

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: February 12th, 2014 SERC Meeting Minutes

Date: March 26<sup>th</sup>, 2014

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The February 12th, 2014 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).

**15 Voting Members were present:**

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Sima Merick, Ohio EMA, SERC Co-Chair (alt)
- Tim Kern, AG Office
- Dan Fisher, Public Utilities Commission of Ohio
- Steve Wagner, Ohio Department of Health
- Jeff Leaming, State Fire Marshal's Office
- Randy Van Dyne, Environmental Representative
- Staff Lieutenant Kenneth Kocab, State Highway Patrol
- Jennifer Klein, Industry Representative
- Willie Brantingham, Volunteer Firefighters' Representative
- Don McDonald, County Interest Representative
- Rick Hoffman, Professional Firefighters' Representative
- Richard Hughes, Industry Representative
- Al Phillips, Ohio Department of Transportation
- Brian Galligher, LEPC Representative

**3 Voting Members were not present**

- Raenell Nagel, Environmental Representative
- Doug Johnson, Ohio Department of Natural Resources
- Clyde McKenzie, Fire Chief Representative

**Members not appointed by Governor**

- Municipal Corporation Representative (Vacant)

**Waive the 24 Hour Rule:**

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

Record of Vote:     15 -For  
                          0- Against  
                          0- Abstain

**Approval of December 11th, 2014 SERC Meeting Minutes:**

Cindy asked for a motion to accept the December 11<sup>th</sup>, 2013 SERC meeting minutes. A motion was made by Staff Lieutenant Kenneth Kocab. Motion to accept was seconded by Al Phillips.

Record of Vote:     15 -For  
                          0 -Against  
                          0 –Abstain

**SERC Committee Reports:**

**Executive:**

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

Cindy stated that Rick Hoffman has been reappointed for a one year term. Brian Galligher shall not be seeking another appointment to the SERC due to other commitments. Russ Decker, Allen County has applied to the Governor’s Office of Board and Commission for the slot on SERC. The municipality representative vacancy remains.

The changes to the ORC as it relates to the pending exercise changes have been placed in the no action file temporary due to Ohio EMA having to deal with the winter storms and propane shortage issue that Ohio is facing.

The Paulding County LEPC exercise issue was discussed. They have not done a full-scale exercise for numerous consecutive years. SERC sent a letter that the LEPC that addressed the issue and they have scheduled a full scale for February 25<sup>th</sup>. Randy Schaffer, Paulding County EMA Director is taking the lead on coordinating the scheduled exercise. Ohio EMA indicated that Paulding County does have a concurred plan in place.

Cindy updated the members on the chemical inventory reporting and the oil and gas industry. For those oil and gas companies that reported their inventory information back in November/December 2013, we are offering them some flexibility in the way they are to report come March 1, 2014. They have to submit a new form developed that includes the new data elements and reference last year’s submission. If they submitted a map last year, they do not have to resubmit a new map. This shall get them into both state and federal compliance. Tim Kern (AGO) reviewed and approved this “shorter form” from a legal compliance perspective. Don McDonald asked if the LEPCs were required to data enter all the oil & gas reports into CAMEO. Cindy DeWulf responded that decision rests with the LEPC. Don McDonald mentioned that for Stark County this represents a lot of paperwork and data entry time.

Ohio EPA is working with approximately 110 reporting facilities regarding their marking “trade secret” on their annual inventory report. Most are responding back that they marked the trade secret box off by mistake or oversight. They are submitting corrected reports as a result.

Ohio EPA has been approached by one of our statewide emergency response on-scene coordinators about our administrative rule on release reporting. SERC rule references navigable waters and under ORC 6111 it reference waters of the state. He would like SERC to discuss and consider using waters of the state to come into align with ORC Chapter 6111. Some discussion on topic was presented and the Operations and Issues Committee shall further discuss the issue at their next meeting.

Ohio EPA is working on amending SERC rule 3750-30-20 to incorporate the new reporting data elements that USEPA has incorporated into the annual chemical inventory reporting form. Many comments are being submitted with common theme of bringing the oil and gas sector into the emergency planning and community right-to-know reporting requirements.

Don McDonald mentioned that there is a concern with the inter-modal transportation issue and what constitutes “in transit.” This maybe an issue for SERC or one of it’s committees to look further into for guidance to our statewide LEPCs. This is a definite concern in Stark County.

USEPA in a joint venture with other federal/state/and local emergency planners and responders are initiating a database and response tool for emergencies. They have approached Ohio EPA and SERC for a listing of our statewide database. There is a public version that can be accessed by the general public and a privileged version with more detailed information for emergency planners and responders. Cindy stated that federal law is very specific with access to data under EPCRA and SERC must be ensured by the group that the information must be protected from blanket public information requests.

