

STATE EMERGENCY RESPONSE COMMISSION

MEETING MINUTES
Multi-Agency State Office Building, Bonneville Room #4138
195 North 1950 West
Salt lake City, Utah
October 6, 2010 @ 1:00 p.m.

Attendance List:

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

Also Attending:

Bekkemellom, Shane Utah Department of Environmental Quality/DERR
Morrison, Matt Salt Lake County LEPC
Mortensen, Duane Utah Department of Environmental Quality/DERR
Scharman, Reed West Jordan Fire Department
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

Attending Telephonically:

Bailey, Rick San Juan County
Bailey, Ty Utah Department of Public Safety/DHLS
Rigtrup, Don Utah County LEPC
Riley, Mike Utah Department of Public Safety/SFMO
Rose, Bernadette U.S. Environmental Protection Agency/Region VIII

■ **WELCOME AND INTRODUCTIONS Brent Everett**

On Wednesday, October 6, 2010, at 1:00 p.m., a State Emergency Response Commission (SERC or Commission) meeting was held at the Multi-Agency State Office Building in the Bonneville Room #4138. Brent Everett welcomed the attendees to the meeting and thanked them for their participation in the meeting.

Due to the fact that various attendees were participating in the meeting telephonically, introductions of the Commission and the other attendees were conducted.

■ **APPROVAL OF JULY 7, 2010, MEETING MINUTES Brent Everett**

Minutes from the July 7, 2010, SERC meeting were distributed and reviewed by the Commission. With no changes needing to be made, the SERC unanimously approved the meeting minutes.

■ **RULEMAKING STATUS – PROCESSING APPLICATIONS Neil Taylor FOR LEPC CREATION**

Neil Taylor explained to the Commission that the proposed rules for processing applications for the formation of a Local Emergency Planning Committee (LEPC) have been developed by the SERC Advisory Committee (Advisory Committee) and are ready to be review by the Commission. A “R698-5-4: Local Emergency Planning Committee” handout was distributed to the SERC. (A copy of this handout is available with the meeting minutes.) If the proposed rules were approved by the Commission, the Advisory Committee would move forward with beginning the formal rulemaking process. Despite the fact the proposed rules have not yet been approved, the SERC still has the authority under the existing statute to create an LEPC, as the Commission has before them a request from the city of West Jordan for the creation of their own LEPC. After discussing the issue further, the SERC approved the proposed rule changes in order to move forward with the official rulemaking process. It is also anticipated that the Advisory Committee will develop further rules in the future on the requirements for the modification or dissolution of an existing LEPC.

■ **LEPC UDOT GRANT FUNDING CRITERIA Ty Bailey**

Ty Bailey stated that the Advisory Committee has also developed the criteria for the distribution of grant money from the Utah Department of Transportation to the LEPCs located throughout the State. It is anticipated that the money would be distributed among the LEPCs at the first of each fiscal year, with an incentive for each LEPC to complete an early closeout of the grant funding. By doing so, each LEPC that closes out early would then be eligible for a second round of funding to be received. This second round of money would then be distributed evenly among the LEPCs that closed out before schedule. Last fiscal year, approximately 14 LEPCs closed out early and were eligible for an additional \$600.00 to \$1,000.00 in their funding. In essence, the excess funding would go against expenditures that were already incurred, but weren’t part of the LEPC’s initial grant. Also, if an LEPC could not spend their grant money, or if one of their projects fell through, during the current fiscal year, the LEPC would not need to be worried about not being eligible for the additional funds in grant money within the next fiscal year.

■ **ASSESSMENT OF NEEDED IMPROVEMENTS IN THE Ty Bailey FUNCTIONING OF LEPCs**

Mr. Bailey continued by explaining that that the Commission is also looking for feedback from the LEPCs on how well they are functioning, how they are handling their different challenges,

and what more can the State of Utah do to support their efforts on the local level. In discussing this issue, the Advisory Committee recommended that a workshop be developed in the upcoming year for LEPCs to attend in order to discuss varying issues that affect them, including what has been occurring with the SERC for that last two years. A report could then be generated on how each LEPC is handling the various issues associated within their area of the State. In addition, there has not been an opportunity recently for all LEPC leadership to meet together and coordinate on issues affecting each individual LEPC. The Commission fully supported this idea and directed the Advisory Committee to plan the workshop and develop proposals on where and when the workshop could be held. It is anticipated that an update on this workshop will then be brought before the Commission at the next SERC meeting.

