

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: April 9th, 2014 SERC Meeting Minutes

Date: May 27th, 2014

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The April 9th, 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).

**13 Voting Members were present:**

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Nancy Dragani, Ohio EMA, SERC Co-Chair
- Tim Kern, AG Office
- Ronald Swegheimer, Public Utilities Commission of Ohio (alt)
- Jeff Leaming, State Fire Marshal's Office
- Randy Van Dyne, Environmental Representative
- Jennifer Klein, Industry Representative
- Willie Brantingham, Volunteer Firefighters' Representative
- Don McDonald, County Interest Representative
- Rick Hoffman, Professional Firefighters' Representative
- Al Phillips, Ohio Department of Transportation
- Russ Decker, LEPC/EMA Representative
- Michael Snee, Ohio Department of Health (alt)

**5 Voting Members were not present**

- Raenell Nagel, Environmental Representative
- Doug Johnson, Ohio Department of Natural Resources
- Clyde McKenzie, Fire Chief Representative
- Staff Lieutenant Kenneth Kocab, State Highway Patrol
- Richard Hughes, Industry Representative

**Members not appointed by Governor**

- Municipal Corporation Representative (Vacant)

Cindy welcomed Russ Decker to the SERC. Mr. Decker has replaced Brian Gallagher and represents the interests of the county LEPC and EMAs.

Cindy introduced Ronald Swegheimer from the PUCO who is the designated alternate for Dan Fisher at today's meeting.

**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 February 12th, 2014 SERC Meeting Minutes:**

Cindy asked for a motion to accept the February 12th, 2014 SERC meeting minutes. A motion was made by Rick Hoffman. Motion to accept was seconded by Randy Van Dyne.

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 stated the SERC still has a few vacancies. The environmental advocacy position held by Renae Nagel; Clyde McKenzie has indicated his resignation representing the Professional Fire Chief's and the municipality representative spot.

Remember that being a member of a state board or commission requires the filing of financial disclosure information. The deadline has been extended to May 15<sup>th</sup> and SERC will pay the filing fee on your behalf.

Cindy updated the SERC on the oil and gas reporting issue. Ohio Department of Natural Resources has committed to updating their oil and gas enterprise information management system to include becoming compliant with the federal reporting data elements of the Emergency Planning and Community Right-to-Know Act. There was a conference call with ODNR, Ohio EPA, USEPA and members of Congressman Johnson office. ODNR requested written clarification and assurances from USEPA before they move forward with committing state dollars to the upgrade that it will be accepted by USEPA.

Cindy then mentioned that there is a Budget Correction Bill draft being circulated that does contain language addressing the interaction between SERC, ODNR, ORC Chapter 3750.081 and changes in filing fees for the oil and gas sector under our program. There seems to be confusion to the entire oil and gas issue that we are

discussing and keep in mind that the Correction Budget Bill is only in draft at this point in time. Cindy is working with the agency's Director's Office and legislative liaison to address this segment in the draft bill.

On behalf of the SERC, Ohio EPA is moving forward with the OAC 3750-30-20 that incorporates the new data elements now required. As part of the process, we have received a lot of comments, most of which were boiler plate letters that commented on the oil and gas issue and not the new rule language as proposed. One comment received wanted to make a short form and eliminate the map requirement. We shall move forward with the rule changes as presented that only incorporate the new data elements to the reporting forms as given to us by USEPA. No other changes are being proposed at this time.

Rich Lauffer (Ohio EMA) asked if the current oil & gas drilling that is taking place, can these drilling facilities be made subject to the plan and thus can the LEPCs exercise at these locations. The question led to how one defines "subject to the plan." Can an LEPC just add the facility to the plan or does it have to have at least one or more EHS to be subject to the plan. Nancy Dragani recommended taking the issue and having the SERC Operations and Issues committee look further into the issue.

In addition to the above administrative rule as discussed, Ohio EMA and EPA are also moving forward with numerous "no change" to current SERC rules as part of the 5-year rule review. The rules deal with internal SERC management and operating procedures, how to add additional reporting facilities under the variance process and lockbox rules. Ohio EMA is moving forward with no change to the SERC exercise rules at this time knowing that they may change in the future once they formally decide on a course of action to the exercise program in Ohio. Don McDonald inquired as to why SERC has rules on lockboxes when that is a fire department issue. Discussions and comments on the subject were stated by various members that demonstrated some confusion to the rule, what it involved and what the rule intent was. A motion was made to proceed forwarding the no change set of rules onto JCARR and holding the set of lockbox rules until further clarification can be made and reported back to SERC. Willie Brantingham made the motion. Seconded by Russ Decker. Motion approved by majority vote 13-0.

