

**INDIANA EMERGENCY RESPONSE COMMISSION (IERC) Meeting
Marion County Health Department
4012 North Rural Street
Indianapolis, Indiana 46205
January 8, 2018, 1:30pm**

COMMITTEE MEMBERS PRESENT

James Greeson—State Fire Marshal, Chair
James Pridgen—Business/Industry Representative
Bernie Beier—Local Government Representative
Bruce Palin—Public Representative
Laura Steadham—Designee for IDEM Commissioner
Larry Hamby—Designee for IDHS Executive Director
Jeff Larmore—Local Government Representative
Shawn French—Business/Industry Representative

COMMITTEE MEMBERS ON THE PHONE

Cara Cyrus—Business and Industry Representative
Matt Bilkey—Designee for Superintendent of ISP

The following IDHS staff members were present:

Tracy Smith—IDHS	Marc Torbeck—IDHS
Kassandra Buster—IDHS	Alex Straumins—IDHS
Justin Guedel—IDHS	Ian Ewusi—IDHS
Kraig Kinney—IDHS	

The following audience members were present:

Lindy Meyer—Stenographer
Megan Rowe—Marion County Health Department
Bill Beranek—Marion County LEPC

WELCOME AND INTRODUCTION

Mr. Greeson welcomed everyone to the Indiana Emergency Response Commission (IERC) meeting and requested the determination of a quorum.

QUORUM

Ms. Buster indicated a quorum was present.

CONSIDERATION OF MINUTES

Mr. Pridgen made a motion to approve the November 13, 2017 meeting minutes and was seconded by Mr. Beier. No further discussion.

Roll Call Vote

Mr. Palin — Yes

Mr. Pridgen—Yes

Mr. Bilkey—Abstain

Mr. Beier—Yes

Ms. Cyrus—Yes

Mr. French—Yes

Mr. Larmore —Yes

Ms. Steadham—Yes

Mr. Hamby—Yes

Motion Carried.

REPORT OF THE CHAIR

Mr. Greeson hoped that all present had happy holidays. He reported that Ms. Hackney recently left the Indiana Department of Homeland Security (IDHS) and joined the Indiana Department of Environmental Management (IDEM) and he further reported that Mr. Offerman submitted a Commission Resignation Letter and has moved to Florida. He reported that several LEPCs have volunteered to participate in the beta testing the new LEPC reporting module. Mr. Greeson inquired about inviting Mr. Larson to an IERC meeting and recognizing him for his service on the IERC and

Mr. Ewusi reported that Mr. Larson has been unavailable.

Mr. Greeson reported that the chairman's report was brief and he reported that there have not been any major spills reported and reported that the Tier II facility reporting began on January 1, 2018. Mr. Greeson recommended changing the agenda to allow the guest speaker to present earlier than originally scheduled. After the presentation, Mr. Greeson introduced Mr. Craig Kinney as the new IDHS attorney who is assigned to the IERC.

GUEST SPEAKER

Michael Bradly, Deputy Chief of the Pokagon Tribal Police Department was the guest speaker. Mr. Bradly presented on the Pokagon Band of Potawatomi tribe, the only federally recognized Indian tribe in the state of Indiana. Mr. Bradly discussed the tribe's history, homeland, tribal governance, sovereign services, citizen services, social services, support services, and economic development. Mr. Bradly reported that the tribe owned local businesses, would benefit from knowing about the LEPCs and could organize an LEPC in the near future. Mr. Bradly reported that the tribe planned to develop a 2018 basic response plan and conduct an annual table top exercise. He further reported that the tribe's homeland was identified in six (6) Indiana Counties, Elkhart, Kosciusko, LaPorte, Marshall, St. Joseph, and Starke.

ROSTER APPROVAL

Ms. Buster presented the following 14 LEPC rosters for membership appointments or removals:

Brown	Crawford	Floyd	Howard	Jasper
Jay	Montgomery	Morgan	Porter	Rush
Steuben	Wells	Wells	Whitley	

Mr. Greeson requested a motion to approve the roster as submitted by staff. Mr. Pridgen made a motion to accept and was seconded by Mr. French. No further discussion.

