

To: State Emergency Response Commission (SERC)

From: Jeff Beattie, OEPA-RTK through Cindy DeWulf, DAPC & SERC Co-Chair

Subject: April 13, 2011 SERC Meeting Minutes

Date: June 1, 2011

The April 13, 2011 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency by Cindy DeWulf, SERC Co-Chair (Ohio EPA).

10 Voting Members were present:

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Randy Van Dyne, Environmental Representative
- Tim Kern, AG Office
- Dan Fisher, Public Utilities Commission of Ohio
- Gary Obermiller, Ohio Department of Natural Resources
- Jack Pounds, Ohio Chemistry Technology
- Jeff Dickey, State Highway Patrol
- Clyde McKenzie, Ohio Fire Chiefs' Association
- Frank Conway, State Fire Marshal's Office
- Steve Wagner, Ohio Department of Health

9 Voting Members were absent:

- Mel House, Ohio EMA, SERC Co-Chair (Alternate)
- Brian Gallagher, EMA/LEPC Representative
- Al Phillips, Ohio Department of Transportation
- Raenell Nagel, Environmental Representative
- Professional Firefighters' Representative (**Vacant**)
- Volunteer Firefighters' Representative (**Vacant**)
- County Interest Representative (**Vacant**)
- Elected Official Representative (**Vacant**)
- Industry Representative (**Vacant**)

Waive the 24 Hour Rule:

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

Record of Vote: 10 -For
 0- Against
 0- Abstain

Approval of February 9, 2011 SERC Meeting Minutes:

Cindy DeWulf asked for a motion to accept the February 9, 2011 SERC meeting minutes. A motion was made by Dan Fisher. Motion to accept was seconded by Jeff Dickey.

Record of Vote: 10 -For
 0 -Against
 0 -Abstain

SERC Committee Reports:

Executive:

Cindy DeWulf stated that the SERC has four remaining appointments that the Governor’s Office needs to make. Those slots were held by Willie Brantingham, Richard Hughes, Nancy Osborn, and Rick Hoffman. Randy Van Dyne has been appointed for another 2 years.

The Executive Committee will consider issuing orders to any LEPC who demonstrates non-compliance with SERC rules and requirements. The County Commissioners, County Prosecutor, and County Auditor will be sent a copy of the orders. The LEPC can appeal the Order to the Environmental Review Appeals Commission. At the last meeting, the Executive Committee voted to issue orders to Trumbull and Putnam Counties for failure to submit an acceptable plan. The orders would require the LEPCs to submit an acceptable plan within 30 days of receipt of the orders. EMA staff worked to develop the Trumbull County orders with Tim Kern.

At today’s meeting, the Executive Committee voted to revoke the previous vote to issue orders to Trumbull County because the county had submitted an acceptable plan. The Executive Committee voted to issue orders to Putman County and to Washington County for failure to issue an acceptable plan.

The Executive Committee shall request the Administration & Funding to develop administrative rules that will address the grant funding formula and any penalties that will be incorporated there within.

Administrative & Funding:

The Administration & Funding Committee met prior to today’s meeting.

Cindy DeWulf stated that the Champaign County LEPC has certified that the training needs have be met within their county in accordance with their LEPC Plan and now want to contribute LEPC funds for 50% of the maintenance cost of the CodeRed Emergency Warning System. After discussion, the Committee felt that the LEPC can provide up to 50% of the total annual cost toward the maintenance of the CodeRed System. The Committee shall also add language to the “LEPC Funding” document that addresses LEPC funds being used for emergency notification systems.

Cindy noted that the committee will be updating the grant application and Fiscal Status Report in order to clearly outline the activities which should be funded by the grant. The grant would serve as a checklist for the grant report. The committee's concern is that the LEPC grant application packets currently contain a lot of ancillary information that is not related to LEPC activities.

