

STATE EMERGENCY RESPONSE COMMISSION
SERC Advisory Committee

MEETING MINUTES

Four Corners East and West, Room 4100
Multi Agency State Office Building (MASOB)
195 North 1950 West
Salt Lake City Utah
December 10, 2015 11 a.m.

In Attendance:

Urban LEPC

Reed Scharman (present) West Jordan Fire Department

Rural LEPC

Cody Barton (present) Sevier County Sherriff's Office

Hazardous Materials Advisory Council

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

Hazardous Chemical Transportation Industry

Dale Ipson (present) DATS Trucking

Federal and State Agency Representatives

Jona Whitesides Utah Department of Public Safety/DEM
Kim Hammer Utah Department of Public Safety/DEM
Mark Coon Utah Department of Public Safety/DEM
Christian Martin Utah Department of Environmental Quality/DERR
Neil Taylor Utah Department of Environmental Quality/DERR
Mike Zucker Utah Department of Environmental Quality/DERR
Lori Reed United States Environmental Protection Agency

Fixed Site Regulated Industries (2)

Kent Bradford (present) Westinghouse
Mark Illum (present) IM Flash Technologies

National Guard

LTC Michael Silver (excused)

Local Health Departments

Teresa Gray (excused)
Kevin Okleberry (alternate for Teresa Gray)

Environmental Interest Groups

Kathy Van Dame (present)

Environmental Cleanup Contractors

John Hart (excused)

General Public (2)

Don Rigtrup (absent) Private Citizen

Kimberly Giles (present) Northern Utah Region DEM Liaison

Tara Behunin..... (present) Wasatch Front Region DEM Liaison

Jeff Gallacher (present) Central Utah Region DEM Liaison

Scott Alvord (present) Southwest Utah Region DEM Liaison

Mechelle Miller..... (present) Northeastern Utah Region DEM Liaison

Angelia Crowther (present) Castle Country and Four Corners Region DEM Liaison

Action Items

Approve previous meeting minutes

The meeting minutes from the September 19, 2015 were approved unanimously without changes.

Informational Items

State Cost Recovery Authorities – Jona Whitesides, DEM

Jona presented a cost recovery template in a letter format that a state or local agency could send to a responsible party to request cost reimbursement. Jona indicated that two templates might be required; one to be used consistent with the State Disaster Recovery Restricted Account use protocols when the response is the result of a local disaster declaration and a second template when there is no local disaster declaration. He will seek the Assistant Attorney General’s advice prior to sending out a draft electronically to the SERC Advisory board prior to the start of the legislative session.

Kevin Okleberry asked about any thresholds associated with the disaster funding and Jona responded that there are no thresholds with a local disaster declaration. Neil asked if any implementing regulations will be required for cost recovery related to hazardous material incidents at the state level. Jona replied that a policy and procedure would be more appropriate for implementation. The policy and procedures would be reviewed by legal representation to determine if implementing regulations are required. Reed followed up that an ordinance would be the most efficient method from the local level. Many political subdivisions have cost recovery ordinances in place so the need was at the state level. Kimberly Giles asked if there

was an estimate on the number of local entities with an ordinance. Jona replied that the total number is unknown at this time. Example templates can be obtained from many entities located along the Wasatch Front with West Jordan very willing to share what they have. This was followed up with more discussion on the cost recovery template provided earlier by Jona. The template covers both state and local jurisdictions. However, the State Disaster Recovery Restricted Account can only be used for disasters with a local declaration. The funding mechanisms are being evaluated for situations not qualifying as a disaster with a local declaration. Beyond that cost recovery will need to be pursued through a responsible party. John Veranth suggested that the AG's office do a presentation on the legal matters related to the cost recovery addressed as an agenda item. Jona committed to submit electronically by January 15 a finalized template to the SERC advisory board. Neil pointed out that the SERC would require the motions to be placed on the agenda as informational items prior to being an action item; therefore, it would take time to get full approval.

Results of LO discussion – Reed Scharman

Reed presented a document he prepared entitled "Division of Emergency Management Liaison Officers (LO's) Role's summarizing his recommendations for LO SERC-related responsibilities. The document contained the following responsibilities:

1. LO's will attend in person, or by conference call, the quarterly meetings of the SERC Advisory Committee and the SERC.
2. LO's fulfill specific requests made by the SERC for information dissemination to and/or information gathering from the Local Emergency Planning Committee's (LEPC's) in their assigned region.
3. Provide contextual information to the LEPC's with regard to decision made by the SERC. With a two member SERC, there is not a lot of dialogue in the motions that are made that provides much context information related to why an item was brought forward for discussion in the first place.
4. Coordinate with the Hazardous Materials section of the State Fire Marshal's office to ensure hazardous materials related educational information is being provided to the LEPC's for use at their local meetings.
5. Help to ensure compliance with the intent of the LEPC formation as local units intended to focus on hazardous materials as a priority.
6. The overall goal of this item is strategic planning to capture all of the groups represented in the State. The SERC advisory could be attended by a wider group of individuals but this would be up to the SERC.

