



**INDIANA EMERGENCY RESPONSE COMMISSION (IERC)
POLICY/TECHNICAL COMMITTEE**

Zionsville Town Hall

1100 W. Oak Street

Zionsville, Indiana 46077

January 13, 2020 [Start Time: 10:45 am]

COMMITTEE MEMBERS PRESENT:

James Pridgen—Business/Industry Representative, Chair
Matt Bilkey—Designee for ISP Superintendent
Shawn French—Business/Industry Representative
Jeff Larmore—Local Government Representative
Laura Steadham—Designee for IDEM Commissioner
Becky Waymire—Morgan County LEPC
Ian Ewusi—IDHS
Dawn Mason—IDHS
Madison Roe—IDHS

COMMITTEE MEMBERS ON THE PHONE:

None

COMMITTEE MEMBERS ABSENT:

Sarah Chaney—IDHS
Cara Cyrus – Business/Industry Representative
Allison Moore—Monroe County EMA

The following Commissioners, staff and audience members were present:

Kraig Kinney—IDHS
Larry Hamby—Designee for IDHS Executive Director
Stephanie McKinney—Local Government Representative

WELCOME AND INTRODUCTION

Mr. Pridgen welcomed everyone to the meeting and asked for a determination of a quorum.

DETERMINATION OF QUORUM

Ms. Mason advised there was a quorum present.

Roll Call

Mr. Pridgen—Yes
Mr. Steadham—Yes
Ms. Mason —Yes

Mr. Larmore —Yes
Ms. Waymire—Yes

Mr. Ewusi—Yes
Ms. Roe—Yes

CONSIDERATION OF MINUTES

A motion to accept September 9, 2019, meeting minutes was made by Ms. Waymire and seconded by Mr. Ewusi. All present were in favor. No further discussion occurred.

Motion Carried

OLD BUSINESS

LEPC Plans for 2019:

Mr. Pridgen requested an update on the 2019 LEPC Hazardous Material plans. Ms. Mason reported most counties submitted their plans, however, the Tier II Manager system rolled over to the new year and shut down the previous year. She advised Ms. Chaney moved to another position and Ms. Roe was assisting with the verification of plan submissions. Mr. Pridgen asked for the number of plans not submitted. Ms. Roe advised seven on the east side of the state, and Ms. Mason advised two on the west side of the state.

Mr. Pridgen inquired about Tier II Manager system issues. Ms. Roe stated the system was to alleviate late submissions, however, LEPCs could still submit documents by performing a revision to a previous year's report. She stated some LEPCs are having trouble submitting reports that had not been uploaded within the reporting year. Mr. Pridgen suggested an adjustment to the Tier II Manager system to accommodate for extenuating circumstances.

Ms. Roe stated all plan items are due before October 17 of each year, and therefore all compliance documents, except meeting minutes, should also be submitted by the end of the year. Ms. Mason advised the 2020 Important Dates to Remember notice was sent out at the beginning of the year - to the LEPCs. She discussed the late documentation submissions and advised she is requesting items well past the new year. She stated many counties are asking why items cannot be turned in after December 31, of the following year.

Mr. Larmore explained the policy for submissions was created to allow LEPCs to turn items in late. Mr. Ewusi clarified the timeline for submission is not being met. He explained the process and gave examples. He stated the Fiscal Report is due March 1 of every year, however if the LEPC waits until January 1 of the following year to turn it in, then they did not meet the compliance deadline. Mr. Pridgen asked if an LEPC gets all compliance reports in by December 31st of that year, does that meet compliance. Ms. Mason stated she is willing to work with LEPCs turning in late items and she gave an example allowing LEPCs to turn in meeting sign-in sheets and unsigned meeting minutes in December and then upload the signed meeting minutes when the LEPC has their next meeting. However, she pointed out there are LEPCs missing two, three and four meeting minutes by the end of the current reporting year.

Mr. Ewusi advised that the reporting requirements and Tier II Manager system are set up to keep LEPCs on schedule, and there are statutory and policy items due by a certain date. He advised if items are submitted within the calendar year, it is acceptable, which also allows the program managers to monitor deadlines and determine compliant LEPCs. He noted it is problematic when an LEPC is waiting to submit the reports the following year.

Mr. Larmore also discussed the importance of working with LEPCs that have extenuating circumstances and accepting late submissions. He stated LEPCs should get credit if the item was submitted. Ms. Mason explained she gives credit when items are submitted, but when it carries into the new year, it causes more work and pushes other work-related requirements behind. Mr. Ewusi explained that the Program Managers performance evaluations are based on meeting the requirements of the job and the LEPCs waiting to submit required documents leads to incomplete reports.

