

# Indiana Emergency Response Commission

## MEETING MINUTES

### INDIANA EMERGENCY RESPONSE COMMISSION

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Meeting Date: January 9, 2023

Meeting Time: 1:30pm

Meeting Location: 1610 Reeves Road, Plainfield, IN 46168

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#### **COMMISSION MEMBERS PRESENT:** (in person participation unless otherwise noted)

Stephen Jones—State Fire Marshall, Chairperson

Michael White—Designee for Joel Thacker, IDHS Executive Director

Peggy Dorsey—Designee for Brian Rockensuess, IDEM Commissioner

Chris Barr—Designee for Doug Carter, ISP Commissioner

Jeff Larmore—Local Government Representative

Cara Cyrus—Business/Industry Representative

James Pridgen—Business/Industry Representative

Vincent Griffin—Public Representative (*via Microsoft Teams*)

Bruce Palin—Public Representative

#### **COMMISSION MEMBERS ABSENT**

Shawn French—Business/Industry Representative

#### **STAFF MEMBERS PRESENT**

Hillary Egan—IDHS

Casey Kenworthy—IDHS

Erin Miller—IDHS

Jackie Pulley—IDHS

#### **WELCOME AND INTRODUCTION**

Chairman Jones welcomed everyone to the January 9, 2023, IERC meeting at approximately 1:36pm.

#### **QUORUM**

Mr. Kenworthy noted a quorum was present.

#### **REPORT OF THE CHAIR**

The Hazmat section has spent the past several months engaging the LEPCs in Tier II in preparation for 2023's reporting season.

#### **CONSIDERATION OF MINUTES**

Ms. Cyrus made a motion to approve the minutes. Mr. Palin seconded the motion. **Motion passed.**

**Record of Votes**

Mr. Jones—Yes  
Mr. White—Yes  
Ms. Dorsey—Yes

Mr. Barr—Yes  
Mr. Larmore—Yes  
Ms. Cyrus—Yes

Mr. Pridgen—Yes  
Mr. Griffin—Yes  
Mr. Palin—Yes

**ROSTER APPROVAL**

Mr. White made a motion to approve the roster changes. Mr. Pridgen seconded the motion. Mr. Larmore abstained due to Marion County being present on the roster change list. **Motion passed.**

**Record of Votes**

Mr. Jones—Yes  
Mr. White—Yes  
Ms. Dorsey—Yes

Mr. Barr—Yes  
Mr. Larmore—Abstain  
Ms. Cyrus—Yes

Mr. Pridgen—Yes  
Mr. Griffin—Yes  
Mr. Palin—Yes

**OLD BUSINESS**

***LEPC Plan Module Training Workshops***

Mr. White explained that he, Mr. Kenworthy, Ms. Miller, and Ms. Pulley conducted 9 workshops around the state to introduce LEPCs to the new plan module in Tier II. This first round of trainings addressed the LEPC side. Mr. White reported that during each of the workshops, the first hour was typically spent letting LEPCs voice questions and concerns that have come up over the years. After addressing these concerns, the LEPCs were shown how to use the new plan module.

The team has also gone out individually to meet with counties that were unable to attend the workshop in their area. Mr. White estimates that 50-75% of the LEPCs are trained on the first half of the plan module.

Mr. White, Mr. Kenworthy, Ms. Miller, and Ms. Pulley will be hosting another round of workshops around the state starting in March to address the second half of the new plan module, the facility side.

Mr. White stated that they received a lot of feedback from the LEPCs and were happy that the whole team was present. The feedback from these workshops will be elaborated on under new business.

***Reporting Fees***

In past meetings, the Commission has discussed raising the fees charged to the facilities. The fees have not changed in approximately 20 years. Smaller counties with few or no reporting facilities struggle to see the benefit of LEPC participation due to the amount of funding received not being adequate to support their functions.

In past meetings it has also been discussed that changing the fees requires a legislative change. Mr. White stated that the deadline was missed for the next legislative session. Potential reporting fee changes could occur in the 2025 legislative year. In the spring, Mr. White will be meeting with IDHS fiscal staff and IDHS' legislative representative in pursuant of fee increases. Mr. White also stated he will try to set up a meeting for the IERC fiscal committee to discuss potential changes in fees. Mr. White also suggested including a schedule for fee increases in the legislation to make the process more proficient.

