

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: April 11, 2012 SERC Meeting Minutes

Date: May 30, 2012

The April 11, 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).

12 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
Steve Wagner, Ohio Department of Health
Richard Hughes, Industry Representative
Al Phillips, Ohio Department of Transportation
Rick Hoffman, Professional Firefighters' Representative
Randy Van Dyne, Environmental Representative
Gary Obermiller, Ohio Department of Natural Resources
Willie Brantingham, Volunteer Firefighters' Representative

1 Voting Members were absent:

Frank Conway, State Fire Marshal's Office

Members not appointed by Governor

County Interest Representative (**Vacant**)
Elected Official Representative (**Vacant**)
LEPC Representative (**Vacant**)
Chemical Manufacturer Representative (**Vacant**)
Environmental Representative (**Vacant**)
Fire Chief Representative (**Vacant**)

Waive the 24 Hour Rule:

Al Philips made the motion, seconded by Randy Van Dyne, 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 February 8, 2012 SERC meeting minutes. A motion was made by Dan Fisher. Motion to accept was seconded by Willie Brantingham.

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. She provided the following summary of the Executive Committee meeting:

Membership Update: The SERC currently has 6 vacant appointments. The Director of Ohio EPA has been briefed on the appointment issue, and will be discussing it with the Governor's Office.

Ethics Training: All SERC members except for Tim Kern (AGO) completed ethics training for 2011. The training is required annually.

Ethics Financial Disclosure: Cindy reminded the SERC members that the financial disclosure forms are due to the Ethics Commission on April 16. The SERC will pay the filing fee for SERC members.

Executive Committee Membership: Two positions on the Executive Committee are vacant due to the delays in appointments. The Committee may ask the SERC to appoint new members at the next meeting if the appointments are not made by the Governor's Office.

Enforcement Orders: The Executive Committee met in executive session and voted to issue orders to Jefferson County for failure to submit an acceptable plan to the SERC. Tim Kern will draft the orders. The SERC discussed the use of orders to address LEPCs that do not conduct exercises. The SERC also discussed that the orders are issued to the LEPC, and not individual LEPC members. Tim Kern (AGO) clarified that individual LEPC members could be named in future escalated enforcement against an LEPC if the LEPC members were directly involved in the failure of the LEPC to comply with the orders to submit an acceptable plan.

Changes to ORC 3750: The Executive Committee will be putting together an ad hoc committee to recommend changes to ORC 3750. These changes may include changes

to the annual exercise requirement. Anyone interested in serving on the ad hoc committee should contact Mel House.

Excellence Awards: Tim Kern is examining the law to determine if the SERC has the legal authority to continue to issue the Excellence Awards.

Pipelines: Tim Kern reported that, as discussed at the last meeting, exercises involving pipelines without the inclusion of a transporter of hazardous chemicals or extremely hazardous substances (e.g., a truck carrying an EHS) cannot be used for exercise credit. An LEPC could petition the SERC to add a pipeline as a regulated facility, however, Tim has determined that a pipeline would not meet the definition of a facility, as defined in ORC 3750. A facility that was comprised of storage tanks and pipelines may be subject to ORC 3750. The SERC briefly discussed the situation in which a pipeline stored hazardous chemicals or extremely hazardous substances on-site in excess of the reporting thresholds. If the storage triggered the chemical inventory reporting requirements, it was not clear to those in attendance if the reports would be filed with the SERC or with ODNR. Gary Obermiller volunteered to look into the issue for the next SERC meeting. In addition, Gary also volunteered to organize a presentation for a future SERC meeting on the fracking wells, and the chemicals used and stored during the fracking process.

HMEP Grant: Mel House reported that the HMEP grant requires SERC concurrence with the applications. Because the timing of the grant deadline does not coincide with a SERC meeting, EMA will e-mail the draft grant application to the SERC members in late April. SERC members submit comments on the application, and EMA will attempt to address those comments prior to the June SERC meeting. At the June meeting, the SERC will be asked to concur with the application. If needed, a revised grant application will be submitted to the US Department of Transportation.

Administrative & Funding:

Cindy DeWulf reported that the Administration & Funding Committee did not meet prior to this meeting. Through e-mail, the committee agreed to forward a resolution for the SERC grant funding split to the SERC. Rick Hoffman made a motion to approve "SFY 2013 SERC/LEPC Grant Allocation" - **Resolution 2012-22**. Steve Wagner seconded the motion. No discussion.

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

Operations & Issues:

The committee did not meet.

Training and Education:

Willie Brantingham stated that the committee met prior to today's meeting and is close to finalizing sessions for the LEPC Conference, which is scheduled for August 8-9. The committee may use an electronic survey to solicit input from LEPCs on the agenda topics. A course number is being assigned to the conference, and participants will be able to print out certificates of completion through the Fire Academy.

Agency Reports:

EMA

Ohio EMA indicates that there are 6 **LEPC Exercises up for SFY 2012 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolutions 2012-23 through -28** as documented. Al Philips seconded the motion. No discussion.

Record of Vote: 11/12

0- Against

1- Abstain: Rick Hoffman for Fairfield County, Randy Van Dyne for Hancock County, and Willie Brantingham for Columbiana County.

Mel continued that there is **1 LEPC SFY 2012 Plan Concurrence**. Steve Wagner made a motion to approve **Resolutions 2012-29** as documented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 12- For

0-Against

0-Abstain

EPA

Cindy DeWulf introduced **LEPC 2012-30 thru -34 LEPC Membership Appointment Resolutions 2012-30 through -34**, appointing new LEPC memberships for Auglaize, Clermont, Portage, Ross and Tuscarawas Planning Districts as noted. Willie Brantingham 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 Ashtabula, Darke, Franklin, Trumbull and Tuscarawas Counties.

Cindy DeWulf noted that Jeff Beattie had the opportunity to attend the US EPA Region 5 meeting regarding SERC issues. Jeff will be available to provide a summary of the regional meeting at the next SERC meeting.

ODNR:

Gary Obermiller noted that he will be looking into the Tier 2 reporting issue for pipelines.

PUCO:

No Report.

Health:

No Report.

SHP:

No Report.

SFM

Not in attendance

ODOT

The agency continues to refine the Quick Clear program. The Quick Clear Steering Committee is looking into hazardous material transportation accidents and incident management, and their activities may be presented at a future SERC meeting.

AGO

Nothing additional to report.

Other SERC members and Attendees

Don McDonald (Stark County) noted that LEPCs must have an understanding of the unique hazards associated with the pipelines in order to address the public's concerns regarding these hazards and the public's expectations that the LEPCs must address their concerns.

Meeting adjourned.