Mr. Ewusi requested the creation of a policy by the committee to require LEPCs to meet the required deadlines and prevent affecting the Program Managers performance. Ms. Steadham stated late submissions would also affect the funding. Mr. Pridgen agreed and stated if the Program Managers performance is affected then Mr. Ewusi 'responsibilities and performance are also affected down the line. He suggested sending a letter, rather than a memo, effective July 1, explaining the expectation of LEPCs and describing the result of late submission of compliance items could affect LEPC funding.

Ms. Waymire discussed Tier II Manager system being new, but the compliance deadlines are not. She stated LEPCs know there are deadlines, but the LEPCs have always been given leniency due to their volunteer status. She stated she understands the difficulty for the Program Managers based on their workload and the deadlines they must meet. She suggested it be made permanently clear that LEPCs must meet the deadlines in order to get the funding. Mr. Pridgen suggested a focus group to determine how to proceed moving forward as part of a strategic direction for next year, and he pointed out the financial aspect of losing funding may help them comply.

Ms. Mason stated she planned to create a presentation to deliver at the LEPC meetings describing the different elements, why they are required, their due dates and the funding guidelines per statute.

Additional discussions occurred regarding items of submission that can be found on the Policy-Technical recordings for January 13, 2020.

NEW BUSINESS

2019 Accomplishments:

iPADs

Mr. Ewusi discussed the financial savings by partnering with the IDHS Training Section to use iPad to deliver documents for discussion to the committees/commission during their meetings. Ms. Roe and Mr. Ewusi advised that the iPADS were a surplus for the Training Section, and therefore it did not create a burden on the section nor any extra funding requirements.

LEPC accomplishments;

Ms. Waymire praised the staff for dividing the state in half and hiring two LEPC Program Managers to reach out and be available for the LEPCs. Mr. Pridgen was surprised to hear Ms. Chaney moved to a new position and requested a future change be presented to the commission as soon as possible. He asked for an update on the new LEPC Program Managers being hired as soon as possible.

Legal accomplishments;

Mr. Kinney stated there is a good grasp of statutory responsibilities and the implementation of what is required from the committees/commission. Ms. Waymire asked if any new bills or legislature were in progress pertaining to LEPCs. Mr. Kinney stated there were no funding or current issues being discussed in legislation, and he would share any information with Ms. Mason and the new program manager to relay to the committees/commission as they become available. Mr. Pridgen advised any bills or items related to LEPCs can be found by visiting a legislative committee meeting located under Indiana General Assembly under the bills link. Mr. Kinney stated many LEPC related items have been found under the Local Emergency link. Mr. Pridgen thanked Mr. Kinney for his legal representation and acknowledge the exceptional service from the legal department.

EMAI/IERC Conference

Mr. Pridgen and Ms. Steadham discussed the EMAI/IERC conference being successful this year. They were pleased with the speakers and presentations.

2020 Strategic Direction;

LEPCs Better Practice

Mr. Pridgen suggested gleaning information from LEPCs across the nation and implementing better practices from a strategic standpoint. He discussed Florida, Georgia and North Carolina involving the environmental aspect into their LEPCs, and he discussed fires out west that affected facilities. He asked Mr. Hamby for advice on how to prepare for an incident that may affect facilities in Indiana including fires and explosions.

Mr. Hamby stated that the Indiana Fire Instructors Association meet for their annual meeting and the IDHS Director Mr. Cox attended and presented information from his perspective as a former fire chief. Mr. Hamby said challenges exist regarding who will respond to the emergencies and the shortage of volunteer firefighters across the state of Indiana. He reported there are eight hundred and thirty-three (833) fire departments in Indiana, of which six hundred and seventy-five (675) are on a volunteer basis. He gave reason for the decline and situations that have occurred over the years, including upcoming hazardous materials. He advised they are looking at different avenues to train firefighters, such as web-based training, but currently there is no answer to get more people involved.

Mr. Hamby and Mr. Larmore discussed the facilities paying into Tier II reporting and the expectation of protection from fire departments from taxes paid for fire and hazmat related incidents, however the lack of personnel make response difficult.

Mr. Larmore stated that LEPC spending to support hazmat teams in order to prepare for incidents is imperative. He discussed the problems Marion County faces with jurisdictional fire departments and their availability to respond to a hazmat incident. Mr. Hamby discussed his jurisdiction and their response capabilities, but he stated spills and releases need to be handled by the facilities. He advised the fire departments reach out to the companies and make them aware of the process because certain fire departments are not equipped for confined spaces operations. He noted most industries realized their responsibilities and work it into their plans, but other facilities will evacuate the buildings and depend on fire departments to respond, but many fire departments are not getting involved as much anymore.