Roll Call Vote

Mr. Palin —Yes

Mr. Beier—Yes

Mr. Larmore —Yes

Mr. Pridgen—Yes

Mr. French—Yes

Ms. Steadham—Yes

Ms. Cyrus—Yes

Mr. Hamby—Yes

Mr. Bilkey—Yes

Motion Carried.

COMMITTEE REPORTS

Communications Committee-Jeff Larmore, Chair

Mr. Greeson reported that the Communications Committee did not meet.

Policy-Technical Committee-Jim Pridgen, Chair

Mr. Pridgen reported that several items were discussed during the Policy-Technical meeting. Ms. Smith reported that the committee discussed approving seminars and workshops as LEPC exercises and she reported that this policy would provide an opportunity for struggling LEPCs to meet the annual requirements. She reported that the Training and Policy-Technical Committee discussed developing and distributing feedback forms at the end of LEPC training courses to determine the performance of instructors. She further reported that staff would receive the forms, work with the IDHS training staff and analyze the results.

Ms. Smith reported that staff informed eighty-two (82) LEPCs of the non-reporting facilities in their counties and she advised that the LEPCs have been working hard to reach out to these facilities. She reported that there were four hundred and thirty-four (434) non-reporting facilities remaining on the list of six-hundred and thirty-four (634) facilities report at the last IERC meeting. She advised that staff would submit the updated list of non-compliant facilities at the next IERC meeting and she recommended that the Commissioners make the decision on submitting the list to EPA for enforcement. Mr. Pridgen suggested that staff identify trends of counties that have higher numbers of non-reporting facilities. Ms. Smith reported that staff was still working on deleting the duplicate accounts from the Tier II Manager system.

Ms. Smith advised that Doug Cook, IDHS District Coordinator, was assisting the Switzerland County LEPC in submitting their 2017 annual requirements. She reported that Switzerland County has completed three (3) legal meetings, their 2017 bylaws, were working on their plan, and their exercise was scheduled for February 7, 2018. She advised that the Switzerland County fiscal budget did not match the amount IDHS had on file and she further advised that staff was working with the LEPC to reconcile the account balance. Mr. Pridgen inquired the different amounts and Ms. Smith reported that the figure was around five (5) thousand dollars. Mr. Pridgen advised that staff would continue to review their accounts and determine how to assist them. He reported that staff would present a balanced budget to the Policy-Technical Committee when it was available.

Mr. Pridgen reported that Switzerland County was working hard to complete their annual requirements and they were conducting an exercise on February 7, 2018. He reported that their exercise was for 2017 and he recommended that Doug Cooke and the Switzerland County LEPC appear before the IERC to request 2017 funds. He advised that staff should not make the decision to approve funding and he further advised that similar situations had arisen in the past. Mr. Pridgen recommended that Switzerland County submit a letter explaining the exercise details and request the approval for 2017 funds.

Mr. Pridgen reported that Ms. Buster was doing an outstanding job reaching out to LEPCs missing 2017 documentation. Ms. Buster reported that a email were sent to LEPCs missing compliance documents and that forty (40) to forty-six (46) LEPCs have completed 2017 requirements. She advised that staff will continue working with the remaining LEPCs missing compliance documents and would utilize assistance from IDHS District Coordinators in contacting LEPCs. Ms. Buster reported that staff would compile a list of LEPCs missing compliance documents and submit the list at the March IERC meeting.

Ms. Smith reported that Cass and Carroll County have combined their LEPCs and they held an LEPC meeting on February 3, 2018, in Logansport. Mr. Pridgen reported that the LEPCs merging together was a major accomplishment for the LEPCs and the community and he recommended that Cass and Carroll County LEPCs present their projected goals at the March IERC meeting. He advised that Orange and Washington County had an unsuccessful merger in the past and he further advised that staff was meeting with Orange County to discuss re-establishing an LEPC.

