

**STATE EMERGENCY RESPONSE COMMISSION
SERC Advisory Committee**

MEETING MINUTES
Utah Department of Environmental Quality
Multiagency State Office Building
Four Corners Conference Room
Salt Lake City, Utah
August 30, 2012 @ 10:00 AM

In Attendance:

Urban LEPC

Harry Shinton (excused) Tooele County Sheriff's Office

Rural LEPC

Rick Bailey (excused) San Juan County

Hazardous Materials Advisory Council

Andy Byrnes UVU EM Services

Hazardous Chemical Transportation Industry

Dale Ipson (by phone) DATS Trucking

Federal and State Agency Representatives

Ty Bailey Utah Department of Public Safety/DEM

Don Cobb Utah Department of Public Safety/DEM

Mechelle Miller Utah Department of Public Safety/DEM

Coy Porter Utah Department of Public Safety/SFMO

Michael Riley (excused) Utah Department of Public Safety/SFMO

Neil Taylor Utah Department of Environmental Quality/DERR

Mike Zucker Utah Department of Environmental Quality/DERR

Bernadette Rose EPA Region 8

Ray Figueron EPA Region 8

Fixed Site Regulated Industries (2)

Don Rigtrup IM Flash Technologies

National Guard

Joaquin Mixco Utah National Guard

Jill Jimenez Utah Air National Guard

Local Health Departments

Teresa Gray (by phone) Salt Lake Valley Health Department

Environmental Interest Groups

Environmental Cleanup Contractors

General Public (2)

Reed Scharman West Jordan Fire Department

Other

Audie Appawoo Ute Tribe Energy and Minerals Dept.

Leallen Blackhair Ute Tribe Energy and Minerals Dept.

Agenda Items discussed:

Welcome / Introductions Don Rigtrup/Reed Scharman

Don Rigtrup welcomed everyone to the meeting. Introductions proceeded until Reed Scharman arrived. Notice has been received from Harry Shinton that he is retiring as of September 29. Terry also indicated that they no longer have a lead for the Tooele County LEPC and that the hazmat team has been dissolved. Harry Shinton represented urban LEPCs on the advisory committee. Reed Scharman is currently representing the general public. Reed Scharman's representation could be moved to that all from the urban LEPCs. This would leave an opening in the representation from the general public. There are presently also openings on the advisory committee for representatives from Cleanup contractors and other representative from the general public. A recommendation will be made to the SERC to announce the availability of these various openings on the advisory committee. Mike Riley and Rick Bailey have asked to be excused from this meeting.

Approve Previous Meeting Minutes.....

Neil Taylor informed the advisory committee that the previous meeting recording was corrupted and no minutes are available from the previous meeting. Today's agenda was generated using minutes from the SERC meeting on the same date. Neil recommended that the advisory committee refer to the SERC meeting minutes for information concerning advisory committee actions in the previous meeting. Andy Byrnes made a motion to approve our version of the May 16 meeting minutes. Joaquin Mixco seconded the motion and the vote to approve the minutes was approved unanimously.

Tier 2 Data Access Guidance Document Progress Report Michael Zucker

Preparation of the guidance document is currently on hold. DEQ is presently upgrading the Tier II database to an online submission system. The upgrade will be complete by the next advisory committee meeting. Once complete, the public will be able to generate reports from the database. DEQ will be able to prepare a document that provides instructions on how to access the database. Corey asked if the public will be able to request information on facilities that are outside their geographic location. Mike indicated that access protocols are currently being discussed. Reed recommended that we obtain legal counsel concerning data access issues. He suggested we may need to create levels of users. For example, responders may request information on all chemicals present at facilities in neighboring jurisdictions to which they may respond. However, the public most likely should be limited to queries for a particular facility. A general discussion followed on the level and amount of information that should be made available to the public. Teresa Gray recommended a SERC review of the Community Right-to-Know law sections 311 and 312 to identify the specific requirements of the federal law. Neil reminded the committee that this issue has been under discussion for over a year and that we raise the priority of this issue in the minds of the SERC to reach a resolution. Reed agreed and suggested that we recommend to the SERC that appropriate legal guidance be obtained to facilitate resolution of the issue. All agreed.

Toxic Release Inventory Report Michael Zucker

EPA now takes the data directly electronically. They just released preliminary data on July 30. This is just a preliminary release all the information on the web. People can download bulk information from the web but, the data can change over time as EPA continues to work on their analysis report. Release of the national analysis report is scheduled for December 13. Sixteen new chemicals were added to the reporting list for 2011. Facilities can now identify the amount of chemicals sent to each sewer treatment plant. For Utah, 174 facilities reported 822 different chemicals. Overall, 198 million pounds of releases were reported. This total is down from 2010 about 14 million pounds. DEQ will generate a Utah specific report before the national analysis report.

