

To: State Emergency Response Commission (SERC)

From: Jeff Beattie, OEPA-RTK through Cindy DeWulf, DAPC & SERC Co-Chair

Subject: February 8th, 2012 SERC Meeting Minutes

Date: April 2nd, 2012

The February 8th, 2012 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency by Mel House, SERC Co-Chair (Ohio EMA).

13 Voting Members were present:

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Mel House, Ohio EMA, SERC Co-Chair (Alternate)
- Tim Kern, AG Office
- Dan Fisher, Public Utilities Commission of Ohio
- Staff Lieutenant Kenneth Kocab, State Highway Patrol
- Frank Conway, State Fire Marshal's Office
- Michael Snee, Ohio Department of Health (Alternate)
- Willie Brantingham, Volunteer Firefighters' Representative
- Richard Hughes, Industry Representative
- Raenell Nagel, Environmental Representative
- Al Phillips, Ohio Department of Transportation
- Rick Hoffman, Professional Firefighters' Representative
- Randy Van Dyne, Environmental Representative

6 Voting Members were absent:

- County Interest Representative (**Vacant**)
- Elected Official Representative (**Vacant**)
- Gary Obermiller, Ohio Department of Natural Resources
- Clyde McKenzie, Ohio Fire Chiefs' Association
- Brian Gallagher, EMA/LEPC Representative
- Jack Pounds, Ohio Chemistry Technology

Waive the 24 Hour Rule:

Willie Brantingham made the motion, seconded by Al Phillips, that the 24-hour rule be waived.

Record of Vote: 12 -For
 0- Against
 0- Abstain

Approval of December 14th, 2011 SERC Meeting Minutes:

Mel House asked for a motion to accept the December 14th, 2011 SERC meeting minutes. A motion was made by Rick Hoffman. Motion to accept was seconded by Dan Fisher.

Record of Vote: 12 -For
 0 -Against
 0 -Abstain

SERC Committee Reports:

Executive:

Cindy DeWulf stated that the Executive Committee met prior to today's meeting.

Cindy mentioned that the SERC membership appointments have expired for four (4) of our members: Jack Pounds, Clyde McKenzie, Brian Galligher, and Raenell Nagel. There is a 60 day grace period that enables these members to vote on agenda items today. The Governor's Office of Boards and Commissions have not acted on making any appointments to date on these vacancies.

Cindy mentioned as a reminder that each SERC member has to take the state's ethics training and she must report on our member status to the ethics board. Mel House stated that he has a CD that contains the training if anyone needs a copy. Ethics training has to be taken every year.

In addition, Cindy stated that any individual who serves on a board or commission has to submit a financial report by April 15th. The forms can be found on-line through the Board and Commission's web site.

The committee discussed the pending county LEPC plans that will be recommended for non-concurrence and the need to issue orders. The committee did not have a quorum to address the issue at this time.

Cindy reported that the committee discussed the exercise issue that has been discussed previously involving pipelines. Mel stated that there have been a few conference calls between representatives of Ohio EMA, Ohio EPA and Tim Kern at Ohio AGO's. The issue has not been resolved. In the short term, if an LEPC wants to have an exercise using pipeline as the focus, the LEPC must add a truck carrying hazmat which crashes into a pipeline to get SERC credit. This is a temporary solution until a more permanent fix or interpretation can be identified. Mel continued that SERC realizes that pipelines are a serious issue that we face. Dan Fisher stated that pipelines have their own Act in federal law that regulates them and pipelines do not fall under the USDOT Hazardous Material Transportation Act. Rich Lauffer (Ohio EMA) interjected that pipelines can be brought into the planning process under the variance rules. Keven

Clouse (Ohio EMA) stated that in SW Ohio, he sees a pro-active pipeline industry that is working with his LEPCs in the area. Cindy encouraged state agency representatives to check with their respective Director's Offices to determine what approval is needed if the SERC were to have a vote on legislative language.

Tim Kern wanted to address the LEPC cross walk issue that has been discussed within the SERC and its Operations and Issues Committee. His legal review does find that the LEPC cross walk is to be a required part of the plan. Tim stated that he will talk to Brian Galligher when he gets back to Ohio from military duty. Keven Clouse stated that none of his SW Ohio counties that he deals with have any issues with the crosswalk or submitting it as part of the plan.

Administrative & Funding:

Cindy DeWulf reported that the Administration & Funding Committee did meet prior to this meeting.

The committee discussed four (4) funding requests that all were approved. Cindy will notify the respective LEPCs regarding the approvals.

Cindy continued in that the committee discussed the need to improve communications with the County Commissioners. The timing looks to be focused around mid/end of July when we are addressing the annual "LEPC Recognition Awards." Right now, if an LEPC receives a plan or exercise non-concurrence that only the LEPC information coordinator is notified. The main reason why plans are receiving a non-concurrence is the hazard analysis portion of the plan. There are no written criteria that are applied in determining when a hazard analysis results in a non-concurrence. It is left up to the discretion of EMA. The committee recommends that the Operations and Issues Committee develop standards for hazard analysis updates so that the LEPCs and Ohio EMA planners are consistent in the review of hazard analysis, and with recommendation for non-concurrence. The committee also discussed a few proposed changes that will be incorporating into the LEPC Funding document. The main change is added language to address reverse notification systems.

