

**INDIANA EMERGENCY RESPONSE COMMISSION (IERC)  
POLICY/TECHNICAL COMMITTEE  
Hamilton County Sheriff's Department  
18100 Cumberland Road  
Noblesville, Indiana 46060  
May 14, 2018 10:00 am**

**COMMITTEE MEMBERS PRESENT:**

Ian Ewusi—IDHS  
Jeff Larmore—Local Government Representative  
Laura Steadham—Designee for IDEM Executive  
Kassandra Buster—IDHS

**COMMITTEE MEMBERS ON THE PHONE:**

James Pridgen—Business and Industry, Chair  
Becky Waymire—Morgan County LEPC  
Allison Moore—Monroe County EMA  
Cara Cyrus—Business and Industry Representative

**COMMITTEE MEMBERS ABSENT:**

Shawn French—Business/Industry Representative  
Matt Bilkey—Designee for ISP Superintendent

**The following Commissioners, staff and audience members were present:**

Marc Torbeck—IDHS  
Kraig Kinney—IDHS  
Madison Roe—IDHS  
Larry Hamby—IDHS

**WELCOME AND INTRODUCTION**

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

**DETERMINATION OF QUORUM**

Ms. Buster advised there was a quorum present.

## CONSIDERATION OF MINUTES

A motion to accept March 12, 2018, meeting minutes was made by Mr. Ewusi and seconded by Ms. Moore. No further discussion occurred.

### **Roll Call Vote**

Mr. Ewusi —Yes  
Ms. Moore—Yes  
Mr. Larmore —Yes

Mr. Pridgen—Yes  
Ms. Buster—Yes  
Ms. Steadham—Yes

Ms. Cyrus—Yes  
Ms. Waymire—Yes

### **Motion Carried.**

## OLD BUSINESS

### *LEPC Updates*

Ms. Buster reported that 81 LEPCs met the 2017 annual LEPC requirements and were set to receive funding. She advised that the request for funding would move forward to the IERC for approval. She reported that Marshall County failed to submit their documents and would not receive funding for 2017. Mr. Pridgen recommended that staff keep annual records of counties not funded. No further discussion occurred.

### *2017 Compliance*

Mr. Pridgen advised that 81 LEPCs receiving funding for 2017 left 11 LEPCs that were either inactive or non-compliant, and he requested the names of those 11 LEPCs. Ms. Buster reported that Blackford County submitted their roster for approval and that would remove them from the list of inactive LEPCs. Mr. Ewusi reported that 81 LEPCs completed the yearly requirements to receive funding and 11 did not complete the annual requirements to receive 2017 funding. Mr. Ewusi reported that in 2018 the number of compliant LEPCs was subject to change, and Mr. Pridgen inquired if the number would decrease. Ms. Buster reported that the number could increase. No further discussion occurred.

### *In-active/non-compliant LEPCs*

Ms. Buster advised that Blackford County and Lake County submitted their roster for approval to become an active LEPCs. She provided a list of the in-active and non-compliant LEPCs for 2018 and read them as Benton, Carroll, Fayette, Martin, Orange and Marshall Counties. Mr. Pridgen inquired if staff had any contact with Fayette County and Ms. Buster reported that there was someone interested in re-establishing the LEPC. Ms. Buster advised that she was coordinating with District 6 Coordinator Mr. Shantz to set up a meeting with the Fayette County EMA Director Mr. Ellis and the interested party. Mr. Pridgen recommended that staff inform the IERC Commissioners of the meeting date so that they could attend the meeting.

### *Sullivan County Update*

Ms. Buster reported that she informed the Sullivan County EMA Director of the Policy-Technical Committees vote to deny 2016 funding. She advised that Mr. Hooker from Monroe County was working with Sullivan County LEPC, had submitted LEPC documents promptly, and was up-to-date on submissions. Ms. Buster reported that she planned to attend their next LEPC meeting. Mr. Pridgen

requested input from Mr. Kinney on the matter. Mr. Kinney reported that Sullivan County LEPC could send a formal complaint about Ms. Kelly Streeter and the IERC could invite her to attend a meeting to provide her response. He advised that the IERC could then vote on what action to take against Ms. Streeter as an approved vendor. Mr. Pridgen recapped that the committee should wait to hear from the Sullivan County LEPC before taking action. Ms. Buster reported that she would inform the LEPC that they could submit a formal request to have Ms. Streeter come before the IERC or they could seek legal action. Mr. Pridgen recommended that the LEPC talk to their local attorney. Mr. Kinney agreed and reported that a contract should be involved, and they could take action against Ms. Streeter for violating the terms of the agreement if she failed to complete the task contracted for.