Lastly, Cindy updated the members on the Presidential Executive Order that is currently taking comments from people. The intent of the order is to improve upon hazmat emergencies and information sharing amongst federal/state/and local responders and planners. Comments received thus far have encouraged required web based reporting, access to the CFATS (Chemical Facility Anti-Terrorism Standard) data being reported under Homeland Security law, and improving upon the Risk management Program (RMP).

**Administrative & Funding:**

The committee met prior to today’s SERC meeting.

The committee discussed most if not all the items outlined in the Executive Committee report.

The committee did discuss potential goals to establish for the 2014 year. Committee needs to address the penalties associated with LEPCs not doing their exercise or submitting required reports to the SERC. We previously deducted funds from the grant awards, but we were required to change that past practice in accordance to guidance from Tim Kern (AGO). In addition, web based reporting system continues to be a priority for the committee to address and move toward.

**Operations & Issues:**

Meeting shall take place in March 2014 and committee shall take up the release reporting issue as presented between navigable waters as used by SERC for release reporting verse waters of the state as used by Ohio EPA field emergency responders.

**Training and Education:**

Willie Brantingham stated that the meeting concentrated on discussing potential topics for this coming year LEPC Conference. Initial topics discussed were CAMEO and information management of the inventory reports, oil & gas reporting, new forms data elements, Risk Management Plan, Cessation of Regulated Operations and air monitoring at oil & gas well drilling sites.

**Agency Reports:**

**EMA**

Ohio EMA commented that the Stark County exercise request for an actual event is being written up for concurrence.

Ohio EMA indicates that there is **1 LEPC Exercise up for SFY 2014 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolution 2014-1** as documented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 15- For  
0- Against  
0-Abstain

Ohio EMA indicates that there is **1 LEPC Exercise up for SFY 2014 (60-Day Corrective Action- Warren County) Exercise Concurrence**. Don McDonald made a motion to approve **Resolution 2014-2** as documented. Jeff Leaming seconded the motion. No discussion.

Record of Vote: 15- For  
0- Against  
0-Abstain

Ohio EMA indicates that there is **1 LEPC Exercise up for SFY 2013 (60-Day Corrective Action- Morgan County) Exercise Concurrence**. Don McDonald made a motion to approve **Resolution 2014-3** as documented. Jeff Leaming seconded the motion. No discussion.

Record of Vote: 15- For  
0- Against  
0-Abstain

Ohio EMA indicates that there are **11 LEPC Plans up for SFY 2014 Plan Concurrence**. Willie Brantingham made a motion to approve **Resolutions 2014-4 thru -14** as documented. Brian Galligher seconded the motion. No discussion.

Record of Vote: 15- For  
0- Against  
0-Abstain

### **EPA**

Cindy DeWulf introduced "**2013-2115 LEPC Membership Appointment**" **Resolutions 2013-15 thru -21**, appointing new members for Ashtabula, Athens, Franklin, Geauga, Marion, Mercer and Washington counties. Rick Hoffman made a motion to approve. Brian Galligher seconded the motion.

Record of Vote: 15- For  
0- Against  
0- Abstain

LEPC meeting minutes were provided for Gallia, Miami, Trumbull and Washington planning districts.

Cindy DeWulf mentioned that the fiscal filings are due by April 15<sup>th</sup> to the state. SERC pays the filing fee and there are on-line filings available.

**ODNR:** Scott Kell provided SERC with an update on oil & gas reporting, the petition that was filed with USEPA and what is the current status of the oil & gas database and reporting under ORC 3750.081. There was a meeting with representatives from ODNR, EPA, Tim Kern (AG), Oil and Gas Association and a member of the Ohio General Assembly. As a result, ODNR working with Ohio EPA folks plan to move forward to improve the oil and gas database with intent to bring it into compliance with EPCRA requirements. This will be a major upgrade that is needed and ODNR is committed to making the investment contingent that USEPA must formally approve prior to our follow through to make the changes and upgrades to the system. ODNR plans to increase the utility of the system, expand its functions and make it much more user friendly. ODNR is ready to move forward once they receive positive recognition and approval by USEPA. It was a very positive meeting they had with the group as mentioned.

**PUCO:** Nothing to report.

**Health:** Nothing to report.

**SHP:** Nothing to report.

**SFM:** Jeff Leaming briefly spoke of the statewide limited propane availability that Ohio is facing. There also was a fuel release in Seneca County where vapor fumes are being channeled into people's households. The storm sewer in the area collapsed resulting in the buildup of the fuel and no vent or vapor covers in the older homes in the area..

**ODOT:** Nothing to report.

**AGO:** Nothing to report.

**Other:**

Meeting adjourned.