

**STATE EMERGENCY RESPONSE COMMISSION**

**MEETING MINUTES**  
UDEQ, Building #2, Room 201  
168 North 1950 West  
Salt Lake City, Utah  
June 8, 2009 @ 10:30 a.m.

**Attendance List:**

Davenport, Lance ..... Utah Department of Public Safety/CO  
Smith, Amanda ..... Utah Department of Environmental Quality/EDO

**Also Attending:**

Beesley, Arik ..... Utah Department of Public Safety/UHP  
Bekkemellom, Shane ..... Utah Department of Environmental Quality/DERR  
Byrnes, Andy ..... Utah Valley University  
Everett, Brent ..... Utah Department of Environmental Quality/DERR  
Fifield, DeeEll ..... General Public  
Ford, Glenn ..... U.S. Environmental Protection Agency/Region VIII  
Halladay, Brent ..... Utah Department of Public Safety/SFMO  
Harrison, Scott ..... Utah Department of Public Safety/DHLS  
Haycock, Blake ..... Layton Police Department  
Johnson, Brad ..... Utah Department of Environmental Quality/DERR  
Peppers, Shawn ..... Utah Department of Public Safety/DHLS  
Rigtrup, Don ..... Utah County LEPC  
Riley, Mike ..... Utah Department of Public Safety/SFMO  
Shinton, Harry ..... Tooele County Sheriff’s Office  
Taylor, Neil ..... Utah Department of Environmental Quality/DERR  
Urban, Dale ..... Utah Department of Environmental Quality/DERR  
Zucker, Mike ..... Utah Department of Environmental Quality/DERR

■ **WELCOME & INTRODUCTIONS .....Brad Johnson**

On Monday, June 8, 2009, at 10:30 a.m., a State Emergency Response Commission (SERC or Commission) meeting was held at the Utah Department of Environmental Quality (UDEQ), Building #2, in room 201. Brad Johnson welcomed the attendees to the meeting and expressed appreciation for their participation in the meeting.

Introductions of the Commission and the attendees of the meeting were conducted as the SERC has not had the opportunity to meet recently.

■ **DEQ/DPS INTERAGENCY AGREEMENT OVERVIEW .....Brad Johnson**

Brad Johnson explained to the SERC that one of the main purposes for holding the meeting was to have Lance Davenport, the Commissioner of the Utah Department of Public Safety (UDPS), and Amanda Smith, the Acting Executive Director of the UDEQ, sign an interagency agreement between the two agencies. The Agreement specifically clarifies the respective roles of both agencies as they implement the responsibilities of the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) within the State of Utah. An “Interagency Agreement Between the Utah Department of Environmental Quality and the Utah Department of Public Safety” (Agreement) handout was distributed to the Committee. (A copy of this handout is available with the meeting minutes.) Both Director Smith and Commissioner Davenport signed the Agreement, with each agency receiving an original copy. By signing the Agreement, the SERC will now be able to move forward in ensuring that EPCRA issues within the State are handled appropriately.

■ **ADMINISTRATIVE RULES OR POLICY GUIDELINES.....Neil Taylor FOR SERC FUNCTIONALITY**

Neil Taylor stated that since the SERC technically consists of only two members, the Executive Director of the UDEQ and the Commissioner of the UDPS, it has been felt that the Commission needs to receive input from a much wider base of individuals and groups. The SERC previously developed an Advisory Committee to provide input to the Commission. However, for a variety of reasons, the Advisory Committee did not function properly in providing that input. It is proposed that the Advisory Committee and its membership be put into administrative rule in order to provide a more stable foundation. An “Advantages and Disadvantages for Establishing the SERC Advisory Committee by Rulemaking” handout and a “draft” version of the rules were distributed to the SERC. (Copies of these handouts are available with the meeting minutes.) Some advantages would include greater public involvement and improved Committee stability, while the disadvantages would include less flexibility and greater cost.

