

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: October 9th, 2013 SERC Meeting Minutes

Date: November 21, 2013

\*\*\*\*\*

The October 9th, 2013 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency in Columbus, Ohio by Cindy DeWulf, SERC Co-Chair (Ohio EPA).

**14 Voting Members were present:**

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Nancy Dragani, Ohio EMA, SERC Co-Chair
- Tim Kern, AG Office
- Dan Fisher, Public Utilities Commission of Ohio
- Steve Wagner, Ohio Department of Health
- Jeff Leaming, State Fire Marshal's Office
- Richard Hughes, Industry Representative
- Brian Galligher, LEPC Representative
- Rick Hoffman, Professional Firefighters' Representative
- Willie Brantingham, Volunteer Firefighters' Representative
- Randy Van Dyne, Environmental Representative
- Toby Wagner, Ohio Department of Natural Resources
- Staff Lieutenant Kenneth Kocab, State Highway Patrol
- Al Phillips, Ohio Department of Transportation

**3 Voting Members were not present**

- Raenell Nagel, Environmental Representative
- Don McDonald, County Interest Representative
- Clyde McKenzie, Fire Chief Representative

**Members not appointed by Governor**

- Municipal Corporation Representative (Vacant)
- Industry Representative (Vacant)

**Waive the 24 Hour Rule:**

Nancy Dragani made the motion, seconded by Randy Van Dyne that the 24-hour rule be waived.

Record of Vote:     14 -For  
                          0- Against  
                          0- Abstain

### **Approval of August 14th, 2013 SERC Meeting Minutes:**

Cindy asked for a motion to accept the August 14th, 2013 SERC meeting minutes. A motion was made by Jeff Leaming. Motion to accept was seconded by Al Phillips.

Record of Vote:     14 -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 Governor's Office just appointed this morning Jennifer Klein to replace Jack Pounds as one of SERCs industry representatives. Ms. Klein is the new Executive Director for the Ohio Chemistry Technology Council replacing the now retired Jack Pounds. SERC still has two remaining vacancies.

Ohio EMA will be scheduling a meeting to discuss comments received regarding pending changes to the exercise rules under SERC. Nancy Dragani indicated that the intent is to discuss concepts for the administration and implementation and what it all means before any legislation is proposed.

Cindy stated that USEPA has made data element changes to the federal tier 2 chemical inventory report for the upcoming March 1, 2014 filing. Ohio law and rules are equivalent to the federal reporting language and the Ohio EPA is working on making the changes to the administrative rule (3750-30-20, Facility Emergency and Hazardous Chemical Inventory Form). Briefly, USEPA has eliminated the use of codes for storage type and the pressure/temperature conditions. Industry now has to provide a narrative description. Longitude/latitude will now be a required field. Cindy asked for an oral motion to have Ohio EPA move forward with amending the SERC rule affected by the changes and forward them through the JCARR rule process. Willie Brantingham made motion per Cindy's comments. Jeff Leaming seconded. No comments. Motion approved by 14-0 vote.

Cindy updated the SERC on the E-Plan web based information system. Back at the February 2013 SERC meeting, the SERC voted to approve the E-Plan system as a reporting tool in Ohio. Since that time, the E-Plan system has experienced funding difficulties and no longer is funded by the federal government. Thus with no firm stable funding in place and the system having no certainty to being around in the coming years, Cindy is recommending that SERC disinvest itself from the E-Plan system and asks for an oral motion to no longer accept E-Plan in Ohio as a reporting option for industry. Brian Gallagher made a motion to accept Cindy's recommendation as presented. Dan Fisher seconded. Motion approved by 14-0 vote. Cindy continued in

that she and EPA will continue to look at other web based reporting options such as the Tier2 Manager and Tier2 Submit.

Cindy stated that the Ohio EPA, Tim Kern and the AGO's drafted a letter to the oil and gas sector in response to the petition (and response) to USPA by an environmental group regarding ORC 3750.081. The letter was mailed out to over 1,100 statewide oil and gas companies stating that the federal Emergency Planning and Community Right-to-Know Act (EPCRA) applies may apply to them and compliance date was established for November 15<sup>th</sup>, 2013. Jeff Beattie and his group are getting many phone calls as a result of the letter. This mailing and November 15<sup>th</sup> deadline date for compliance is a short term solution to the issue. The Commission still has to work on the long term solution to the issue. There is an on-line petition to repeal ORC 3750.081 and hundreds if not thousand blanket e-mails are being received by Cindy, USEPA and Director at Ohio EPA. USEPA plans to respond to the Sierra Club regarding the petition. Cindy asks that the LEPCs work with and advise the fire departments that they will soon be receiving inventory reports form the oil and gas sector come November 2013 and after. Rick Hoffman stated that all this reporting still does not address the problem of getting the information on the day the product shows up at the drilling site. Cindy agreed in fact and stated that all we are doing is trying to get these oil and gas companies into compliance with the federal EPCRA law. Cindy continued that at the last SERC meeting, Clyde McKenzie mentioned that they use a local ordinance that addresses the oil and gas permitting process in Trumbull County to get the up-to-date information on chemicals at the drill site. Willie Brantingham stated that in Columbiana County he has taken the proactive approach and visited the oil and gas drilling operations on-site and it has been very productive. Jeff Leaming mentioned that the SFM Academy has a training program in development.

The issue of facilities claiming trade secret for certain chemical(s) they report was brought up. Cindy, EPA and Tim Kern are drafting a letter to send out to these facilities as a means to ensure that they are reporting a trade secret claim(s) in accordance to federal and state law. This is a more educational outreach to these 80-100 statewide facilities.

