

**STATE EMERGENCY RESPONSE COMMISSION**

**MEETING MINUTES**  
September 18, 2014 1:00 p.m.  
Multi Agency State Office Building  
195 North 1950 West  
Salt Lake City, Utah 84116

**Attendance List:**

Bailey, Ty..... Utah Department of Public Safety/DEM  
Everett, Brent ..... Utah Department of Environmental Quality/DERR

**Also Attending:**

Barton, Cody ..... Sevier County Emergency Management  
Bolander, Kevin ..... Utah Attorney General’s Office  
Gallacher, Jeff ..... Utah Department of Public Safety/DEM  
Hammer, Kim ..... Utah Department of Public Safety/DEM  
Martin, Chris ..... Utah Department of Environmental Quality/DERR  
Mortensen, Duane ..... Utah Department of Environmental Quality/DERR  
Riley, Michael..... Utah Department of Public Safety/SFMO  
Smith, Elisa ..... Utah Department of Environmental Quality/DERR  
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:**

Rose, Bernadette ..... U.S. Environmental Protection Agency/Region 8  
Twitchell, Tammy..... Daggett County

**WELCOME AND INTRODUCTIONS**

**Brent Everett**

Brent Everett 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. Everett and Mr. Bailey to represent their departments at the SERC. Kim Hammer from the Division of Emergency Management was introduced.

## **ACTION ITEMS**

### **Approval of June 19, 2014 Meeting Minutes**

**Brent Everett**

Minutes from the June 19, 2014 SERC meeting have been reviewed by the SERC. A motion was made by Ty Bailey to approve the minutes as written. The motion was seconded by Brent Everett. The meeting minutes were unanimously approved.

### **Reappointment of Teresa Gray to Advisory Committee**

**Brent Everett**

A motion was made by Ty Bailey to reappoint Teresa Gray to the Advisory Committee. The motion was seconded by Brent Everett. Kathy Van Dame and Neil Taylor both recommended the reappointment of Teresa Gray. Teresa is the current chair of the SERC Advisory Committee. The motion carried unanimously to reappoint Teresa Gray to the SERC Advisory Committee.

## **INFORMATIONAL ITEMS**

### **Applications to Advisory Committee**

**Neil Taylor**

During the June 19, 2014 SERC meeting, Kris Hamlet inquired about the application process for members of the SERC Advisory Committee. The current process was discussed and it was determined that Neil Taylor would research how other commissions within the State of Utah process applications for membership.

Neil Taylor reported that there are several hundred boards and commissions throughout the state. The applications for these boards and commissions are the same and can be obtained on the state boards website. Mr. Taylor recommended that the SERC Advisory Committee research what is being done by other boards and commissions throughout the state and standardize procedures for new SERC Advisory Committee applicants. A handbook for boards and commissions was provided. Mr. Taylor also reviewed information regarding per diem for meals and time for committee members. Reimbursement is based on current state regulations and is dependent upon the agency budget. Agency budgets need to be reviewed to find out if funds are available for compensation. The SERC would also oversight this compensation. Currently the rules for the SERC Advisory Committee are listed under "Public Safety, Administration". Kevin Bolander offered to assist with language that may need to be drafted.

The SERC Advisory Committee was asked to put together a proposal to formalize the process for appointing members of the SERC Advisory Committee and explore options for the compensation of time and meals when applicable. A SERC Advisory Committee handbook should also be considered to standardize procedures.

The SERC Advisory Committee, the Department of Public Safety (DPS) and the Department of Environmental Quality (DEQ) are reviewing the Memorandum of Understanding (MOU) between the agencies. Mr. Taylor has reviewed the MOU and suggested some changes. A handout of these changes was provided.

### **Crude Oil Transportation Notification to the SERC**

**Ty Bailey/Michael Zucker**

Ty Bailey informed the SERC that he participated in a nationwide conference call sponsored by the National Emergency Management Association (NEMA). Each state provided information

concerning handling requests for information regarding Bakken crude oil transportation and how they are communicating with the shippers of the crude oil. A summary page was provided as a handout.

States shared information about issues they are having including shippers requesting non-disclosure agreements. Most SERCs throughout the nation feel that any information provided to the SERC is public information. Some states signed non-disclosure agreements but have since voided them. Some states have determined that they cannot withhold information even if a non-disclosure agreement was signed. Some states post information immediately online.

Utah has received notification that no shipments over the one million gallon threshold are being shipped through the state. One railroad requested confidentiality and was given 30 days to dispute the SERC making the document public. No appeal was made and the document was classified as public.