Chairman Jones pointed out that as cost increases, we need to be able to grow to match the needs in the state and provide the necessary training and equipment for responders.

Mr. Pridgen noted that there are 4 people on staff, Mr. White, Mr. Kenworthy, Ms. Miller, and Ms. Pulley, who are doing a lot of work and proposed whether to consider adding more staff members, more specifically more specialists. Mr. Pridgen stated that he knows Mr. White has a lot on his plate, he cannot train the whole state by himself. As Chairman Jones stated, one person trying to train 92 counties does not work.

## **NEW BUSINESS**

### ***LEPC Feedback from Plan Module Workshops***

Mr. White acknowledged that some LEPCs were resistant at first, but attitude changed, and spirits were high by the end of each training. There will be some growing pains in the first year, but Mr. White and his team are looking forward to clearing up any issues and having a good product moving forward.

Mr. White stated that in District 10, one of the EMAs was at first very confused why 5 state employees were there to show the LEPCs one thing. At the end of the workshop, the same EMA stated that it was clear why because everyone had their own piece to share, and he really appreciated the time taken. Mr. White vocalized that his team plans to make at least yearly in-person meetings like these workshops.

Mr. Larmore attended District 5's workshop and commented about facility hesitance to answer the questions required in the LEPC plan. Mr. Larmore thinks that there will be many facilities that refuse to answer questions. Mr. White stated that LEPCs will not be punished for trying to acquire the information. The facility is not required to answer certain questions and IDHS hazmat staff will not be a regulatory body to get the questions answered.

### ***LEPC Website Update***

Ms. Miller & Ms. Pulley have been updating the IDHS LEPC website and the IDHS IERC website after noticing how outdated some of the information was.

Ms. Pulley focused on updating videos and tutorials. Ms. Miller focused on working with the IDHS PIO website manager to remove broken links and outdated information with up-to-date, accurate links and documents. Ms. Miller also worked with PIO to develop a new way for LEPC meetings to be displayed on the website. PIO created a county map where a person can access LEPC meeting information by clicking on the county or by selecting it in a dropdown menu.

Mr. Larmore brought to attention previously that a brochure used to exist to explain what an LEPC is and does. Ms. Miller and Ms. Pulley were able to obtain an older version and have submitted the documentation to IDHS PIO to have the brochure updated. Once complete, it will go on the IDHS website.

The website is not completely done yet. There are minor changes that still need to be completed but Ms. Miller and Ms. Pulley are waiting for items to be reviewed by IDHS PIO.

Marshall Jones asked Ms. Miller and Ms. Pulley to bi-annually update the website to ensure accuracy.

Ms. Miller also stated that once PIO determines the best way, there will be a portion of the website dedicated to showing what the LEPCs are up to, such as pictures from LEPC meetings and exercises.

### ***LEPC Funds, county auditors***

Mr. White reported that during the LEPC workshops, LEPCs informed him that they were having trouble with using their funds. Mr. White explained Vigo County's situation as an example. Vigo LEPC submits a budget to the county commission every year. If an emergency comes up where the LEPC needs to make a purchase, the county states that the LEPC cannot make that purchase then. The LEPC must attend a special session of a county meeting to get the purchase approved. This can take 4-6 months to get the purchase approved.

Mr. White deferred to legal since it is a county issue but did state that the letter created for auditors several years ago could be re-sent to county auditors. The letter from the Commission explains what LEPC funds are for, how they are to be spent, and that if the LEPC approved it, then it is approved.

Chairman Jones proposed treating each instance on a case-by-case basis. The LEPC should bring their specific circumstances to the Commission who will then discuss how to best address and find a solution.

### ***IERC Fiscal Report***

Mr. White has been working with IDHS Chief Financial Officer Devon Burks, to gain more information regarding the IERC's fiscal status.

Mr. White presented the IERC operations fund (Fund 5110) to the Commission. Mr. White also explained the legal and general fund. The legal fund is a separate account managed by the state. The state can then transfer money from the legal fund to the IERC operations fund.

July 2022 was the beginning of fiscal year 2023; in July, the operations budget hold \$111,828.98. Since then, expenditures have been utilized to address fix Tier II technical issues. As of January 1, 2023, the operations fund balance was \$15,989.85. Approximately \$2-3,000 has been since then, so Mr. White estimates the current balance to be just over \$10,000. Another expense that comes out of the operations fund is the salary for one of the LEPC/IERC Program Managers. This amount was budgeted for around \$38,000. The State of Indiana raised employee salaries, moving forward this expense will be just under \$48,000.