ESF 10 Plan Development Progress Report Don Cobb

Don Cobb distributed the current ESF 10 response plan. All comments from the planning group have been incorporated into this current version. The state On-Scene Coordinator has been removed from the plan. Redundant information was removed. On matrix format for the functional roles and responsibilities was added. There is also a new format that the planners had DEM has developed and will be presented to

the plan review committee on September 18. The purpose of the format is to summarize a large amount of information into a small organized format and to meet the requirements of the emergency management accreditation program. The balance of the plan is a restatement of sections that the team felt should be included. Coy recommended a slight modification of references pertaining to personal protective equipment requirements and regulations.

Don would also like to beef up the referenced authorities related to ESF 10 in the plan in a policy section. Reed recommended that references to authorities be fairly generic because regulatory sections are often changed or moved making the citation inaccurate. Don replied that the pushback would be that a generic statement would not be sufficient to meet federal requirements, that specific citations are necessary and changing citations would be caught in an annual plan review. Bernadette Miller requested that the Ute tribal representatives be given an opportunity to review the plan and provide comments. Don encouraged this. A final planning team meeting was scheduled for September 26 at 1 p.m. Don will e-mail the location to the team members. Don asked if the nuclear power plant plan section could be removed. The consensus of the advisory group was that the rest of the plan was adequate to include nuclear power plant planning and the specific section could be removed. Neil will distribute the plan to the advisory committee.

Hazardous Materials Response Plan Template DevelopmentDon Cobb

A planning template has been prepared to make it relatively easy for the LEPCs to meet the LEPC planning requirements and still have a relatively short document. The template was distributed to the advisory committee for review. Don reviewed four plans that were recently submitted from LEPCs and the template seemed to be an effective tool for preparing or reviewing LEPC plans. The template is largely pulled from information from a Kansas template. Don encouraged any input from the advisory committee by September 15. Andy and Reed commented that he felt the template looked very good and additional explanatory information or training may be necessary to assist individuals to use the template.

Report on SERC Website ModificationsNeil Taylor

Neil presented the web pages that DEQ has developed for the SERC and the SERC Advisory Committee, highlighting the changes that have been made in response to previous meeting advisory committee recommendations. A section has been added describing the composition of the advisory committee. Neil Taylor has been added as a contact person for the committee to enable submission of questions or comments. A separate web page has been added for the posting of meeting minutes. Reed recommended adding links to federal agencies active in hazardous materials planning such as EPA and FEMA. Audie suggested adding a link to tribal regulations or to the Tribal Emergency Response Commission. Neil suggested placing these links under "Links to Other Agencies". Bernadette will provide the EPA link information. Terisa sent the link to Neil. Ty suggested adding a link to the EPA website that provides links to other state SERCs.

Other Discussion

Audie Appawoo from the Ute Tribe indicated that Scott Mabe with DEM is helping the Ute Tribe homeland security director to develop the appropriate disaster and chemical spill response protocols. Audie has asked all the operators to submit their spill response protocols. A Tribal Emergency Response Commission (TERC) meets once a month. Jurisdiction issues are a big problem. Mechelle Miller suggested that tribal representation on the advisory committee would provide the tribe information necessary for their planning and provide the committee with their perspective. Audie offered that the Ute Tribe might serve as a liaison with the state and other tribes developing mutual aid agreements. Reed suggested adding the tribe to the email list. Neil will do so. Cory suggested adding tribal representation to the SERC statute to facilitate intrastate mutual aid planning. Bernadette suggested entering into tribal agreements to coordinate mutual aid planning efforts. Reed asked if we should bring up this gap in tribal coordination with the SERC.

Joaquin Mixco reported that the Utah National Guard had its first external evaluation for the Homeland Response Force. The evaluators said that Utah had performed very well. Funding is still robust. Members of the force are volunteers and perform double duty of the regular National Guard member.

Bernadette Rose with the EPA reported that the contractor in place to update the internet based geographic response plans. There will be different levels of access. The Green River plan will be one of the first plans updated. Seagull Industries will be performing the updates. The Yellowstone and Little Missouri plans will also be updated. The RRT meeting is planned for October 30-31 near Denver.

Ty Bailey is working on an early closeout of the HMEPP grant at the end of August and the real deadline at the end of October. There is not much money left this year as most LEPCs are using their grants.

Next Meeting Date and Time

The next meeting will be scheduled based upon when the SERC decides to meet. The next SERC Advisory Committee meeting was scheduled for November 29 at 10 AM. The SERC will meet at 1 PM. Both meetings will be held at the Multiagency Office Building at 195 N. 1950 W. Salt Lake City Utah.

Adjourn..... Reed Scharman
Meeting adjourned at approximately noon.