Dale Urban mentioned that Montana has a public website where all Bakken crude oil information is published. He asked if the SERC could modify its website to post documents received. The SERC is open to this possibility. It was also discussed that the SERC should be forwarding this information to LEPCs. Mr. Urban said that he would work toward making Bakken crude oil documents available on the SERC website.

#### **Chemical Right-to-Know in an Emergency**

**Neil Taylor**

Neil Taylor explained that there was a situation in Tooele County where a fire occurred next to a drinking water storage tank. During the process of fighting the fire, fire retardant got into drinking water. When the manufacture of the fire retardant was contacted, the only information provided was the Material Safety Data Sheet (MSDS). Mr. Taylor's examination of the Community Right to Know Act revealed that confidential business information only has to be released in certain situations. The local health department must submit a written request and sign a confidentiality agreement in order to obtain the confidential information. Because these situations regarding unknown chemicals are typically time sensitive in nature, it would be helpful for Local Emergency Planning Committees (LEPCs) to have these forms available and ready to use. It was recommended that this information be presented in a workshop or guidance document. Doctors are also able to go through the same process. The information will only be provided to a local health department or physician.

#### **LEPC Guidance Training Update**

**Ty Bailey**

No progress has been made on creating the LEPC guidance documents. Don Cobb was assigned this task and has been unable to work on it due to medical issues. The assignment is being transferred to Kim Hammer. Kim currently manages the liaison group and will be taking a more prominent role in the SERC so that she can take information back to the liaisons. Kimberlee Giles will also be working on the guidance documents. She has been working on a previous version of a handbook. The DPS will try to make progress on these documents before the next meeting.

#### **Hazmat Cost Recovery Ordinance**

**Ty Bailey/Neil Taylor**

Ty Baily reported that the cost recovery ordinance was first included in a DPS rule, but was then moved to the SERC, but it is still mentioned in DPS rule. Because of this confusion, the MOU will be used to clarify how hazmat cost recovery will work. The DPS will work on a draft and bring it to the SERC Advisory Committee for input. Having a cost recovery ordinance would not supersede local cost recovery. It would be in place to use if there is not a local ability to recover costs. SERC assistance would need to be requested by the local entity. Cody Barton mentioned that his county does not have a cost recovery program and a state program could be helpful. The SERC Advisory Committee was asked to begin gathering information regarding which local agencies already have a hazmat cost recovery ordinance in place and who could benefit from a state process.

### **Other Items**

Kathy Van Dame provided information regarding UDOT-proposed changes in the speed limit for rail cars when transporting hazardous materials. Canada and the United States are both working on rule changes regarding Bakken crude oil. There is a concern that if U.S. standards are not as stringent as Canadian standards, the U.S. could become a place for inferior equipment. The public comment period closes October 1, 2014. Ms. Van Dame is requesting that the State of Utah write a letter requesting higher standards for rail cars, requesting required reporting and addressing the issue of storage of empty rail cars in places that are not easily accessible in an emergency.

Ms. Van Dame reported that the tentative date for the Environmental Protection Agency (EPA) LEPC Workshop is March 5, 2015.

Ms. Van Dame reported that the EPA Emergency Response Training in Vernal was very good. A similar training will be held along the Wasatch front. The date for this training is unknown.

Ms. Van Dame asked why the SERC Advisory Committee meets in the late morning and the SERC meeting is held in the early afternoon. The times of the meetings are to allow those who travel from further away to be able to attend the meetings and return home without a need for an overnight stay.

Mr. Bailey said that recommendations have been pushed forward from NEMA. He will attend a bi-annual conference in October or November.

Mike Zucker reported on a Toxic Release Inventory (TRI) conference call held the week of June 9, 2014. The national analysis is scheduled for release in mid-January. Baseline data has been released to an online system. An enhancement is being worked on to send tribal information to both states and tribes.

Mr. Zucker reported that the EPA is requesting access to Tier 2 data. They would use this data in conjunction with TRI data. Not all states want data released because the EPA cannot guarantee how requests for information would be handled. The information is already provided to the University of Texas for the Department of Homeland Security. Bernadette Rose explained the EPA has lawyers trying to determine what information would be made public if records were requested. EPA wants to add the information to their database and GIS-based map.

Mr. Urban informed the SERC that the DEQ is in the final stages of pushing out an interactive Tier 2 submission program. Final beta testing is scheduled for October.

**Next Meeting Date and Time**

**Brent Everett**

The next SERC meeting will be held on December 11, 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. The location will be the same as the SERC meeting.

**Adjourn**

**Brent Everett**

The meeting adjourned at approximately 2:30 p.m.