A discussion followed with several LOs expressing their willingness to be information conduits for the SERC, but not to be regulatory compliance officers for the SERC as many LEPCs do not have the resources to be purely hazmat focused.

Neil expressed his opinion that the federal requirements are for LEPCs to satisfy and that historically the Utah SERC has emphasized an LEPC assistance role rather than an enforcement or legislative role. He feels that regulatory approach for handling issues with the LEPCs is not an effective method for enforcing regulations especially based on the current funding through the HMEP Grant.

Scott Alvord, Southwest Utah Region LO, explained that his region consists of variety of LEPCs including urban and rural with different focus. The group developed a local interagency committee often directed by the SFMO to discuss hazardous material related agenda items. It is not his goal to enforce but to share information and build relationships. Reed agreed by adding that all the information discussed thus far needs to be put into written form and the Advisory Group continue to have the LOs involved with the SERC. It is critical especially considering the implications related to the West Texas explosion.

Mechelle Miller, Northeastern Utah Region LO, agreed that enforcement is not an effective role for an LO. She continued to explain that LEPC representatives in her region would be interested in attending SERC meetings if the invitation was there. Reed explained that the SERC is a public meeting open to anyone to attend which he further explained the need for advertising so that all parties are aware. Additional discussions were held on how to distribute information from the SERC to the LEPCs through the LOs. Based on the UDEQ/DPS MOU, it is DPS role to distribute this information. Mechelle Miller suggested that the SERC have an item on the agenda for LEPCs or LOs to report information or issues to the SERC. She continued with another point that many of the LEPCs do not understand the SERC role. It was suggested that this information be distributed with the grant documents and that SERC roles and EPCRA regulations be covered during the first LEPC meeting of the year.

Other suggested public outreach may include tie in with the annual LEPC conference and article in the UEMA, DEM, or other related newsletter. Jeff Gallacher, Central Utah Regions LO, suggested that the key is to provide a consistent message throughout the State. Additional discussion in future meetings will be needed to clarify the roles especially in regard to ensuring compliance. Reed offered a motion to positively recommend the LO role summary to the SERC for their consideration. The motion passed. Reed will present the LO role summary document to the SERC.

Status of LEPC coordination changes requested in August, 2015 conference call – Neil, UDEQ
Neil summarized three actions requested by the LEPC chairs during the August LEPC conference call:

1. The LEPC handbook contained regulations affecting LEPCs not previously discussed with LEPCs. They were not aware of the regulations so they felt there were obvious

communication problems. Therefore, the LEPCs requested to be fully involved with future regulatory changes.

2. Utah Administrative Code R698-5-4.4 states: “By July 1 of each year LEPCs shall submit to the SERC Advisory Committee: a current list of voting members, the group or organization represented by each voting member, a designation of and contact information for the LEPC chair, or co-chairs, and vice-chairs.” Many LEPCs struggled with this requirement due to the lack of a definition of a “voting member”, the significant number of attendees at their meetings who they considered to be voting members. Neil suggested that the Advisory Committee change the language of the rule to state that LEPCs submit contact information for the LEPC chair or co-chairs, vice-chairs, and the LEPC member designated by the LEPC to receive Tier II chemical inventory reports. The Advisory Board approved a motion to have DEQ and DEM revise the regulation based on the above discussions, email the modified regulation to the Advisory Committee for their review before the next meeting, and bring the final draft, modified regulation to the Advisory Committee to the next Advisory Committee for approval by the committee and review by the SERC.
3. In order to facilitate the communication between the LEPC and SERC, LEPCs requested that the Advisory Committee involve them in periodic conference calls. A motion was approved for the Advisory Committee to hold a spring LEPC conference and a fall conference call with the LEPCs.

Status of past LEPC survey data and discussion of unaddressed concerns - Reed

Reed coordinated with Teresa Gray on the LEPC survey data prior to the SERC Advisory meeting. He reviewed the LEPC survey data starting with activities that LEPCs conduct. Overall the majority of the responses were evenly weighted based on rating. No specific findings or decision can be made from the survey results. The overall goals were to collect information for the SERC and prompt the survey takers into thinking about what they may need or want to perform in regard to their LEPC. The survey was helpful for outreach but nothing definitive could be obtained from the results.