Cindy stated that based on the guidance of the AGO on the LEPC funding distribution, the reduction in funding for failure to complete specific activities has been removed from the LEPC Funding Resolution that has been used in the past and is now being presented to the SERC for approval.

Resolution 2011-61; Allocation of the Emergency Planning Fund 3750.14(B) as found in your meeting packet outlines the total fund allocation breakdown for LEPCs (75% of total funds available); State Agencies (20%); and Fire Department (5%). Jack Pounds made the motion, seconded by Steve Wagner that Resolution 2011-61 as presented be approved.

Record of Vote: 10 -For
 0- Against
 0-Abstain

Cindy passed out **Resolution 2011-62; SFY 2012 LEPC and Training Grant** for member review and vote. The Resolution is same that has been used for many past consecutive years, but as discussed the funding reductions for nonperformance have been removed. Steve Wagner made motion to accept and approve Resolution 2011-62 as written, seconded by Clyde McKenzie.

Record of Vote: 10 -For
 0- Against
 0- Abstain

Operations & Issues:

Vicki Bunting stated the Committee had a brief phone conference regarding the railroad commodity issue, but committee soon concluded that it was best to wait until Brian Galligher got back from his military duty in Japan to proceed further.

Training and Education:

Willie Brantingham stated that the group continues with the agenda and planning for the upcoming August 10-11, 2011 LEPC Conference to be held at the State Fire Academy. The committee working on finalizing the flyer and will get it to Jeff Beattie to e-mail to all LEPCs. The committee is also working on getting a direct billing set-up at a hotel. Details shall follow once worked out.

Agency Reports:

EMA

Ohio EMA indicates that there are **2 LEPC Exercises up for SFY 2011 Exercise Concurrence**. Steve Wagner made a motion to approve **Resolutions 2011-49 through -50** as documented. Clyde McKenzie seconded the motion. No discussion.

Record of Vote: 10/9- For
0- Against
0/1- Abstain (Jeff Dickey)

Cindy DeWulf stated that there is **1 LEPC Plan up for SFY 2012 Plan Concurrence**. Clyde McKenzie made a motion to approve **Resolution 2011-51** as documented. Dan Fisher seconded the motion. No discussion.

Record of Vote: 10- For
0- Against
0- Abstain

Cindy continued with there is **1 LEPC Plan (Trumbull) up for SFY 2011 Plan Concurrence (60-day Corrective Modified Plan)**. Dan Fisher made a motion to approve **Resolution 2011-52** as documented. Frank Conway seconded the motion. No discussion.

Record of Vote: 9- For
0- Against
1- Abstain (Clyde McKenzie)

EPA

Cindy DeWulf introduced **LEPC 2009-11 LEPC Membership Appointment, Resolutions 2011-53 through -59**, appointing LEPC memberships to **7 planning districts (Belmont, Clermont, Morrow, Ross, Summit, Washington, and Wood counties)** as documented. Clyde McKenzie made a motion to approve. Jack Pounds seconded the motion.

Record of Vote: 10- For
0- Against
0- Abstain

LEPC meeting minutes were provided for Ashtabula, Clermont, Cuyahoga, Defiance, and Trumbull counties.

ODNR

No Report

PUCO

No Report

Health

Steve Wagner mentioned that Bob Owens has retired from the State Health Department. Michael Seed has been named to be the alternate on SERC. Michael is the new Radiological Chief at the Department.

SHP

No Report

SFM

Frank Conway stated that the Academy has conducted 143 training courses, of which 29 have been on the Academy campus.

SFM course listings for April, May, and June have been posted on our web site and copies have been brought to today's meeting. Scheduling or questions are directed to 888-726-7731 or visit www.com.ohio.gov/fire

ODOT

Not in attendance.

AGO

Tim Kern wanted to reaffirm that the enforcement program as outline today is a good path to follow. The SERC still needs to come up with a penalty matrix for penalty recommendations, but today's outcome is a good head start.

Meeting adjourned.