

STATE EMERGENCY RESPONSE COMMISSION

MEETING MINUTES
June 19, 2014 1:00 p.m.
Multi Agency State Office Building
195 North 1950 West
Salt Lake City, Utah 84116

Attendance List:

Hamlet, Kris Utah Department of Public Safety/DEM
Urban, Dale Utah Department of Environmental Quality/DERR

Also Attending:

Bailey, Rick M.Grand County Sheriff’s Office
Bailey, Ty Utah Department of Public Safety/DEM
Barton, Cody Sevier County Emergency Management
Illum, Mark IM Flash Technologies
Martin, Chris Utah Department of Environmental Quality/DERR
Reid, Patrick Utah Department of Public Safety/DEM
Rose, Bernadette U.S. Environmental Protection Agency/Region 8
Scharman, Reed West Jordan Fire Department
Smith, Elisa Utah Department of Environmental Quality/DERR
Taylor, Neil Utah Department of Environmental Quality/DERR
Van Dame, Kathy Wasatch Clean Air Coalition
Zucker, Mike Utah Department of Environmental Quality/DERR

Attending Telephonically:

Bolander, Kevin Utah Attorney General’s Office
Dhieux, Joyel U.S. Environmental Protection Agency/Region 8
Vasco, Mary Beth Federal Emergency Management Agency/Region 8

WELCOME AND INTRODUCTIONS

Dale Urban

Dale Urban welcomed attendees to the State Emergency Response Commission (SERC) meeting and thanked them for their participation. He explained the commission is made up of two individuals, the Commissioner of the Department of Public Safety (DPS) and the Director of the Department of Environmental Quality (DEQ). Due to scheduling conflicts, Commissioner Squires and Amanda Smith have asked Mr. Urban and Mr. Hamlet to represent their departments at the SERC this morning. Mr. Urban asked that introductions be made.

ACTION ITEMS

Approval of the March 20, 2014 Meeting Minutes

Dale Urban

Minutes from the March 20, 2014, SERC Meeting have been reviewed by the SERC. A motion was made by Dale Urban to approve the minutes as written. The motion was seconded by Kris Hamlet. The meeting minutes were unanimously approved.

Approve Cody Barton as Rural LEPC Representative to Advisory Committee

Mark Illum

The SERC Advisory Committee recommended that Cody Barton be appointed to the SERC Advisory Committee as the Rural Local Emergency Planning Committee (LEPC) Representative. A motion to approve the appointment was made by Kris Hamlet and seconded by Dale Urban. Mr. Barton was welcomed to the SERC Advisory Committee and thanked for his willingness to serve.

Approve Advisory Committee Membership Reappointments

Mark Illum

The SERC Advisory Committee recommended that the SERC reinstate the following SERC Advisory Committee members: Dale Ipson as the Hazardous Chemical Transportation Industry Representative, Kent Bradford as the Fixed Site Regulated Industry Representative, Reed Scharman as the Urban LEPC Representative and Kathy Van Dame as the Environmental Interest Groups Representative. A motion to approve the reinstatements was made by Kris Hamlet and seconded by Dale Urban. These individuals were thanked for their continued willingness to serve as part of the SERC Advisory Committee.

INFORMATIONAL ITEMS

Reappointment of Teresa Gray to the Advisory Committee

Mark Illum

Mark Illum informed the SERC that Teresa Gray's term on the SERC Advisory Committee will expire in October of 2014. Ms. Gray has expressed willingness to serve for an additional term. The agenda for the September SERC meeting will include an action item to reinstate Ms. Gray as part of the membership for SERC Advisory Committee.

Mr. Hamlet asked if endorsement letters are included in a file for SERC Advisory Committee members. The process involves going to a specific group and asking for letters of recommendation for proposed applicants. The applicants will then submit an application. The applicant is also asked if they have the support of their organization. When looking to have a current member continue their term, it has been left to the willingness of the individual with no additional documentation required. There is not an administrative rule requiring formal letters or recommendations.

There are no rules in place directing how members of the SERC Advisory Committee should be obtained. It was discussed that rules could be helpful and provide structure. It could be useful to have a written acknowledgement from agencies saying that they support the proposed individual and are aware of the time commitments and expectations. Mr. Hamlet stated that the statute allows for reimbursement of committee members if needed. He asked if it allows for reimbursement for members of the advisory committee. Per Kevin Bolander, options for reimbursement of per diem and expenses is included as part of the rule (3.10-3.12). It has not

been identified how this would be done. It is unknown how reimbursement would be funded. It is not currently an issue for rural areas but could become one in the future.

It was mentioned that Neil Taylor and Ty Bailey feel that the Memorandum of Understanding (MOU) between DPS and DEQ should be reviewed to ensure relevant support to SERC. In addition, the SERC Advisory Committee would like to receive relevant reports from agencies, such as Tier II information.