The previous meeting minutes indicated that each Advisory Committee member would identify the top three issues for them related to LEPCs. Cody and Neil already discussed their issues. Reed provided his three key items including strategic planning development, membership support and advertising, and response plan template development. Reed discussed specifically putting strategic planning on the next agenda. He elaborated on the other two items with background information and suggested having future discussions.

Discussion of the Feb 3-4 Western Regional SERC meeting agenda

Chris described the upcoming Western Regional SERC meeting in San Diego. The meeting will include EPA Headquarters and regional updates, SERC Roundtable, U.S. DOT and PHMSA updates, DHS updates, case studies, anhydrous ammonia updates, and NASTTPO updates. DEM

graciously provided EPA funding to UDEQ for the Western SERC conference. Lori Reed discussed the success of similar conferences in the past.

State HazMat Plan (ESF 10) – Mark Coon

Mark Coon reported that the plan is close to completion. The plan is going to the plan review board in January and should be completed shortly thereafter. Once complete, the plan will be distributed to all the stakeholders. The plan is considered a living document that will undergo continuous revisions as with all DEM documents. He also requested assistance on an ESF #10 committee for continued coordination related to the plan.

Other Items:

Bill Craig recently joined the Division of Environmental Response and Remediation. He discussed his role as a radiological expert with UDEQ that includes: tracking radiological shipments associated with the Waste Isolation Pilot Plant (WIPP), participating in the Blue Castle Plant Task Force and DHS Domestic Nuclear Detection Office – Personal Radiological Nuclear Detection Program. The program's focus is preventing the use of radiological devices by terrorists. Prevention is accomplished by monitoring global sources and surveillance at the borders. The program includes three levels of monitoring with the first level using personal radiation detection, the second level uses perimeter monitoring at specific locations, and the third level includes identifying specific threats with mobile detection. There is no funding associated with the program. DHS will bring in expertise to develop concept of operations plans. A meeting related to the program is being scheduled for the future. Bill can provide information on the radiological licenses within the LEPC jurisdictions.

A discussion was held on voting members who have missed past meetings. John Hart and Utah National Guard have been excused. Cody Barton will contact Don Rigtrup to determine his status with the Advisory Committee.

Mark Illum's term as the SERC Advisory Committee chair has expired. Cody Barton was voted as the new chair. Past chairs include Don Rigtrup, Kent Bradford, Mark Illum, Teresa Gray, and Reed Scharman. Voting members who have not been chair include Mike Riley, John Veranth, Kathy Van Dame, Dale Ipson, and John Hart.

Mike Zucker reported that he will be presenting EPCRA information and a RRT meeting summary to the SERC.

Reed reported on a release of sodium hypochlorite from a pool to the sewer. The concern associated with the release was the potential upset at a wastewater treatment plant. As a result of the release, the sewer district has added the facility to its pretreatment inspection program.

Lori reported that the EPA has developed EPCRA (non-313) training accessible from the following link: http://epawebconferencing.acms.com/epcranon313nonepa/event/event_info.html. She also informed the group that EPA has developed a webinar for facilities that are unfamiliar with Tier2submit. Lori will send a link for that webinar to Michael Zucker. EPA also met with Tier II facilities and LEPCs in Colorado for an afternoon to give facilities a basic overview of various regulations associated with Executive Order 13650. She recommended this approach in Utah.

Sam Falde presented on her new responsibilities related to the HMEP Grant. The application and guidance was sent out recently a few months ahead of schedule. The period of performance has been pushed up to the end of June to avoid forfeiting grant funds not utilized by LEPCs who did not turn in reimbursement applications. Any funds not utilized will be reallocated before the end of the grant period. Each LEPC will receive \$2,765. The LEPCs are required to provide a 20 percent funding match for a total of \$3,400.

Assignment Review

- Jona will submit both state and local cost recovery templates to the Attorney General's office for review.
- Jona will send the cost recovery templates, revised by the Attorney General's office, to the Advisory Committee for review by January 15, 2016.
- Chris will revise R698-5-4.4 based on comments mentioned in the meeting then email the modified regulation to the Advisory Committee for review.
- Chris will work with Mike Zucker to determine the best method for distributing the SERC and SERC advisory meeting minutes to the LEPC chairs.
- Each SERC Advisory Committee member will bring the three most important LEPC-related concerns from their perspective to the next meeting, if not already discussed.
- Chris will report on the Western SERC conference.
- Cody will contact Don Rigtrup and report on his status.

Next Meeting Date and Time: The next meeting date and time was set for March 10, 2016 at 1:00 pm in the Advisory Committee meeting, but will be changed to March 15, 2016 to match the date selected by the SERC for its next meeting.