Ms. Cyrus inquired if the committee was going to take action to remove Ms. Streeter from the LEPC Planning & Training Resource List. Mr. Ewusi requested the IERC vote to keep her on the list until the Sullivan County LEPC decided to submit a formal request. Mr. Kinney reported that the best option was to receive a formal request and supporting documents and allow Ms. Streeter the opportunity to be heard before voting on removing her from the list. Mr. Pridgen questioned temporarily suspending Ms. Street as a vendor because he would not want to see this happen to another LEPC.

Mr. Ewusi reported that Ms. Streeter provides services for the Daviess County LEPC, which was on the list to receive 2018 funding, and that this may be a one LEPC issue. Mr. Pridgen recommended that the Sullivan County LEPC send a formal request to have Ms. Streeter come before the IERC or seek legal counsel for her failure to submit the appropriate LEPC documents on behalf of their county. Mr. Kinney reported that there was not a clear picture of the issue without input from both sides. Ms. Steadham reminded the committee that the bottom line was that the Sullivan County LEPC was not funded in 2017 due to the actions of Ms. Streeter. No Further discussion occurred.

#### ***Facility Compliance Update (EPA List)***

Mr. Torbeck reported that in November 2017, staff conducted an audit and developed a list of facilities that failed to submit a 2016 annual Tier II report. He reported that staff notified LEPCs with facilities on the list to request assistance to reduce the list and LEPCs assisted with reducing the list from 434 to 81 facilities. He further reported that 73 facilities have failed to complete their 2017 annual Tier II report. Mr. Pridgen acknowledged that staff did an excellent job, and Mr. Ewusi requested Mr. Torbeck to explain the next step. Mr. Torbeck reported that staff was requesting approval from the Policy/Technical Committee and the IERC to submit the 2016 non-compliant list to the EPA. Ms. Steadham noted that the IERC had never taken action like this before, and Mr. Ewusi acknowledged that she was correct.

Mr. Ewusi reported that in the past, the list was sent to LEPCs for enforcement, and he advised that staff would keep LEPCs informed about the EPA list. Ms. Steadham inquired if other states submitted lists to the EPA, and Mr. Ewusi reported that in most states, counties reach out to facilities first before notifying the EPA. He reported that the EPA reached out to the IERC directly for enforcement on non-compliant facilities. He further reported that notifying the EPA of non-compliant facilities was more efficient than waiting for the EPA to contact the IERC. Ms. Steadham inquired if staff was notifying the facilities, and Mr. Ewusi reported yes.

Mr. Torbeck reported that LEPCs and facilities were notified, and Mr. Ewusi added that facilities would receive a final notice drafted by Mr. Torbeck. Mr. Larmore inquired if the facilities received

ample notice and Mr. Ewusi reported yes. Mr. Pridgen recommended staff be proactive with assisting facilities, and Mr. Larmore reported that the LEPCs assist with facility compliance. Mr. Torbeck reported that he continuously reached out to facilities to remove them from the list and noted that the list had been trimmed significantly. Mr. Pridgen reported that staff did a fantastic job reaching out to LEPCs and facilities to reduce the number of facilities on the list and he requested a motion to move the request forward to the IERC for approval.

Mr. Kinney inquired about INDOT being on the list and recommended delaying enforcement against them pending an attempt to gain compliance given that they were a state agency and the IERC is a body. Mr. Pridgen requested approval to carry the list forward to the IERC and allow IDHS to work with the Indiana Department of Transportation INDOT on becoming compliant.

A motion to support sending the 2016 non-compliant facilities to the USEPA but giving IDHS time to work to remove any state agencies on the list was made by Mr. Larmore and seconded by Ms. Cyrus. No further discussion occurred.