A request was made for the SERC Advisory Committee to research the appointment of SERC Advisory Committee members and any changes that need to be made to the MOU. Mr. Taylor and Mr. Bailey will present some information to the SERC Advisory Committee in September. A summary of the discussion will then be presented as an informational item on the September SERC agenda and a formal proposal will be made in December 2014.

LEPC Survey

Mark Illum

The SERC Advisory Committee submitted a survey to LEPCs. There was a good response to the survey. According to the survey results, the LEPCs want any information that can be given to them. The questions in the survey included: “What topics would you like information on?”; “What representation of people usually attend your meetings (fire, police, public health, etc.)?”; and “What can be done to update the LEPC handbook?”. When asked which topics are most relevant, the LEPCs indicated an interest in all topics.

The best way to communicate with LEPCs, according to them, is via email. Personal meetings and phone calls also rated higher than newsletters, blogs, and social media. A demographic of age ranges and background was not included.

The tools that the LEPCs showed the most interest in are Tier II reporting, an LEPC Handbook, and a draft tabletop exercise. Teresa Gray is still working to compile the results and will create a report. The report will be used by the SERC Advisory Committee as guidance on how to best support the LEPCs. It is clear that there is a need to strengthen the link between the SERC and LEPCs.

Some of the relevant comments at the end of the survey included: “Direct correspondence from SERC chairs can go a long way to drawing the attention of importance to the LEPCs.” “Suggest Fire Marshal’s Office take a higher profile lead in the marketing and delivery of Hazmat challenges and issues.” “Need to engage more private sector partners.” “Tier II needs to be streamlined.” “Recommendation: A step-by-step how to do LEPCs for new chairs.”

LEPC Training Initiatives

Ty Bailey & Don Cobb

Don Cobb was unable to attend the SERC meeting. Ty Bailey reported that the SERC needs to strengthen its link through liaisons with LEPCs. There has not been any progress made on this topic. Mr. Cobb has volunteered to continue work on the guidance document. It is unknown right now how much time he can commit to the project. The SERC Advisory Committee has offered to provide assistance. There is not a draft available to share at this time. One thing that will be helpful is to provide a standard training for liaisons to take to their LEPCs so that all LEPCs in

the state receive the same training. This item will be carried forward as an informational item on next agenda for the September SERC meeting.

Bernadette Rose stated that the U.S. Environmental Protection Agency (EPA) is also beginning to work with states to determine if states are interested in LEPC training. Neil Taylor and Ty Bailey will research this and do additional outreach to LEPCs if needed.

Hazardous Materials Response Cost Recovery Ordinance **Ty Bailey**

Mr. Bailey informed the SERC of the changes to Public Safety Code Title 53 Chapter 2a (Emergency Management Act) Section 703 (Hazardous materials emergency – Recovery of expenses). Authority for cost recovery ordinance resides with the SERC but the code references the Division of Emergency Management. Any recovered costs are placed in the general fund to be used by the division to reimburse state and local government agencies for costs incurred in an emergency. The SERC Advisory Committee has talked about making a change to SERC rules or to the MOU between agencies to address how cost recovery would work. Ty Bailey and Neil Taylor will review the code to determine if changes should be made through rule or in the MOU. The SERC needs to acknowledge authority to recover costs and define how that would work. The statute also references a fund that does not exist. The SERC does not have a fund. The Department of Emergency Management does not have a fund for that purpose. It is the opinion of Mr. Bolander that changes should be made to the MOU and then formalized in rules. The MOU is used to clarify the relationship between the state and the counties. Rules and statutes define how cost recovery would be legally enforced.

Green River ACP Update **Joyel Dhieux**

Joyel Dhieux reported on the Green River Area Contingency Plan (ACP) progress. There has been a lot of progress on Green River ACP. The EPA was in Utah in May looking at access points to the river and developing oil spill response strategies. These response strategies are being compiled in the GIS viewer which is being developed as part of the ACP. The SERC was encouraged to view this information as these changes continue to be added. The EPA is continuing to develop response strategies. It is anticipated that by spring of 2015 the first portion of ACP will be in place.

Once the Green River APC wraps up, the EPA will move onto the second phase of the ACP which includes the Great Basin. The EPA is scheduled to begin working on the Great Basin area within the next year.

The EPA will be presenting a four-day Oil Spill Response class in August in Vernal, Utah. Chevron has partnered with EPA to present this class. The class has been so popular that Ms. Dhieux is looking to add a second class in the Salt Lake City area. At this point they are still trying to obtain funding for the class. If funding is secured, the class would occur in the spring of 2015.