Every year on July 1<sup>st</sup>, the IERC receive \$50,000 from the general fund.

Mr. White also explained the legal fund. Mr. White has found out through IDHS' new CFO, Devon Burks, that the money received from Tier II facilities in June goes directly into the IERC legal fund. Money that non-compliant LEPCs do not receive also goes into the legal fund.

The legal fund is a separate account managed by the state. The IERC can go to the state and ask to have money transferred from the legal fund to the operations fund. Mr. White is not able to directly access the legal fund; he has indirect access to the legal fund through IDHS CFO Devon Burks. Mr. White did not have a specific balance for the legal fund but noted it was 6 (six) figures.

Since Mr. White has direct access to IDHS CFO Devon Burks, he will now chair the fiscal committee while Mr. Palin will remain an integral part.

### ***2023 Inter-County Planning for Inactive Counties***

Mr. White stated that there are many counties that have been inactive for a long time. The IERC handbook provides instructions on how to get inactive counties involved. An LEPC planning district could be created. The process begins by the IERC approaching an inactive county's Commissioners and notifying them they have 90 days to get their LEPC active. If the Commissioners are not able, another county would take over and create a planning district to address needs for both counties. An LEPC planning district may use the funds from all counties involved.

The IERC should consider how best to help inactive LEPCs becoming active again moving forward.

LEPC compliance due dates were mentioned again. Mr. Buffum from Cass County attended virtually and asked where exactly the dates were in state code. Mr. Buffum stated that he was not able to locate them. Ms. Egan will research and get a definitive answer. Until an answer is found, Mr. White emphasized a need for standardization across allowances for compliance. Mr. White provided the example of LEPCs calling and asking Ms. Miller and Ms. Pulley for extensions. Some ask for a week, some ask for a month, some do not give a specified date. Chairman Jones emphasized that extensions should be considered within state statute.

Until the determination of the objectivity of dates are made, Ms. Miller and Ms. Pulley will continue to follow the dates as is but will do what they can in the scope of their limited ability to exist. Ms. Pulley provided an example within meeting minutes. It is as follows. Meeting minutes must be approved and signed by the chair at the following meeting. Only then can meeting minutes be approved. Meeting minutes are due 60 (sixty) days after a meeting. Several LEPCs do not have another meeting within 60 (sixty) days. Ms. Pulley and Ms. Miller have instructed LEPCs to initiate the Tier II report and upload the sign-in sheet and/or unsigned minutes, but do not finish the report. This indicates a meeting was held, there is just a wait on the approved minutes. Once those minutes have been approved, they can be added to the report and the report can be approved.

Mr. White emphasized a need to standardize allowances for late submissions of documents. Ms. Cyrus proposed that a spreadsheet be drafted to include when each county submitted their documents and the reason for any late submissions. The Commission can then ask the non-compliant LEPCs further information and make the decision from there.

Mr. White also noted that LEPCs calling and asking for extensions has also been an issue that the Commission should address, rather than Ms. Pulley or Ms. Miller. Chairman Jones wants to consider how to do extensions within state statute. It was suggested that if an LEPC needs an extension, they should present their reason to the IERC and the IERC will then make the decision whether to grant the extension or not. More specifics will be decided later.

### ***IERC Committee Tasks (Handbook update, letter to facility update, other policy updates, etc.)***

Ms. Miller was reviewing documents in the IDHS Hazmat shared folder and the LEPC webpage and found that many were out of date or needed review. Ms. Miller worked with IDHS Public Information Office to remove broken website links and create a new interface to view LEPC meetings. There is now a map on

the LEPC page whereby selecting the county on the map or the dropdown, all their meeting information can be found.

Ms. Miller updated old instructional documents to match the IDHS Style Guidelines and to update them to the most current information. Contact information for Ms. Miller, Ms. Pulley, and the 3 (three) IDHS Hazmat Specialists can also be found on the LEPC website.

Ms. Pulley created instructional videos and PowerPoints to assist LEPCs with submitting the various documents.

The website is not finished but it is live and available for people to use.