Cindy provided a brief update to the Presidential Order relating to enhancing chemical storage information and sharing amongst federal/state/and local officials. Discussions also center on the chemical facility anti-terrorism security (C-Fats) program and who to add at local level to gain access to that information. This has also led into an increase in interest from the media regarding chemical storage and information availability. Ohio EPA and our public information center have been working with the media requests.

Cindy mentioned that the committee finished up their meeting by discussing possible ways to do more outreach with the LEPCs. The LEPC Conference is a wonderful venue for such, but it only is one day out of the year. A possible alternative use is with the sector/regional meetings that a few of the Ohio EMA field liaisons have in motion. These seem to be set-up quarterly in small groups with a broad based agenda. Randy van Dyne asked how would we do this and who would train the speakers. Cindy stated that

this was just initially discussed and there are many logistics to work out if indeed SERC feels that this is a worthwhile idea.

**Administrative & Funding:**

The committee did not meet prior to today's SERC meeting.

**Operations & Issues:**

Brian Gallagher will soon be out of the country for an extended time on military deployment.

The committee had a small meeting recently and committee would like to have a few more individuals become members of the committee. The committee did initially discuss the issue of "waters of the state vs navigable waterways of the state" regarding release reporting obligations. SERC release reporting language incorporates "navigable waterways of the state" while other Ohio EPA programs use "waters of the state" which is more encompassing of a definition. SERC received a request from an Ohio EPA field emergency response on-scene coordinator about the possibility of changing SERC language and incorporate "waterways of the state" for consistency. Nothing was moved forward for further action at this time, but the committee wants additional information from the Ohio EPA representative. Russ Decker stated that there are additional concerns and potential ramifications and that this issue is much bigger in scope than just thinking it is a simple matter. Cindy requested the committee to review what the federal release reporting language states under EPCRA regarding release reporting. Don McDonald added that what if a release happens within the property boundaries which would not trigger a release report, but then it migrates into an underground aquifer. There may be confusion as a result. The issue will further be discussed at the May 14<sup>th</sup> committee meeting held at Ohio EMA at 9 am.

**Training and Education:**

The Committee met the morning of the SERC meeting.

The date of the upcoming LEPC Conference is scheduled for September 5<sup>th</sup> which will be the day after the statewide EMA Director's Conference. The committee hopes to have the agenda set by their June 9<sup>th</sup> meeting.

**Agency Reports:**

**EMA**

Ohio EMA indicates that there are **8 LEPC Exercise up for SFY 2014 Exercise Concurrence**. Russ Decker made a motion to approve **Resolutions 2014-22 thru -29** as documented. Al Phillips seconded the motion. No discussion.

Record of Vote: 13/12- For  
0- Against  
0/1-Abstain (Don McDonald- Stark County LEPC)

**EPA**

Cindy DeWulf introduced “**2013-2115 LEPC Membership Appointment” Resolutions 2013-30 thru -38**, appointing new members for Columbiana, Fulton, Geauga, Lucas, Marion, Ross, Union, Washington and Wood counties. Jeff Leaming made a motion to approve. XXXXXXXXX seconded the motion.

Record of Vote: 13- For  
0- Against  
0- Abstain

LEPC meeting minutes were provided for Ashtabula, Hardin, Mahoning, Portage and Williams planning districts.

Jeff Leaming asked if the Paulding County LEPC exercise issue has been resolved. Nancy Dragani stated that at this time the answer is no. There have been discussions about trying to get Paulding County to catch on with 2-3 other nearby county LEPCs for a joint full scale exercise. The county is having local participation not taking place within the county. Putnam and Defiance County have expressed an interest in assisting them by June 2014.

**ODNR:** Not in attendance.

**PUCO:** No report.

**Health:** No report.

**SHP:** Not in attendance.

**SFM:** Jeff Leaming has been involved in conversations surrounding the limestone caverns that are storing LPG. Several million gallons are being stored in these natural caverns. Regulatory oversight is cloudy at best on who actually has oversight at these locations. ODNR, Ohio EPA and SFM have had initial discussions. Most believe that it eventually will fall under ODNR.

**ODOT:** Al Phillips wanted to reinforce that come summer we are approaching the orange barrel construction on Ohio roads. New drive zones will be put into play and just be careful.

**AGO:** No report.

**Other:** Nancy Dragani asked Jennifer Klein to see if she could schedule and put together a brief presentation on what industry is doing in terms of best practices and performance in area of site security, handling of chemicals and hazardous waste, chemical recycling, etc....to the SERC.

Meeting adjourned.