Mr. Larmore stated that Marion County fire departments are struggling financially to keep and equip hazmat teams, therefore, from an LEPC perspective they anticipate getting more request from those fire departments for equipment.

Mr. Hamby presented the new 472 standards for firefighting and what fire departments must meet identified by OSHA although, OSHA does not advise how to financially meet these standards. He noted it is a real struggle for any Emergency Services administrator.

Further discussion occurred about Tier II Manager system being in place to help meet the timelines, which can be obtained from the Policy-Technical Committee recording through IDHS public records.

Madison County compliance:

Mr. Roe stated Madison county LEPC reached out to her and Ms. Chaney in 2018 to add their new LEPC Chair, Angela Miller, to the Tier II Manager system. However, the LEPC did not submit their Legal Notice due on January 31, 2019, the Roster report, Fiscal report or Bylaws due on March 1, 2019; nor the Annual Exercise Final Report due May 1, 2019. Ms. Roe reported the county experienced a Tornado on May 27, 2019, in which they stated they could not submit the required documents because of the disaster. Ms. Roe advised the committee that Ms. Chaney contacted the county on ten different occasion before the Tornado requesting them to submit the required documents and contacted them every month to try to get the documents submitted to no avail. Ms. Roe stated that Madison County did submit the annual plan on October 16, 2019, the day before the deadline, however only the Fiscal Report was submitted on December 27, 2019. Ms. Roe recommended withholding 2019 funding for Madison county LEPC due to non-compliance in 2019.

Mr. Ewusi noted the request is a waiver that allows the LEPC to conduct the 2019 exercise in 2020. He stated the Tornado cannot be submitted as an exercise requirement, and that he also received an email asking for consideration of funding. Madison county LEPC requested their past compliance records be considered by the commission during the review to grant the waiver and that and the Tornado prevented them from meeting their exercise compliance requirements this year. Mr. Ewusi reported he advised the county to bring the request to the committee and IERC. Mr. Ewusi advised that Ms. Chaney's note to the committee was to inform them how many times she tried to get the county to comply in 2019

Mr. Pridgen discussed a past request of consideration from Bartholomew county in the floods of 2008, in which a precedence was set to meet compliance or funding would not be granted. Mr. Pridgen went into detail about the flooding and why consideration was denied.

The committee discussed funding the county and Mr. Larmore stated it is a systemic problem in which facilities who pay into the account are losing out if the LEPC does not stay active or receive funding. Ms. Steadham stated it is the facilities responsibility to put the LEPC on notice for them to plan and be prepared. Ms. Roe advised that the LEPC chair is a facility representative and is aware of the reporting requirements. Mr. Ewusi read the email to the committee. The correspondence addressed the IERC for a request to approve compliance, funding, and advised the LEPC would hold two exercises in 2020 and two additional in 2021. The LEPC asked for a waiver in 2019 and thanked the committee for the special consideration regarding a major incident in 2019.

Further discussion occurred regarding the circumstance of Madison county LEPCs non-compliance status, and the committee discussed Tier II Manager system being in place to help meet the timelines, which can be obtained from the Policy-Technical Committee recording through IDHS public records.

A motion to approve or not approve Madison county LEPC for 2019 funding was presented to the committee by Mr. Pridgen.

A motion to not approve funding for Madison county LEPC was made by Mr. Larmore and seconded by Ms. Steadham. Mr. Larmore ask for clarification of the required submission in Tier II Manager system. Ms. Roe stated they turned in six required documents, but all submissions were late both in 2018 and 2019. All present were in favor.

Motion Carried

Discussion occurred regarding consideration for commission members to attend the National Association of SARA Title Three Program Officials (NASTTPO) conference. Mr. Pridgen stated commission members qualify to attend if it is brought before the IERC and the money is available. Ms. Roe advised the dates for NASTTPO conference were April 27 -30, 2020 in Covington Kentucky.

No further discussion occurred.

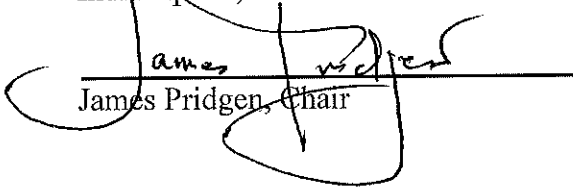
ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Larmore and seconded by Ms. Steadham. All present were in favor. The meeting adjourned at 11:53 am. No further discussion occurred.

NEXT MEETING

March 9, 2020

Firefighters Union Hall
748 Massachusetts Avenue,
Indianapolis, IN: 46204


James Pridgen, Chair