Reactive Chemical Facility Regulatory Update **Neil Taylor**

As a result of recent accidents and events concerning reactive chemicals, the federal government is trying to push forward initiatives to assist the nation in dealing with reactive chemical events. The President of the United States issued Executive Order 13650 requiring certain agencies to

come up with recommendations for improvements regarding reactive chemicals and events involving them. A report was released in May 2014 detailing what can be done on a federal level to assist local communities. The report includes some recommendations for improvements. On page 13 of the handout there is information regarding what the federal government will do to assist LEPCs and SERCs. This includes strengthening planning and community preparedness. The federal government will develop online training, guidance, regional workshops, webinars, and improve the CAMEO software. Within the next year, there should be information available to help LEPCs and SERCs. Because of these initiatives, the SERC Advisory Committee has agreed to hold back on any guidance documents so that the SERC can develop information to supplement the federal information. SERC and LEPC training should be available by the end of the year. Ms. Rose is working with EPA Region 2 on the development of these documents. A fact sheet should be available soon. Training documents will take a little more time. A copy of the May 2014 report was provided.

Crude Oil Transportation Notification to the SERC

Neil Taylor

More crude oil, especially from the Bakken crude formation in North Dakota, is being shipped across the country. If there is a release of the Bakken crude, there is a higher probability of it being explosive, burning, etc. Over the past year there have been several incidents involving Bakken crude oil. These incidents have included explosions causing loss of life and crude oil entering waterways. The US Department of Transportation (DOT) issued an emergency order to railroads stating that beginning May 7, 2014, each rail carrier must notify the SERC of trains transporting one million gallons (approximately 35 cars) or more of Bakken crude oil. The SERC has received information from two rail carriers, BNSF Railway and Union Pacific. Both railways have claimed confidentiality. At this point, there is not a lot of information to pass on. The SERC Advisory Committee has raised a concern that if the information from the railways changes in the future there could be a need to share that information with LEPCs and local responders. Research needs to be done into the confidentiality claims before this information could be released. The railroads are responsible to provide this information to LEPCs as well as the SERC. The SERC Advisory Committee would like to look at all options before providing a recommendation to the SERC.

Mike Zucker reported that he and Ty Bailey attended the Regional Response Meeting in Denver, Colorado, in April 2014. During this meeting, there was discussion regarding Bakken crude oil. Discussion followed within the SERC meeting regarding the rail industry manufacturing of rail cars with double walls or a double thickness. The new cars are very efficient. Only a small number of existing cars can be upgraded. It is a very expensive process. Canada has passed regulations to require newer rail cars. If the US does not have a matching regulation, it is a concern that the US will become the recipient of all old rail cars. It was recommended that the SERC write a letter to the DOT encouraging regulations on the type of rail car used to transport Bakken crude oil. Mr. Urban asked the SERC Advisory Committee to research legal options based on confidentiality claims of the railroads. Kevin Bolander offered his services to assist with this request.

Other Items

Mike Zucker gave the SERC additional information regarding the discussions on Bakken crude oil. Due to increased production, transportation is increasing rapidly. At this point, there is no

infrastructure to handle the transportation. Typically the crude is being pumped directly from trucks into the rail cars. There is no secondary containment and the crude is sometimes being stored in parked rail cars. Currently, production is outpacing the ability to transport. Because there is more Bakken crude oil on the rails and roads, there is a higher risk for accidents. Mr. Scharman reported that locally, many cities are seeing rail cars stored on rail sidings, where there is not paved access for fire trucks and there are no water supplies. Ms. Rose reported that during her recent telephone attendance at the Montana SERC meeting, Burlington Northern reported that 50% of their rail cars have been upgraded. More than 150,000 cars they own still need to be replaced. It will cost Burlington Northern more than one billion dollars to finish these replacements. Many rail cars being used are owned by the customer, not by Burlington Northern. In Montana, the railroad has emergency responders spread out throughout the area to respond specifically to any Bakken crude releases.

Ms. Rose also mentioned that in Colorado, Union Pacific is providing emergency response training at the emergency response center. It is a three day class specifically regarding response to railroad emergency.

It was reported that a well at Dead Horse State Park is the highest producing well in the State of Utah. Currently the well is producing approximately eight to ten truckloads a day. The oil is being shipped by truck from the Dead Horse Point area to Montezuma Creek. Overall there has been an increase in transportation by rail and truck.

Next Meeting Date and Time

Dale Urban

The next SERC meeting will be held on September 18, 2014, at 1:00 p.m. in the Bonneville Room of the Multi-Agency State Office Building.

The SERC Advisory Committee meeting will be held the same day at 10:00 a.m. Location will be the same as the SERC meeting.

Adjourn

Dale Urban

The meeting adjourned at approximately 2:41 p.m.