Ms. Miller found several IERC documents that she proposed for the policy/tech committee to review as they were dated 2016 or earlier. This includes the IERC Handbook, IERC bylaws, IERC electronic communications policy, etc. Mr. Pridgen asked for copies of each of these documents so he could prepare for a policy/tech fiscal meeting.

Ms. Miller and Ms. Pulley plan to update the IERC webpage later in the year when the aforementioned documents are completed.

### ***IERC Commissioner Attendance and Involvement***

Mr. White stated that during the workshops many LEPCs expressed interest in Commissioners attending LEPC meetings. Several LEPCs were unsure of who the Commissioners are. Mr. White stated that Ms. Miller and Ms. Pulley can inform the Commissioners when the LEPC meetings are. Mr. White also encouraged the LEPCs to attend IERC meetings.

Ms. Cyrus asked if IERC meeting recordings are posted online. Since many LEPC members are volunteers and often have other full-time jobs, it could be difficult to attend an IERC meeting on Monday afternoons. Having the meetings available to review at another date could be helpful.

Dustin Dyer, the Director of Boards and Commissions for IDHS was attending the meeting virtually and advised that due to an agreement with IDHS PIO, only recordings from the last 3 (three meetings) are posted. Under the records retention schedule, once meeting minutes are finalized the recording comes down. Three recordings at a time can be on the website.

### **SARA TITLE III PROGRAM REPORT**

Mr. Kenworthy reported that in risk-year 2021, \$790,240 was collected from facilities in Tier II Manager. To compare, Mr. Kenworthy pulled the amounts for risk year-2020 and risk year-2018. For risk year 2020, Tier II Manager collected \$654,370; for risk-year 2018, Tier II Manager collected \$763,860.

In preparation for risk-year 2022, Mr. Kenworthy hosted a webinar for facilities on how to complete a Tier II report. Ms. Miller and Ms. Pulley assisted. LEPCs were also invited to this webinar. Mr. Kenworthy stated that there were over 300 participants, an improvement from 2021's 250 participants.

After one week into risk-year 2022, Mr. Kenworthy reported that 561 Tier II reports have been completed or at least initiated.

Mr. Kenworthy noted that he has received notification of technological issues within Tier II Manager. Ms. Miller and Ms. Pulley have also received notification of technological issues from LEPCs. Mr. Kenworthy has discussed these issues with IDSI (the developers) and IDSI is working on a solution.

Mr. Larmore previously informed Mr. Kenworthy about an issue with CAMEO data exporting and Tier II. Mr. Kenworthy reached out to CAMEO developers to see if they had encountered the problem before. CAMEO stated that they had never encountered that issue but if Mr. Kenworthy could share the file, CAMEO would investigate it. CAMEO determined that the issue was with the file itself. CAMEO recommended reaching out to the developers of CAMEO because they manage the coding/software updates. Mr. Kenworthy reached out and has not hear back yet.

Mr. Kenworthy was asked by the Elkhart Chamber of Commerce to present how to submit Tier II report. The person who previously held Mr. Kenworthy's position gave a similar presentation before the COVID-19 pandemic. Mr. Kenworthy will be presenting this webinar virtually on January 27<sup>th</sup>.

### PUBLIC COMMENTS

Mr. Larmore asked on behalf of Dr. Berenik, who could not attend, for clarification regarding proxy attendance amount for meetings. IDHS legal counsel Hillary Egan asked for the matter to be put in writing so she could research it further. Ms. Egan stated this is the first instance where she has had this issue come up. Ms. Egan advised that in the meantime it is best to err on the side of caution and attend in person when able.

### ADJOURNMENT

Mr. White made a motion to adjourn. Mr. Pridgen seconded the motion. **Motion passed.**

### Record of Votes

Mr. Jones— Yes  
Mr. White— Yes  
Ms. Dorsey— Yes

Mr. Barr— Yes  
Mr. Larmore— Yes  
Ms. Cyrus— Yes

Mr. Pridgen— Yes  
Mr. Griffin— Yes  
Mr. Palin— Yes

### NEXT MEETING

March 13, 2023  
Elkhart County Health Department  
Neff Center  
608 Oakland Ave  
Elkhart, IN 46516

Approved: 

~~Stephen Jones, Chairman~~

Clayton Kinder, Acting Chair

Date: 5/18/23