Ms. Smith reported that Starke County would begin holding 2018 LEPC meetings with the new Emergency Management Director taking an active role. She advised that Mr. Hamby and she visited Jay County to discuss their LEPCs compliance. She further advised that Jay County was holding 2017 LEPC meetings but were unsuccessful in meeting the annual exercise requirement. Ms. Smith reported that Mr. Capobianco and she visited Orange County and they appeared interested in becoming active but were short on volunteers. She further reported that the industries in Orange County were interested in re-establishing an LEPC and Mr. Pridgen recommended that staff reach out to local schools, the National Guard Armory or the Chamber of Commerce.

Ms. Smith advised that Sullivan County could possibly receive 2017 funding and she reported that Crawford County submitted their roster for approval. She reported that Lake, Benton, Fayette, Blackford and Martin Counties could not be reached and she requested the Commissioners assistance. Mr. Pridgen recommended that the Commissioners discuss a strategy on how to reach out to these five (5) counties.

Mr. Pridgen reported that Vantage Point Consulting submitted a request to be added to the LEPC Planning and Training Resource (LPTR) list to provide emergency drills and workshops, hazardous risk analysis, hazmat emergency preparedness courses, and tabletop, functional and full-scale exercises. He reported that the hazmat emergency preparedness courses were approved by the Training Committee and the remaining requests were approved by the Policy-Technical Committee.

Mr. Greeson inquired if Vantage Point Consultants was on the list of approved vendors through the Attorney General's office and Mr. Ewusi clarified that LEPCs utilize the LPTR list when hiring outside resources to conduct LEPC related activities. He further clarified that the Attorney General's vendor list had different requirements and did not apply to the LEPCs. No further discussion occurred.

A motion to add Vantage Point Consulting to the LPTR list and was made by Mr. Pridgen and seconded by Mr. French. No further discussion.

Roll Call Vote

Mr. Palin—Yes	Ms. Steadham—Yes	Mr. French—Yes
Mr. Beier—Yes	Ms. Cyrus—Yes	Mr. Bilkey—Yes
Mr. Larmore—Yes	Mr. Pridgen—Yes	Mr. Hamby—Yes

Motion Carried.

Training Committee—Bernie Beier, Chair

Mr. Beier reported that the Training Committee approved a hazmat emergency preparedness course requested by Vantage Point Consulting. He reported that several counties have approached him about the role of the Training Committee and legal obligations LEPCs have as county boards when hiring a resource or trainer from the list. He reported that the resource and training list was separate from the Attorney Generals vendor list and LEPCs as county boards are required to follow the state statutes and policies.

Mr. Beier reported that the Training Committee discussed the best system to approve either the instructor or the company and the approval process could take place either at the Training Committee or the Policy-Technical Committee. He reported that implementing a vetting process to approve instructors resolves local challenges. Mr. Beier reported that IDHS and locals could coordinate and enhance the vendor approval process and he further reported the best option was to utilize IDHS District Coordinators to determine problems and solutions to the problems. Mr. Greeson opened up the floor for discussion.

Mr. Hamby reported that reviewing trainers and companies qualifications was a Training Committee responsibility and reviewing policies and guidelines was a Policy-Technical responsibility. He further reported that LEPCs decide who to hire from the LPTR list. Mr. Greeson reported that paying a vendor from state funds required the vendor to be registered with the Attorney General's office.

Mr. Beranek advised that if the state provided LEPC funds, the state should choose the vendors and he further advised that LEPCs as county boards should have the ability to select their vendors. Mr. Beranek reported that there was an unresolved issue with LEPCs as county boards and state

monitoring. Mr. Greeson reported that he has spoken to other LEPCs and they report that not much has changed since LEPCs were named county boards. He reported that the training and exercise approval process should be monitored by the Training Committee. No further discussion occurred.

Fiscal Committee-Amy Smith, Chair

Mr. Greeson reported that the Fiscal Committee did not meet.

APPROVAL OF COMMITTEE REPORTS

Mr. Palin motioned to approve the Committee reports and was seconded by Mr. Hamby. No further discussion occurred.