Operations & Issues:

No report due to Brian Galligher having to cancel the meeting due to being on military duty in Japan.

Training and Education:

Willie Brantingham stated that the committee met prior to today's meeting and discussed the proposed sessions for the LEPC Conference. The committee may use an electronic survey to solicit input from LEPCs on the agenda topics.

Agency Reports:

EMA

Ohio EMA indicates that there are **2 LEPC Exercises up for SFY 2012 Exercise Concurrence**. Willie Brantingham made a motion to approve **Resolutions 2012-1 through -2** as documented. Frank Conway seconded the motion. No discussion.

Record of Vote: 12- For
0- Against
0- Abstain

Mel continued that there are **8 LEPC SFY 2012 Plan Concurrence**. Dan Fisher made a motion to approve **Resolutions 2012-3 and -10** as documented. Al Phillips seconded the motion. No discussion.

Record of Vote: 12- For
0-Against
0-Abstain

Ohio EMA indicates that there is **1 LEPC for SFY 2012 Plan Non-Concurrence (Fulton County)**. Rick Hoffman made a motion to approve **Resolution 2012-11** as documented. Randy Van Dyne seconded the motion.

Record of Vote: 12- For
0- Against
0-Abstain

Fulton County has experienced staff turn-over. The LEPC is moving in the right direction and moving forward and should be in a concurrent status within next 60 days.

Mel House wanted to update the group on Amended Substitute Senate Bill 243 as follows:

- The Ohio Emergency Management Agency, the Emergency Management Association of Ohio & the Ohio Fire Chiefs were the major proponents of the bill that contained amendments to Ohio Revised Code Section 5502.41 (Intrastate Mutual Aid Compact) (IMAC) that will make the compact more user-friendly.
- The legislation broadened the definition of political subdivision to allow more entities to participate in intrastate mutual aid; such as port authorities, local health districts & state institutions of higher education
- New language in the compact allows mutual aid & the sharing of resources without the prerequisite of a local declaration of emergency by the chief executive officer of a political subdivision. This will allow necessary assistance to be more readily provided throughout the state for training, exercises, and planned events, such as Ohio State football games, major league baseball or football games or the International Children's Games in Cleveland a few years

ago. Emergency responders can now train and exercise together to prepare for response to real events.

- Another change expressly allows the first eight hours of mutual aid free – a nod to long-standing “handshake” mutual aid agreements. And IMAC doesn’t impact any mutual aid agreements that are already in place.
- Language was added to specifically include the use of regional response teams, such as bomb, collapse search & rescue, and hazardous materials in other political subdivisions in the state through IMAC.
- The legislation also revised Ohio Revised Code Section 5502.29. Although that section authorized political subdivisions to enter into mutual aid agreements, new language expressly authorizes political subdivisions to enter into mutual aid agreements with political subdivisions in neighboring states without a governor’s declaration of emergency. Many of the same protections set forth in IMAC will also be applicable to this form of mutual aid as well. Several neighboring states will also have similar provisions which should make working these mutual aid agreements much easier.

EPA

Cindy DeWulf introduced **LEPC 2012-12 thru -21 LEPC Membership Appointment Resolutions 2011-238 through -242**, appointing new LEPC memberships for Clark, Guernsey, Lake, Marion, Mercer, Morrow, Ottawa, Washington, and Wayne Planning Districts as noted. Dan Fisher made a motion to approve. Al Phillips seconded the motion.

Record of Vote: 12- For
0- Against
0- Abstain

LEPC meeting minutes were provided for Clermont, Defiance, Gallia, Guernsey, and Warren counties.

Cindy mentioned to the SERC that she has received a request for the statewide database from the Federal Office of Homeland Security under a Presidential Directive. Cindy is working with Tim Kern to address in a formal response.

Raenell Nagel had a few comments in regards to the LEPC meeting minutes as provided in today’s handout. In response to a report that an LEPC was considering recording the LEPC meetings, Raenell noted that the LEPC should consider the public record requirements associated with recorded meetings. Tim Kern recommended that the LEPC consult with their county prosecutor. Raenell also commented on the minutes which noted that the facility Tier 2 reports had data quality issues. Keven Clouse (Ohio EMA) stated that his SW Ohio county LEPCs as a whole are reviewing their reports for quality control. The LEPCs are doing site visits at EHS facilities and are finding

reporting errors. Also some facilities are reporting when they do not really need to be reporting. The LEPCs are concentrating on EHS facilities at this point. Raenell noted that data quality is an important issue that should be addressed statewide.

ODNR:

Not in attendance.

PUCO:

No Report.

Health:

No Report.

SHP:

No Report.

SFM

Frank Conway stated that the Hazmat Operations course has been updated to NFPA standards. The SFM is looking for the funds for the train-the-trainer portion of the delivery. We may use HMEP funds. Estimated cost needed totals \$35,000.

The 2012 North American Emergency Response Guide will not be in until spring 2012. The office will notify the county EMAs when the guides have been delivered and received for distribution.

Frank indicated that the health departments have requested ICS training and want to coordinate with the SFM Academy.

The Academy is looking into the training/education opportunity involving the shale oil industry in respects to educating the first responder to key issues involved with this industry.

ODOT

The agency continues to refine the Quick Clear program. There still remains a strong concern for secondary crashes happening at these areas. ODOT will be creating additional outreach material regarding Quick Clear.

AGO

No report.

Meeting adjourned.