#### **Roll Call Vote**

Mr. Ewusi —Yes

Ms. Moore—Yes

Mr. Larmore —Yes

Mr. Pridgen—Yes

Ms. Buster—Yes

Ms. Steadham—Yes

Ms. Cyrus—Yes

Ms. Waymire—Yes

#### **Motion Carried.**

#### **NEW BUSINESS**

##### ***Grant County Special Project Request***

Ms. Buster reported that the Grant County LEPC requested approval for a special project to purchase Millennium gas mask, Chemical Biological, Radiological, and nuclear (MSA CBRN) Canisters and MSA Advantage 1000 Riot Control Canister Box to utilize during LEPC annual exercises by the Grant County Sheriff's Department. Ms. Buster reported that the LEPC approved the purchase of 17 boxes of Riot Control Canisters and 28 CBRN Canisters for a total amount of \$6,974.76. Ms. Steadham reported that according to the Safety Supply Company, the CRBN Canisters were appropriate for the use specified, but the Riot Control Canisters were tear gas masks. She inquired if the equipment met the qualifications of hazmat equipment. Mr. Ewusi responded no, and Mr. Hamby reported that the Sheriff's Office might have old CBRN masks that they were trying to replace. Mr. Hamby reported that the equipment was a terrorism-related response tool and had no relation to LEPCs or hazmat.

Ms. Roe reported that the LEPC was requesting an abundant supply of equipment for training purposes. Mr. Hamby agreed and reported that the canisters were only one-time use and dispose of after use. He felt that the equipment was for the Sheriff Department and recommended not to approve the funding request. He further reported that brand new hardware should not be purchased for training purposes. Mr. Ewusi reported that Mr. Culley sent the request to the IERC for approval to inquire if the purchase was legal. Mr. Larmore recommended further information, and Mr. Hamby reported that the canisters could not be used for a chemical release hazmat response. Mr. Pridgen affirmed that Mr. Hamby was the subject matter expert and the canisters were for response and not related to LEPC activities. Mr. Pridgen inquired if the matter needed to be tabled or moved to the full

body. Mr. Ewusi recommended that the issue move forward to the IERC for full Commission denial. Mr. Pridgen recommended sending a denial letter to the Grant County LEPC. Ms. Waymire reported that riot canisters were not LEPC related equipment, and Mr. Pridgen agreed. No Further discussion occurred.

Mr. Pridgen requested a motion to deny the Grant County LEPC special project. Ms. Moore made the motion to deny the Grant County LEPC special project request and was seconded by Ms. Waymire. Ms. Steadham requested to amend the motion to include moving the denial vote to the IERC. Ms. Moore reported that was included in her motion.

**Roll Call Vote**

Mr. Ewusi —Yes  
Ms. Moore—Yes  
Mr. Larmore —Yes

Mr. Pridgen—Yes  
Ms. Buster—Yes  
Ms. Steadham—Yes

Ms. Cyrus—Yes  
Ms. Waymire—Yes

**Motion Carried.**

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Ewusi and seconded by Mr. Larmore. No further discussion occurred. Meeting adjourned.

**Roll Call Vote**

Mr. Ewusi —Yes  
Ms. Moore—Yes  
Mr. Larmore —Yes

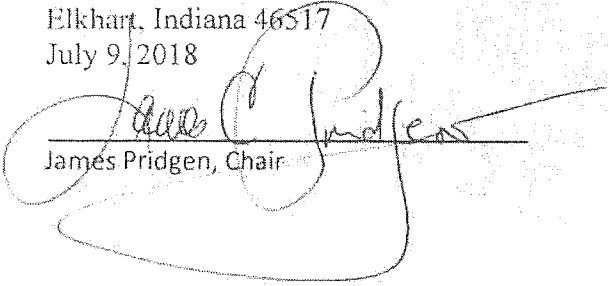
Mr. Pridgen—Yes  
Ms. Buster—Yes  
Ms. Steadham—Yes

Ms. Cyrus—Yes  
Ms. Waymire—Yes

**Motion Carried.**

**NEXT MEETING**

Elkhart County Sheriff's Department  
Jail Training Room  
26861 County Road 26  
Elkhart, Indiana 46517  
July 9, 2018

  
James Pridgen, Chair