Roll Call Vote

Mr. Palin —Yes	Ms. Cyrus—Yes	Mr. Pridgen—Yes
Mr. Beier—Yes	Ms. Steadham—Yes	Mr. Bilkey—Yes
Mr. Larmore —Yes	Mr. Hamby—Yes	Mr. French—Yes

Motion Carried.

OLD BUSINESS

Mr. Greeson opened the floor for old business. No further discussion occurred.

NEW BUSINESS

Mr. Smith reported that staff attended the Elkhart County LEPC meeting on December 19, 2017 and the LEPC requested the opportunity to host a 2018 IERC meeting. She reported that during the meeting the Elkhart County LEPC approved various items and Mr. Greeson recommended that they could host an IERC meeting in the spring or summer due to the travel distance. Mr. Pridgen recommended changing the July IERC meeting from Bartholomew County to Elkhart County and Mr. Greeson advised that the meeting location would be updated. Mr. Greeson requested that staff ensure Elkhart had a meeting room with Wi-Fi and assessable to the public.

SARA TITLE III PROGRAM REPORT— SARA Staff (see attached written report)

LEPC Reporting Module on Tier II Manager

Ms. Smith reported that staff has performed two (2) User Application Tests (UAT) on the new LEPC module and that a list of required changes was submitted to IDSi, the developer. She reported that IDSi would make the necessary changes and updates and that staff was waiting on confirmation that the suggested changes were complete. Ms. Smith reported that the next step was to field beta test the system and advised that staff identified ten (10) percent of LEPCs to participate. She reported that the roll out was expected to occur in late January.

STAFF ACTIVITIES

Ms. Smith reported that since the November IERC meeting, staff attended eleven (11) LEPC

meetings, three (3) exercises, one (1) District Planning Meeting, and zero (0) conferences or training.

Facility Tours

Ms. Smith reported that staff conducted one facility tour at the Edwardsport Duke Energy Plant in Knox County.

2017 Plan reviews completed

Ms. Smith reported that since the October 17, 2017, plan review due date, sixty-seven (67) plans have been uploaded into the system and eighteen (18) plans have been reviewed by staff.

Tier II Reports

Tier II non-compliant facilities

Ms. Smith reported that on October 16, 2017, staff performed an audit that showed six hundred and thirty-four (634) facilities have not completed a Tier II report from 2016 and prior. She reported that staff compiled a list of non-reporting facilities per county and emailed the list to LEPCs. She further reported that eighty-two (82) LEPCs were notified. Ms. Smith advised that LEPCs were assisting staff by further vetting the list to check for errors and compliance. She reported that the list has been reduced to four hundred and thirty-four (434) facilities and she advised that staff would continue working to reduce this number. Ms. Smith reported that after March 1, 2018, the remaining facilities would be presented to the IERC to discuss further action.

Advanced Searches

Ms. Smith reported that staff did not receive any requests for advance search reports.

Spill Reports

Ms. Smith advised that there were two (2) spills reported at the November IERC meeting. She reported that both spills occurred in Posey County at Country Mark and the facility reported a release of three thousand pounds (3000) pounds of Sulfur Dioxide on November 26, 2017. She further reported that the other spill occurred on December 6, 2017 with twenty-five hundred (2500) pounds spilled. Ms. Smith advised that both of the spill reports were closed.

HMEP Grant

Ms. Smith reported the HMEP grant was still in the review process and there were seventeen (17) proposals that the Pipeline and Hazardous Materials Safety Administration (PHMSA) has requested additional information. She advised that the IDHS Grants staff was verifying that only the allowable funds were distributed by conducting extra reviews with federal partners. She reported the process was taking longer than anticipated.

Mr. Palin made a motion to approve the SARA report and was seconded by Mr. Larmore. No further discussion occurred.

Roll Call Vote

Mr. Palin —Yes
Mr. Beier—Yes
Mr. Larmore —Yes

Mr. Hamby—Yes
Mr. Bilkey—Yes
Ms. Steadham—Yes

Ms. Cyrus—Yes
Mr. French—Yes
Mr. Pridgen—Yes

Motion carried.