■ **ADVISORY COMMITTEE LOCAL HEALTH DEPARTMENT.....Neil Taylor
REPRESENTATIVE APPLICATION**

Mr. Taylor explained to the SERC that there is a requirement for a member of a local health department be included in the membership of the Advisory Committee. The representative on the Advisory Committee from the Davis County Health Department has since retired. As such, invitations were sent out to each local health department calling for nominations for individuals to participate in the Advisory Committee. A nomination has been received that Teresa Gray of the Salt Lake Valley Health Department (SLVHD) be appointed as a member of the SERC Advisory Committee. Ms. Gray is currently the Manager of the Bureau of Water Quality and Hazardous Waste within the SLVHD. The Advisory Committee considered this nomination and voted unanimously to include Ms. Gray in its membership as it is felt that she would be an asset to the Advisory Committee. Based upon this recommendation, the Commission approved and accepted the application of Ms. Gray from the SLVHD as a member of the SERC Advisory Committee.

■ **WEST JORDAN CITY LEPC APPLICATION.....Neil Taylor**

Mr. Taylor then stated that on September 14, 2010, the SERC received an application from the City of West Jordan for the approval of its own LEPC. An “Application for the creation of the West Jordan Local Emergency Planning Committee (LEPC)” handout was distributed to the Commission. (A copy of this handout is available with the meeting minutes.) The Advisory Committee has discussed the application on two separate occasions and it appears that the application meets all of the criteria that was recommended earlier in the meeting. It was felt that there is a definitive need for the creation of the West Jordan LEPC and it is now the Advisory Committee’s recommendation that the SERC approve that City of West Jordan to organize their own LEPC.

Reed Scharman expressed appreciation for the process that has been developed by the Commission in order to process applications for the creation of an LEPC. It has taken a quite some time since West Jordan initially made its request, but the discussions and meetings held subsequent to their request have been worthwhile and of great value. If the West Jordan LEPC

were approved to be created by the Commission, the City of West Jordan still anticipates in being active and participating in the activities and meetings of the Salt Lake County LEPC.

Mike Riley also expressed appreciation for the City of West Jordan and Mr. Scharman in their patience as the SERC were developing protocols on how to handle requests for creation of an LEPC. Despite the fact that it has taken time to develop the protocols, the City of West Jordan has been very gracious in their dealings with both the Commission and the Advisory Committee.

After discussing this topic further, the SERC accepted and approved the City of West Jordan's application for creation of an LEPC, with an effective date of January 1, 2011.

■ **OTHER..... Brent Everett**

Mr. Taylor explained that in previous meetings, a discussion was held in regards to facilities that operate on Tribal Lands where the Tribe does not have a functioning Tribal Emergency Response Commission (TERC). These facilities are now requesting that they be allowed to submit their Tier II Chemical Inventory Reports to the SERC and/or the LEPC located in their area. After discussing this issue with the Environmental Protection Agency (EPA), the Advisory Committee has voted that the Utah Department of Environmental Quality (UDEQ) be tasked with the responsibility of putting an agreement together with the Tribes that do not have a functioning TERC in order to allow the facilities to submit their Tier II information to the UDEQ. This issue is now brought before the Commission for approval in order for the Advisory Committee to move forward in drafting an agreement with these various Tribes. Based upon the Advisory Committee's recommendation, the SERC approved this proposal and directed the UDEQ to move forward in the drafting of these agreements.

Bernadette Rose inquired if the State of Utah received all of their Tier II Chemical Inventory Reports electronically. Mike Zucker stated that although there is a small amount of facilities that still submit their Tier II information on hard copy paper, most of the Tier II information the State receives are electronic.

Ms. Rose then informed the Commission that the EPA has made some progress in the development of the earthquake response plan being developed as part of the Joint Planning Initiative with the State of Utah. The EPA is now looking at adding both area facility response plans and risk management plan information to the earthquake response plan. It is expected that the earthquake response plan will mirror the area response plan that the Federal Emergency Management Agency has been working on with the State of Utah. It is expected that once completed, the EPA will send this earthquake response plan to both Mr. Taylor and Mr. Zucker to review.

Kris Hamlet finished by inquiring if the Commission wanted to direct the Advisory Committee to review how other states within the nation organize their SERC membership. It was felt that it could be advantageous to have this type of information for the other states located within

EPA Region VIII. As such, the Commission directed the Advisory Committee to research this issue further and then present their findings at the next SERC meeting.

■ **NEXT MEETING** **Brent Everett**

The next SERC meeting is scheduled for 1:00 p.m. on Wednesday, January 19, 2010. The location of the meeting has yet to be determined. Once a location has been determined, notice will be sent to the Commission and to other interested parties.

■ **ADJOURN** **Brent Everett**

The meeting adjourned at approximately 2:26 p.m.