

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, OEPA/DAPC

Subject: April 8th, 2015 SERC Meeting Minutes

Date: May 21st, 2015

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The April 8th, 2015 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency in Columbus, Ohio by Craig Butler, SERC Co-Chair (Ohio EPA).

**17 Voting Members were present:**

- Craig Butler, Ohio EPA, SERC Co-Chair
- John Born, Ohio Department of Public Safety, SERC Co-Chair
- Tim Kern, Attorney General's Office
- Dan Fisher, Public Utilities Commission of Ohio
- Tim Flock, LEPC/EMA Representative
- Jack Everson, Municipality Representative
- Doug Johnson, Ohio Department of Natural Resources (alternate)
- Jennifer Klein, Industry Representative
- Don McDonald, County Interest Representative
- Larry Lindrose, Industry Representative
- Carl Merckle, Ohio Department of Transportation
- Cliff Mason, Fire Chief's Association
- Randy Van Dyne, Environmental Representative
- Willie Brantingham, Volunteer Firefighters' Representative
- Staff Lieutenant Kenneth Kocab, State Highway Patrol
- Jeff Leaming, State Fire Marshal's Office
- Michael Snee, Ohio Department of Health (alternate)

**1 Member(s) not appointed by Governor**

- Environmental Representative (Vacant)
- Professional Firefighters' Representative (Vacant)

Ohio EPA Director Craig Butler and Ohio Department of Public Safety Director John Born introduced themselves to the SERC membership.

**Waive the 24 Hour Rule:**

Don McDonald made the motion, seconded by Staff Lieutenant Kenneth Kocab that the 24-hour rule be waived.

Record of Vote:      17- For  
                             0- Against  
                             0- Abstain

### **Approval of February 11th, 2015 SERC Meeting Minutes:**

Director Butler asked for a motion to accept the February 11th, 2015 SERC meeting minutes. A motion was made by Doug Johnson. Motion to accept was seconded by Dan Fisher.

Record of Vote:     17 -For  
                          0 -Against  
                          0 –Abstain

### **SERC Committee Reports:**

#### **Executive:**

Director Butler stated that the Executive Committee met prior to today's meeting.

Tim Flock has accepted a request to fill a vacant position on the Executive Committee replacing Russ Decker who now is a Deputy Director at Ohio EMA. Motion was made by Willie Brantingham to accept Tim Flock as a member on the SERC Executive Committee. Motion seconded by Staff Lieutenant Kenneth Kocab. Motion approved by 17-0 vote.

The committee discussed the issue of enforcement, both locally and at the state level. Historically, this issue has been minimal at best and the committee would like to increase our collective efforts in this area. Committee shall initiate outreach efforts that will outline the enforcement process with goal to increase statewide applicability and guidance. Don McDonald provided valuable local feedback at the committee meeting regarding issues in this area taking place in Stark County.

The committee discussed the pending issue of amending the exercise portion of the program under ORC Chapter 3750 and incorporating pipelines into the exercise option for SERC review and credit. Currently, LEPCs cannot receive exercise credit for pipeline exercises. Ohio EMA shall take the lead on this subject and revisit to also possibly include train derailments as well. SERC needs to acknowledge these types of hazmat related events.

Director Butler continued with the amended LEPC Membership Form for the upcoming LEPC appointments in August 2015. The amendments to the form eliminated the personal information such as home phone numbers and addresses. Jennifer Klein shall introduce the new formatted form at the full meeting for approval.

Additional topics discussed centered on the oil and gas inventory reporting issue and the interaction between SERC, ODNR and pending draft legislation language to transfer all inventory reporting back to ODNR and their oil and gas information management system.

Don McDonald spoke to the committee regarding the issue of inventory reporting and reporting motor oil by the quick oil change facilities. A major company involved in this type of business states that motor oil is not a hazardous substance under OSHA and does not need to be reported. The Stark County LEPC disagrees and currently has discussed the issue with Ohio EPA and Tim Kern (AGO). Jeff Beattie did indicate that in Ohio, we have slightly over 60 facilities that fall under the quick oil change label that are reporting under this program.

Cindy Dewulf provided information on the Executive Order by USDOT for the Bakken Crude Oil rail transport reporting to the state's fusion center. It appears that there are LEPCs who have not received the information from the center. Discussion ensued and it appears that clarification is needed from the Fusion Center to the locals on how to get set-up in the system. Locals must sign-up within the DPS Central Information Management System (CIMS). Director Born will have someone at the next SERC meeting to provide a briefing on the CIMS.

#### **Administrative & Funding:**

Jennifer Klein stated that the committee met prior to today's meeting.

The committee recommends SERC Resolution 2015-41 that allocates the emergency planning fund in a 75% designated for LEPCs; 20% state agencies and 5% for fire training. This allocation maximizes the amount allowed under ORC 3750 for the local awards. Motion to accept said resolution made by Jennifer Klein and seconded by Randy Van Dyne. Motion approved 17-0.