PUBLIC COMMENTS

Mr. Beranek, the Marion County LEPC Chair, reported that they were having a difficult time making the LEPC a county board and that no guidance was provided when LEPCs moved from state to county boards. He reported that the LEPC members were appointed by the state IERC and the process did not make legal sense. He further noted that the LEPC funding was contingent on the IERC approval. Mr. Beranek reported that this has been reported to IDHS and several legal agencies. He reported that the state does not have a solution to the problem and the problem is not a problem until an incident occurs and lawsuits are filed.

Mr. Beranek reported that the Marion County Health Department (MCHD) was the agency responsible for managing the Marion County LEPC funds and he reported that legislation is considering approval to grant authority to the MCHD to appoint LEPC members. He reported that IDHS and lobbyist attempted to reach an agreement but IDHS reported that the IERC was the legal authority to appoint the LEPC members. He advised that the Marion County LEPC wanted to be a county board but there is no legal realm for them to declare themselves as a county board.

Mr. Beranek reported that the Marion County LEPC was worried about legal protection from lawsuits if an incident were to occur. Mr. Pridgen reported that Mr. Beranek was on the right track by discussing the problem with the right individuals. Mr. Pridgen advised that the Marion County LEPC was running into federal restrictions and there was not a clear explanation as to why LEPCs were changed from county to state boards. Mr. Pridgen inquired if the problem was that the Marion County LEPC did not have the legal authority to appoint members or if the problem was about funding. Mr. Larmore reported that the legislative change would authorize the MCHD as the appointing authority and that roster updates would be brought before the IERC.

Mr. Larmore reported that the change would legally protect the Marion County LEPC and Mr. Beranek requested support from the IERC when the proposal was submitted to legislation. Mr. Ewusi reported that Indiana Code 13-25-1-6(g), permits the IERC to revise appointments petitioned by the County Commission. Mr. Beranek reported that the state made appointments and the Marion County LEPC was not protected under Indiana Code 13-25-1-6(h) because the IERC could deny requests to approve members.

Mr. Guedel reported that federal law lists the State Emergency Response Commission (SERC) as the governing body authorized to appoint LEPC members and Mr. Beranek agreed that this law was mentioned in the past. Mr. Beranek reported that a legislative change has been requested to authorize LEPCs with the authority to appoint their own members before the roster was presented to the IERC. Mr. Greeson thanked Mr. Beranek for his feedback.

Mr. Larmore inquired if LEPCs only had the authority to hire vendors approved by the Attorney General's office and Mr. Guedel reported that staff would check into the vendor approval process. Mr. Greeson inquired if staff was receiving complaints about LEPCs not receiving funds and Mr. Larmore advised that funding was not an issue. Mr. Larmore reported that the issue was approved training by the IERC if the vendor was not on the list and Mr. Ewusi reported that staff would research the situation and provide clarification.

Mr. Larmore inquired who would be held legally responsible if an incident occurred with the state approving plans and monitoring how money was spent. Mr. French inquired if there was a national president with how LEPC conducted business and designated them county boards. Mr. Beranek reported that he conducted research several years ago and Indiana was one of only a few states that had LEPCs in each county. Mr. Pridgen reported that the IERC needed to develop a resolution in 2018 because the matter has been discussed since 2016.

Mr. Greeson reported that one reason LEPCs moved from state to county boards was the ethics requirements and Mr. Beranek advised that Governor Daniels included the ethics requirement as a training tool. Mr. Beranek reported that LEPCs were not opposed to following ethical standards and policies and he further reported that another reason was that IDHS did not have the resources to monitor how the fund was being spent.

Mr. Beranek reported that the Marion County LEPC was concerned with who would be legally liable if an incident were to occur. Mr. Larmore reported that in 1954 the state legislator created the Marion County Health and Hospital Corporation for communities that had a population over a certain amount and that Marion County was the only county in the state that was over the population threshold. He recommended that the Marion County Health and Hospital Corporation become the appointing body.

