately cover all of the emergency support functions. In addition, a new emergency response center has been built that will be opening in March 2012. The extent of participation in the exercise will vary from each county and Department within the State.

▪ **TERC AGREEMENT STATUS..... Mike Zucker**

Mr. Zucker stated that due to a change in personnel with the Tribal Emergency Response Commission (TERC) within the Ute Tribe, the UDEQ has not received any word back in order to discuss the idea behind the TERC Agreement. The idea behind this agreement is to enter into an arrangement where the SERC or the local LEPC would have authorization to act in the absence of the Tribes that do not have an active and established TERC. It was suggested that it might advantageous to contact the Division of Indian Affairs within the Utah Department of Community and Culture, or possibly even their Federal counterparts, to start the initial process of communicating with the Utah Tribes. More information regarding the status of this agreement will be shared in future SERC meetings.

▪ **PROPOSED DEQ INCIDENT Neil Taylor**
NOTIFICATION PROCESS CHANGES

Mr. Taylor explained that currently, the UDEQ is reviewing its environmental incidents notification system through a Lean Six Sigma or Kaizen process. This workgroup met with various consultants and other interested parties for a number of days in order to devise a plan on how to improve the notification procedures. The UDEQ is now in the process of implementing this plan, which consists of three basic components: 1) expand the number of people, or duty officers, within the UDEQ who receive after hour calls, which will assist callers in getting a quicker response; 2) clarify the notification form and who needs to be informed under each incident in order for duty officers to have clear-cut training; and, 3) develop a public available database that will track the incidents that have been reported to the State and the status of its cleanup, which will allow the UDEQ to have a complete understanding of what has occurred with each incident. It is anticipated that the completion of this process change will occur in March 2012.

▪ **FLOW STUDY UPDATE Mike Riley**

Mike Riley informed the SERC that with the amount of time and money that is available, it has been determined that two flow studies will be conducted during the 2012 fiscal year. It is anticipated that the first flow study will be conducted in spring 2012 and will be held at the point of entry in Wendover, Utah. The second flow study is projected to occur in summer 2012 and will be located in San Juan County. It is also expected that as these studies occur, the scope of the events will be reviewed in order to develop training for employees who conduct these studies and in order to have a standardized event for future studies. More information, as well as the status of the already planned flow studies, will be shared in the next SERC meeting.

▪ **BLASTERS PERMITS Brent Halladay**

Brent Halladay stated that Senate Bill 57 – Issuance of Blasting Permits, sponsored by Senator Ralph Okerlund, is currently on the Senate’s third reading calendar. An “Issuance of Blasting Permits” handout was distributed to the SERC. (A copy of this handout is available with the meeting minutes.) This Bill proposes the establishment of a permit system within the State Fire Marshall’s Office, which will be able to issue two different types of permits: 1) a permit that could be used for blasting that occurs over multi-jurisdictions; and, 2) a permit that could be used for smaller communities located throughout the State that only have volunteer fire departments. The SERC will be continuously updated on the progress of this Bill as it proceeds through the Legislature for approval.

▪ **OTHER DISCUSSION..... Brent Everett**

Mr. Bailey explained that the total of the Hazardous Materials Emergency Preparedness (HMEP) grant for last year was \$103,953.00, with \$9,204.00 unused by the end of year. The unused

money was then redistributed among the LEPCs throughout the State. Mr. Bailey suggested for consideration that if the SERC was an applicant and was treated similarly to the State LEPCs, it would not detract from the overall mission of the grant and could be used for additional flow studies, reimbursement of travel expenses for individuals attending the SERC meetings located throughout the State, travel reimbursement for personnel attending various conferences and trainings, and other numerous activities in support of the LEPC effort.

Kris Hamlet then stated that the State Emergency Operations Center is expected to be completed within the next month. The final walk through is also scheduled to occur within the next week, with staff moving into the new building shortly thereafter.

Bernadette Rose also informed the SERC that the Environmental Protection Agency Region VIII is looking to update the Area Contingency Plans for the region, including the Green River area. Region VIII is hoping to do an entire watershed plan instead of just one section of the river. Within the next few weeks, Region VIII will be forming a committee to create an entire plan for the region.

▪ **NEXT MEETING Brent Everett**

The next SERC meeting is scheduled for 1:00 p.m. on Wednesday, May 16, 2012. The meeting will be held in the Four Corners Conference Room #4100 at the Multi-Agency State Office Building.

▪ **ADJOURN Brent Everett**

The meeting adjourned at approximately 3:25 p.m.