



State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D. Executive Director

DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION Brad T Johnson Director

OLENE S. WALKER Governor

GAYLE F. McKEACHNIE Lieutenant Governor

STATE EMERGENCY RESPONSE COMMISSION

MEETING MINUTES

The Canyons Resort, White Pine I Room 4000 The Canyons Resort Drive Park City, Utah May 27, 2004 @ 11:00 a.m.

Attendance List:

- Bekkemellom, Shane ... Utah Department of Environmental Quality/DERR
Bradford, Kent ... Westinghouse Western Zirconium
Chaudhun, Sanwat ... Utah Department of Health/DELS
Cole, Devon ... Utah Department of Health/DELS
Dewsnup, Wes ... T.W. Company
Fifield, DeeEll ... Utah Department of Public Safety/DES
Giles, Kimberly ... Utah Department of Public Safety/DES
Grover, Terry ... Lincoln Environmental Services
Hunter, Al ... T.W. Company
Maxwell, Dan ... Tesoro Petroleum Corporation
Millett, Mark ... Utah Department of Public Safety/DES
Nielson, Bryce ... Rich County
Parker, Necol ... Utah Department of Environmental Quality/DERR
Robertson, Blake ... Utah Department of Environmental Quality/DSHW
Squires, Keith ... Utah Department of Public Safety/DES
Taylor, Neil ... Utah Department of Environmental Quality/DERR
Zucker, Mike ... Utah Department of Environmental Quality/DERR

Excused:

- Bailey, Rick ... San Juan County Emergency Services
Buchanan, Jim ... Brigham City
Glidden, Jock ... Sierra Club
Johnson, Brad ... Utah Department of Environmental Quality/DERR
Luke, Cheryl ... Utah Attorney General's Office
McGarvey, Delane ... Davis County Health Department
Porter, Glen ... Utah Department of Public Safety/DES
Repp, Kris ... Utah Department of Public Safety/DES
Rolfe, Nanette ... Utah Department of Public Safety/DES
Shinton, Harry ... Tooele County Sheriff's Office-Hazmat
Smith, Terry ... Utah Trucking Association
Wilden, Randy ... Murray City Fire Department

■ **WELCOME/OVERVIEW.....Mike Zucker**

On Thursday, May 27, 2004, at 11:00 a.m., a State Emergency Response Commission (SERC) meeting was held at the Canyons Resort, White Pine I Room, as part of the 2004 Intermountain Hazardous Materials Conference. Mike Zucker (sitting in for Brad Johnson) welcomed everyone to the meeting.

■ **INTRODUCTIONS.....Mike Zucker**

Shane Bekkemellom, the new Administrative Secretary for Brad Johnson, was introduced and welcomed to the SERC. Mr. Bekkemellom has replaced Arlene Lovato and will be responsible for taking the meeting minutes for the SERC Committee.

■ **APPROVAL OF MINUTES.....**

Minutes from the January 20, 2004, the February 9, 2004, and the April 20, 2004, meetings were distributed and reviewed by the SERC. A motion was made by Keith Squires (sitting in for Nanette Rolfe) and seconded by Mike Zucker that the SERC meeting minutes be approved, with the following correction on the April 20, 2004, minutes: under the DEQ Topics section, page 2, 2<sup>nd</sup> line, the sentence should read: "Hot topics were the ~~EAFTR~~ Electronic Facility Data Release (EFDR) data release forms and a central data exchange being Internet based." The Committee then unanimously approved the meeting minutes, with the corrections noted.

■ **ADVISORY COMMITTEE UPDATE.....Terry Grover**

The Advisory Committee continued on in reviewing the state Hazardous Materials Response Plan, including the Department of Public Safety (DPS) section of the plan. It was decided that the plan would be sent out to all of the other reviewing authorities to give them a chance to look over the section describing their department's responsibilities. Mr. Squires noted that he would also review the DPS's sections with individuals higher in the chain of command within the DPS.

■ **OVERVIEW OF THE HISTORY OF THE UTAH SERC.....DeeEll Fifield**

Introductions of the SERC and the attendees of the meeting were conducted. DeeEll Fifield presented an overview of the history of the Utah SERC. In 1984, a release of toxic chemicals occurred in India, which killed approximately 2,000 people. Due to that incident and other chemical releases in the 1980's, Congress enacted Title III of the Superfund Amendments and Reauthorization Act entitled "Emergency Planning and Community Right-to-Know Act." That Act required the Governor of each state to organize a SERC Committee. Because of that law, the Utah SERC was formed. State law requires that the commission be made up of two state agencies, the DPS and the Department of Environmental Quality (DEQ), which was formally part of the Department of Health. The co-chair for the DPS was delegated down to the Director of the Division of Emergency Services (DES), while the co-chair for the DEQ was delegated down to the Director of the Division of Environmental Response and Remediation. Mr. Fifield explained that Utah's SERC Commission is the smallest commission within the nation as it only has two people. Most state SERCs have Governor appointed

commissioners, with approximately 15 to 32 members. However, Utah's commission is very fortunate as it is very active and has met monthly without fail since its creation in 1988. Commissions across the nation are finding it difficult to even meet on an annual basis. Mr. Fifield also explained that approximately 4 years ago, the SERC Commission decided that they needed a broader representation of the community available. As such, the SERC Advisory Committee was formed. The Advisory Committee is made up of representatives from urban and rural Local Emergency Planning Committees (LEPCs), fixed site facilities, transportation companies, the Utah Highway Patrol Hazmat team, environmental groups, and the general public. As of right now, the Advisory Committee has 11 members. Members of committee usually serve for a period of 2 years.