The committee continues to discuss and find ways to streamline the LEPC grant application. The committee wants to add language to the hazardous analysis portion of the application. Primarily seeks information explaining why there is an extended number of years where no updates to hazard analysis has taken place. Committee reviewed LEPC applications from this past year and found several where LEPC noted that last hazard analysis conducted dated back 7 years and several left that portion blank with no response.

Jennifer Klein made a motion to accept the revised and reformatted LEPC Membership Form as presented in Director Butler's Executive Committee report. Don McDonald seconded the notion. Motion approved 17-0.

#### **Operations & Issues:**

Tim Flock stated that the committee is getting re-established. The committee meets on the 2<sup>nd</sup> Wednesday of the off SERC meeting month from 10 am-12 noon. Tim plans on having the committee meet in different locations around the state to try and get new members on board.

#### **Training and Education:**

Willie Brantingham stated the committee met earlier in the day.

The committee discussed the agenda for the upcoming LEPC Conference. Most topics and speakers have been secured. Tim Flock will be meeting with Kathleen Nelson to see if HMEP funds can be used to pay for a speaker from Texas to provide the morning plenary presentation on the ammonium nitrate explosion in West, Texas.

The committee discussed committee goals for the 2015 calendar year.

Don McDonald wants to see USEPA Region 5 get more involved in Ohio. He feels that our Ohio program is severely underserved from the region office in comparison to what other states receive from their regional EPA offices. Director Butler recommends the committee receive feedback to what other regional offices are doing favorably that our region is not providing. SERC can in turn write a letter to Region 5 that has specific requests contained within.

### **Agency Reports:**

#### **EMA**

Ohio EMA indicated that there are **8 LEPC Exercises up for SFY 2015 Exercise Concurrence**. Willie Brantingham made a motion to approve **Resolutions 2015-23 thru -30** as documented. Jack Everson seconded the motion. No discussion.

Record of Vote: 17- For  
0-Against  
0-Abstain

#### **EPA**

Cindy DeWulf introduced "**2013-2115 LEPC Membership Appointment**" **Resolutions 2015-31 thru -40**, appointing new members for Ashtabula, Hardin, Knox, Logan, Morgan, Portage, Preble, Summit, Tuscarawas and Washington counties. Jeff Leaming made a motion to approve. Staff Lieutenant Kenneth Kocab seconded the motion.

Record of Vote: 17- For  
0- Against  
0- Abstain

LEPC meeting minutes were provided for Fairfield, Gallia, Medina, Tuscarawas and Washington planning districts.

**ODNR:** ODNR has upgraded their mobile CAD software system within the MARCS radio system. Ohio EPA has interface with the system as well amongst other responders.

Scott Kell updated the SERC on set of ODNR rules at the public hearing phase that address improvements within the horizontal well drilling industry. The rules center on well pad safety and design to preventative measures to protect the environment and natural resources. ODNR is finalizing an SOP on stray gas response and investigations.

This will be a first of its kind nationally. Scott King has been hired to oversee the development of our ODNR emergency response and operations program. The program has intent to build out response teams for expedient support to the local emergency responders, county EMAs and the oil and gas drilling operators. ODNR shall have two regional offices (Zanesville and Cambridge/New Philadelphia area) established with field support personnel. Scott King provided a briefing of how it shall all be set-up and pledges that interaction will take place between his program and the local EMAs and LEPCs. ODNR county well inspectors will also be introduced to such entities. Goal is to increase coordination and communication across the board in those counties where active drilling is taking place.

**PUCO:** Nothing to report.

**Health:** Nothing to report.

**SHP:** Nothing to report.

**SFM:** Nothing to report.

**ODOT:** ODOT field staff equipped with MARC's radios and now providing in depth local county office training on such. ODOT taking initiative to increase communication with West Virginia regarding pipelines.

**AGO:** Tim Kern spoke briefly of enforcement issues we face and our need to further educate the LEPCs as to their options.

**Other:** Director Butler wanted to address SERC goals and priorities. Today, he and Director Born have taken more of a listening than talking approach. The Governor's Office is very engaged on how we all manage these incidents and how the state integrates our efforts with local level responders. SERC has the ability to increase engagement in this area with initiatives to improve upon planning and response. Director Born stated that SERC has ability to take your program to where you collectively want to take it as a group.

Willie Brantingham stated that the Training and Education Committee wants to get increased communications between the SERC and LEPCs. The committee also wants to reinforce that pipelines need to be blended into the program and more information and involvement with the Bakken Oil issue is needed.

Tim Flock mentioned that his committee will be taking the lead to get the LEPC Membership Handbook update so that education (or re-education) can take place at the local level with this program.

Vikki Bunting (Ohio EMA) stated that counties may disagree with her in that pipelines are specifically exempt from current federal EPCRA and state law 3750 ORC and giving credit for exercises should not take place. The exercises are designed to test the LEPC Plan and pipelines are not part of the plan. SERC needs to help LEPCs on how to put

on a robust exercise to increase enthusiasm and involvements with the exercise and training.

Meeting adjourned.