Mr. Beier reported that smaller LEPCs would be affected if the state were not the governing body and he further reported that smaller LEPCs need the state monitoring them to ensure they receive funding. He reported that not having the state monitoring how LEPCs spend their funds and who they hire to perform their training would be nice from a larger LEPC perspective, especially when they abide by the policy. Mr. Beier reported that LEPCs would be at risk of becoming non-complaint or in-active and that a single county fix could be the resolution.

Mr. Ewusi reported that there was president in Wisconsin, where their LEPCs were county boards but the state did not receive funds from facilities. He reported that the LEPC funds were derived from the HMEP grant. He recommended discussing how to implement a solution to the problem. Mr. Larmore introduced Megan Rowe as the new Marion County LEPC Secretary. Ms. Rowe provided a brief background and reported that she was excited to work with the Marion County LEPC and staff. No further discussion occurred.

ADJOURNMENT

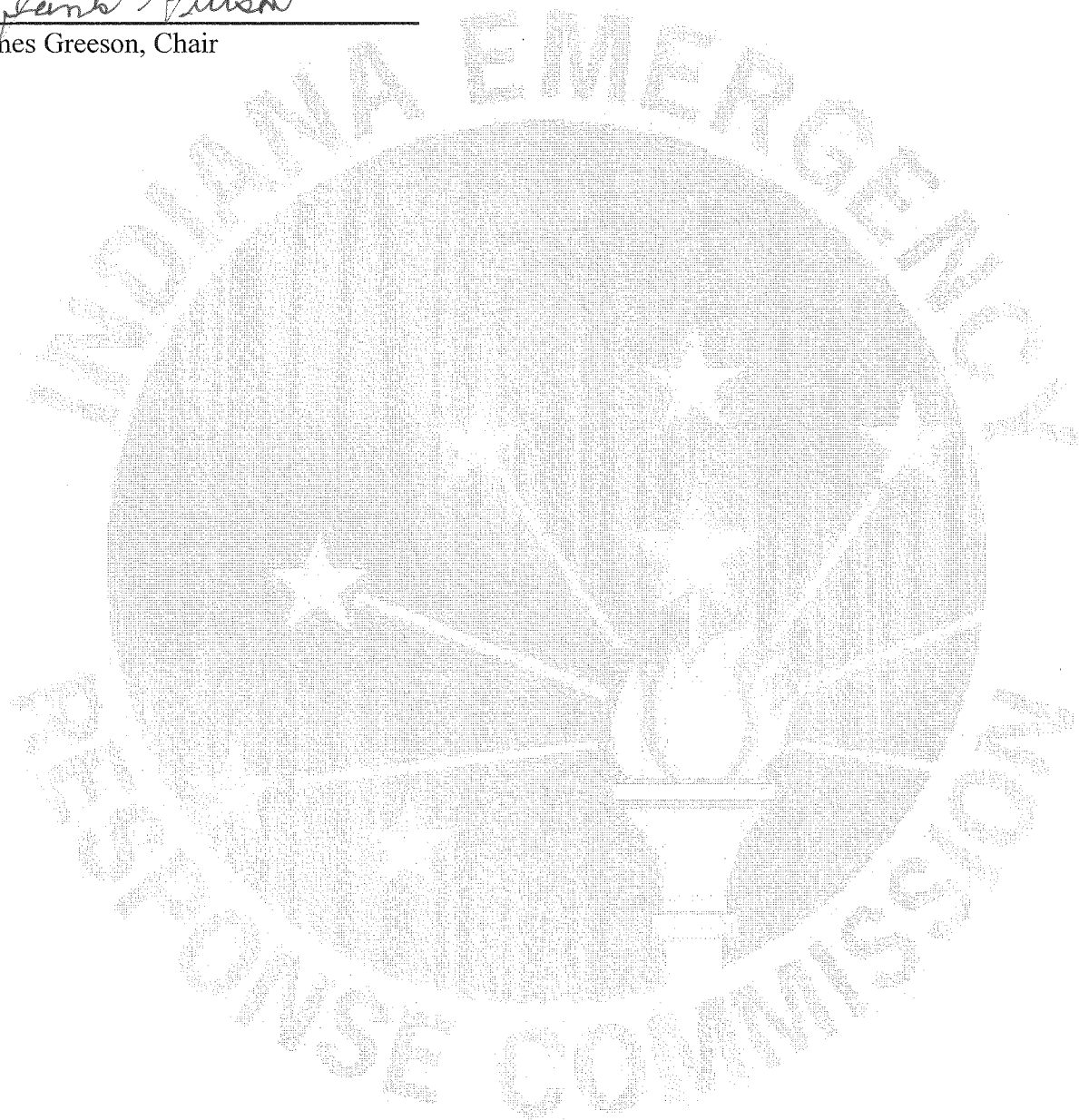
Mr. Beier motioned to adjourn the meeting and was seconded by Mr. French. No further discussion occurred. All present were in favor. Meeting adjourned at 3:36pm.