After an extended discussion regarding the development of the Advisory Committee, the SERC made the decision to move forward with the establishment of the Advisory Committee through the formal rulemaking process. It was proposed that the membership of the Advisory Committee include several at-large individuals that could be added at a later date at the discretion of the UDPS Commissioner and/or UDEQ Executive Director. This would allow the addition of an individual to the Advisory Committee if a particular expertise was needed, without having to go through the formal rulemaking process.

It was also decided that in the event that Director Smith and/or Commissioner Davenport was not able to attend each SERC meeting, both agency heads would appoint a formal alternative designee with a decision-making authority to act on the Commission in their absence.

■ **SERC ADVISORY COUNCIL REPRESENTATION ..... Neil Taylor**

Mr. Taylor then stated that it would be advantageous to start thinking about the individuals and positions that would need to be represented on the Committee as the establishing rule continues through the rulemaking process.

Following a lengthy discussion about the possible individuals who might be interested in serving on the Committee, including people from past incarnations of the Advisory Committee, the SERC came to the conclusion that in preparation of the next meeting, each agency would develop a list of suggested names for those persons and/or industries that would need to be represented on the Advisory Committee in order to provide input to the SERC. The Commission also committed to contact each Local Emergency Planning Committee (LEPC) to elicit feedback on their perspective in the development of the Advisory Committee.

■ **CREATION OF AN LEPC ..... Mike Zucker**

Mike Zucker explained to the Commission that under the Superfund Amendments Reauthorization Act, the Governor of the State of Utah has the ability to appoint individuals to the SERC. Once those members have been appointed, the SERC then has the authorization to create and designate LEPCs. If an interested party were to request the creation of a particular LEPC, they would then have to petition the SERC for its creation. In March 2009, a request was made by the City of West Jordan to create a LEPC for their city.

After a brief history of the State's LEPCs, and a discussion of how the SERC administers and oversees the LEPCs, the Commission came to the conclusion that the SERC already has the authority to create, modify, or dissolve a LEPC under the current statute and rules. It was also decided to extend an invitation to the City of West Jordan to give a presentation to the SERC in a future meeting concerning their request. However, it would need to be conveyed to the City of West Jordan that the Commission does not intend to increase the number of LEPCs within the State, but to ensure that the already existing LEPCs are functioning properly and appropriately. Furthermore, the SERC determined that once the Advisory Committee is officially formed, one of the Committee's first priorities will be to determine if consolidating some of the current less functioning LEPCs would be appropriate in order to guarantee that all LEPCs are functioning at their full potential.

■ **OTHER ..... Brad Johnson**

Harry Shinton informed the SERC that a pipeline is being built in the State, particularly in Tooele County, by the Utah-Nevada Pipeline, L.L.C., (UNEV Pipeline). The pipeline is scheduled to be built from North Salt Lake City, Utah, to Las Vegas, Nevada, to transport gasoline and diesel fuel. Tooele County is concerned that the pipeline may leak and that the responsible party may be unable to finance the cleanup. Mr. Shinton asked what arrangements could the SERC make to develop a fund in order for the State to pay for the remediation of this

leak. In addition, could the Commission prevent or halt the construction of this pipeline as Tooele County does not have the resources available to conduct such a massive cleanup.

Mr. Taylor clarified that under Federal and State Law, the SERC has the authority to assist local communities and LEPCs in emergency planning, and to require the submission of information from companies that deal with or handle hazardous chemicals. The Commission does not have the authority to regulate the use or distribution of hazardous chemicals. However, the Utah Department of Commerce (UDOC) has the authority to regulate pipelines, including an office dedicated to pipeline safety. It was suggested that in order to assist Tooele County with this issue, it would be beneficial to invite representatives from both the UDOC and the UNEV Pipeline to the next SERC meeting in order to provide more information on the proposed pipeline.

■ **NEXT MEETING .....Brad Johnson**

The next SERC meeting is scheduled for 10:30 a.m. on Tuesday, August 4, 2009. It will be held in room B110 at the Division of Homeland Security, located in the State Office Building.

■ **ADJOURN .....Brad Johnson**

The meeting adjourned at approximately 12:01 p.m.