The law also requires the commission to designate emergency planning districts throughout the state. As such, LEPCs were created. Right now, the LEPCs have been created on a county basis. Salt Lake County has even gone another step further by having 3 city-level LEPCs. In addition to that, the LEPCs for the Uintah Basin area have combined to create a Tri-County LEPC. Currently, the state has 32 LEPCs. The organization structure and function of these LEPCs are left up to the local authority to determine. They elect their own chairpersons, but are encouraged to include a person from the local government and the industry. Most LEPCs meet on a monthly basis, while others don't have the opportunity to meet very often. Of the 32 LEPCs, 24 are currently active by meeting on a regular basis.

Mr. Fifield stated that the main responsibility of the LEPCs is to have interaction take place between government and the private sector. This has proven to be quite effective for all interested parties.

The second responsibility of LEPCs is to have an organized plan to deal with the following: how to deal with the industry in responding to hazardous chemicals, how industry employees can be protected after a release so they can be safe, and how the industry can notify the community if the release goes off-site.

The third part of the LEPCs responsibility is to receive a Tier II report from industry once a year. The Tier II is a inventory report of chemicals which are present over a threshold quantity. Generally, the threshold quantity for most chemicals is 10,000 pounds. LEPCs receive these reports, while a copy is sent to the local fire department and the DEQ. Annually, approximately 1,200 reports are received. Most reports are from oil and gas wells. Another large filing of the Tier II's are from remote communication sites. The most commonly reported chemicals are chlorine and anhydrous ammonia.

The fourth responsibility of LEPCs is community outreach and figuring out how to take information received and make it a part of a community plan. Mr. Fifield stated that as the LEPC Coordinator for the state, it is his responsibility to work with the LEPCs and help them to include Hazmat plans in their general emergency response plans. To help with this, the DES has organized a group of liaisons that work with the LEPCs.

Mr. Fifield clarified that funding for LEPCs in the initial legislation from Congress came from Section 305 money. This money continued on for about 5 years and was approximately \$50,000.00 per state in order to establish a training program. However, approximately 12 years ago, the Federal Department of Transportation (DOT) decided that they could fund LEPCs. They formed a program

entitled the Hazardous Materials Emergency Preparedness (HMEP) program. The HMEP program collects a registration fee of anywhere from \$300.00 to \$1,200.00 from companies hauling hazardous materials. This money goes to the Federal DOT and eventually winds up going back to individual states in the form of a HMEP Grant. The HMEP Grant for Utah is approximately \$150,000.00 a year. The grant comes to the state in the forms of a planning grant and a training grant. The training grant goes to the Hazardous Materials Institute and is approximately \$70,000.00. This helps fund many of the programs that the Institute puts on. LEPCs take advantage of that grant by attending the trainings conducted by the Institute at no cost. The planning grant is received and must be given out to the LEPCs. Every year, LEPCs fill out a grant application to apply for the money. Each LEPC receives approximately \$3,000.00 to help fund their program. HMEP is now due for reauthorization from Congress, which takes place every 5 to 6 years. If that occurs, it is anticipated that the changes in the program will double the allocations available for fiscal year 2005-2006 because Federal DOT is collecting a lot more money than they are authorized to give out.

Mr. Zucker explained that the role of the DEQ as part of the SERC is to collect, manage, and generate reports from Emergency Planning Community Right-to-Know Act (EPCRA) information. Tier II information is due March 1<sup>st</sup> of every year, while the Toxic Release Inventory (TRI) information is due July 1<sup>st</sup> of every year. The DEQ is the only agency that retains all of that data in one place. LEPCs and the local fire departments only have the information pertaining to their jurisdiction. The Environmental Protection Agency (EPA) receives TRI information and releases a statistical analysis of the top ranking states nation wide.

■ **2004 HOMELAND SECURITY GRANT ALLOCATIONS.....DeeEll Fifield**

Mr. Fifield stated that this it's the fifth year of receiving funding from the Office of Domestic Preparedness under the Federal Homeland Security program. The Utah allocations just released for fiscal year 2004 is estimated to be about 27 million dollars. It is anticipated that 80% of the grant will be designated for local governments and/or jurisdictions, while approximately 4 million dollars will be available for law enforcement.

Approximately 2 years ago, an idea was discussed of forming 7 Regional Response Teams (RRTs) strategically located around the state. These regions are currently being set up to receive training and equipment to handle the first response to terrorism. They will also work together as regions to assist each other if it is needed. The grant allocations are estimated to be back to the state by the middle of June.

Mr. Fifield also stated that a Homeland Security Advisory Board was established to review and approve the grant applications. Mark Millett stated that each of the RRTs would be diverse, unique, and different from one another based upon demographics, geography, and population. It was anticipated that some of the regions would do well, while others would not. A number of the rural regions in the state, entitled Frontier Utah, are struggling due to agencies and resources being extremely limited. Leadership has also been a significant issue. Due to this, they will receive help in getting their region up and running.

■ **2003 TRI DATA SUBMISSION DEADLINE.....Mike Zucker**

The 2003 TRI data submission deadline is July 1<sup>st</sup>. It is anticipated that the data will start coming in within the next few days. The DEQ will then enter the information into its database. Once that is done, a statistical report will be generated and distributed to all of the appropriate individuals and/or agencies.

■ **TRI PUBLIC DATA RELEASE.....Mike Zucker**

The TRI public data for 2002 will most likely be available next month. In the past, it has been difficult to receive information from the EPA Region VIII as to when the data release will take place. This is because the data is coordinated through the Office of the Vice President. Also, the DEQ is currently in the process of updating their TRI database in order to make it a more secure system.

■ **OTHER BUSINESS .....Mike Zucker**

No other business was conducted during the SERC meeting.

■ **NEXT MEETING.....**

The next scheduled time for the SERC Meeting has not yet been determined.

■ **ADJOURNED .....**

The meeting adjourned at 11:45 a.m.