NEXT MEETING

Marion County Health Department
4012 N Rural Street
Indianapolis, Indiana
March 12, 2018 1:30 PM



James Greeson, Chair





ERIC J. HOLCOMB, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204

TO: IERC Commission Members
FROM: IERC Staff
DATE: January 8, 2018
SUBJECT: SARA Program Activity Report

FOLLOW-UP FROM PREVIOUS MEETING

LEPC Reporting Module on Tier II Manager—Staff has performed two (2) User Application Tests (UAT) on the new module. A list of required changes has been submitted to the developer iDSI to make the necessary changes and updates. At this time we are awaiting confirmation about completion of suggested changes.

The next step is to begin field testing in the coming week and staff has identified some LEPCs (10%) who have volunteered to participate. The full roll out of the system is expected to occur in late January 2018.

STAFF ACTIVITIES

LEPC Meetings Attended (11)

Ripley	Jay	Orange
Switzerland	Cass	Elkhart
Crawford (2)	Cass/Carroll	Vanderburgh

District Planning Meetings Attended (1)

District 4 DPC

Exercises Attended (3)

Delaware	Fountain /Warren	Sullivan
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Training and Conferences (0)

Facility Tours (1)

Duke Energy Edwardsport

2017 Plan Reviews Completed—(18)

In accordance with Indiana code, all active LEPCs must develop and implement hazardous materials plans. The required plan updates or the entire plan must be submitted annually on or by October 17 to the IERC for review, and an evaluation of each submission must be provided to the LEPCs. LEPCs use the evaluation provided to update their respective hazardous response plans for compliance in the next funding year. To date, sixty-seven (67) 2017 LEPC Plan updates have been received and eighteen (18) have been reviewed.

Dearborn	Jackson	Posey
DeKalb	Kosciusko	Shelby
Delaware	LaPorte	Union
Dubois	Monroe	Wabash
Floyd	Montgomery	Washington
Grant	Ohio	Whitley

Tier II Reports

- Tier II non-compliant facilities – On 10/16/17, staff performed an audit that showed 634 facilities that have not completed a Tier II report from 2016 and prior.
- Staff compiled a list of non-compliant facilities per county and emailed them to their respective LEPCs. In total, 82 LEPCs were notified. The LEPCs are assisting staff by further vetting this list for errors and compliance.
- The list has been reduced to 434 non-compliant facilities, and staff will continue working to further reduce this number.
- After March 1, 2018, the remaining facilities will be presented to the IERC to discuss further action.

Advanced Searches

Staff did not receive any requests for advance search reports.

Spill Reports (EPCRA Section 304)

<i>County</i>	<i>Date</i>	<i>No. of Reports</i>	<i>Facility/Individual</i>	<i>Chemical</i>	<i>Quantity</i>	<i>Status</i>
Posey	Nov 26, 2017	1	Country Mark	Sulfur Dioxide	3000lbs	Closed
Posey	Dec 6, 2017	1	Country Mark	Sulfur Dioxide	2500lbs	Closed

HMEP

The Grants team is still in the review process. There were 17 proposals that PHMSA (Pipeline and Hazardous Materials Safety Administration) has requested additional information on some of the projects

submitted. The Grants team is ensuring that only the allowable funds are distributed and are conducting extra reviews with our federal partners. This process is taking longer than anticipated.