Ethics training is now on-line. Please let Cindy DeWulf know when you have taken and completed the training. The on-line training can be found on the [ethicsohio.gov](http://ethicsohio.gov)

**Administrative & Funding:**

The committee met prior to today's SERC meeting.

Cindy stated that most items covered in the Executive report were covered at the Administration & Funding Committee, primarily the web based E-Plan information system.

The committee did discuss our continued difficulty in getting the two (2) year appointment lists from a small amount of counties. Every two years, Ohio EPA and the field liaisons have to spend considerable time tracking down some of the lists. Ohio EMA field liaisons should not be expected to track down the LEPC representative or

County Commissioners for their listing one day prior to the October SSERC meeting. The committee plans to further discuss this issue.

**Operations & Issues:**

Brian Gallagher stated that the committee shall be reviewing and updating the planning document. The committee meets on the second Wednesday in the off SERC meeting months at Ohio EMA. Current members are Dan Wittingham (EMA), Rick Warren (EMA), Willie Brantingham, Al Phillips and Don McDonald.

**Training and Education:**

The committee met prior to today's SERC meeting.

Willie Brantingham stated that the LEPC Conference agenda has been finalized and the conference registration packet should soon be finalized. We will get it to Jeff Beattie to send out to all statewide LEPCs.

**Agency Reports:**

**EMA**

Ohio EMA indicates that there are **7 LEPC Exercises up for SFY 2013 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolutions 2013-97 thru -103** as documented. Al Phillips seconded the motion. No discussion.

Record of Vote: 14- For  
0- Against  
0-Abstain

Ohio EMA indicates that there is **1 LEPC Exercises up for SFY 2014 Exercise Concurrence**. Brian Gallagher made a motion to approve **Resolution 2013-104** as documented. Staff Lieutenant Kenneth Kocab seconded the motion. No discussion.

Record of Vote: 14- For  
0- Against  
0-Abstain

Ohio EMA indicated that there is **1 LEPC Exercise up for SFY 2013 Exercise Concurrence- 60 Day Corrective Action Plan (Van Wert LEPC)**. Brian Gallagher made a motion to approve **Resolution 2013-105** as documented. Staff Lieutenant Kenneth Kocab seconded the motion. No discussion.

Record of Vote: 14- For  
0- Against  
0-Abstain

Ohio EMA indicates that there are **10 LEPC Plans up for SFY 2014 Plan Concurrence**. Rick Hoffman made a motion to approve **Resolutions 2013-106 thru -115** as documented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 14- For  
0- Against  
0-Abstain

Cindy asked EMA if they have any updates regarding the full scale exercise that was cancelled due to lack of participants in Paulding County. No action can be taken since the exercise cycle has now concluded for the SFY 2013 period. Funding has been withheld, but no administration ability to correct took place. SERC can issue orders to the planning district and set a deadline date to conduct a full scale exercise. This county has not done a full scale exercise in 12 years which encompasses 3 four year exercise cycles. The County Commissioners are aware of the issue in that the LEPC received a non-concurrence for the exercise. Rich Lauffer stated that on area of concern is that Paulding County does not have many EHS facilities. They do exercise their plan; they just do not do the full scale exercise which is in violation of state law. The added problem is not the EMA Director, but is the exercise participants not showing up and participating. Rick warren stated that the county is all rural USA and is mainly corn and cows. Not much industry reporting facilities under this program. It was recommended that the EMA field liaisons discuss amongst themselves to see what other comparable counties are doing in area of full scale exercises. It was mentioned that Noble County uses highway rest stops and Monroe County has the river to work with. Tim Kern mentioned the issuance of consensual orders over uni-lateral orders to get compliance. Cindy recommends a letter be written by Ohio EMA to be sent to the County Commissioners giving them an opportunity to address the issue locally.

#### **EPA**

Cindy DeWulf introduced “**2013-2115 LEPC Membership Appointment**” Resolution **2013-116**, appointing 30 statewide LEPC memberships for a new two (2) year term. Dan Fisher made a motion to approve. Nancy Dragani seconded the motion.

Record of Vote: 14- For  
0- Against  
0- Abstain

LEPC meeting minutes were provided for Franklin, Gallia, Geauga, Mahoning and Ross planning districts.

**ODNR:** No Report.

**PUCO:** No Report.

**Health:** No Report.

**SHP:** No Report.

**SFM:** No Report.

**ODOT:** No Report.

**AGO:** No Report.

**Other:** Jim Mehl, Ohio EPA-Emergency Response Supervisor gave a presentation regarding the agency's spill reporting unit and the telephone system in use. The agency just transferred our phone system to digital (VOIP). The ER duty room has 5 lines assigned and available. We have 3 duty officers in office from 6:30 am-4:30 pm. Phones then are transferred to State Highway Patrol for afterhours. Any calls received by the patrol are then referred to our assigned night duty officer who in turn handles the spill/release response coordination with our district OSCs.

Jim did mention that there was an inquiry as to a spill that was being called in by a facility in Ashtabula County that for whatever reason the caller was not able to get through to the agency. This event caused uncertainty for the facility because under federal and state law they are required to call within a 30 minute time period of having knowledge of a spill or release and they could not get through to Ohio EPA for documentation of the event. Jim did undertake an investigation into the issue and still is unaware as to a specific cause. The phone company cannot pinpoint to anything happening at that specific point in time nor did our duty office did not receive any other complaints as to similar calls not coming through. One possibility is that the phones may have been re-booting at the exact time the company was calling into that line.

Meeting adjourned.