

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING
Indiana Government Center South
302 W. Washington Street
Indianapolis, Indiana
September 14, 2009 1:00 P.M.

WELCOME AND INTRODUCTION

Chairman Mike Garvey welcomed everyone to the meeting and asked for roll call.

ROLL CALL TO ORDER

Mike Garvey—IDHS

Brian Lott—Local Government

Mike Bigler—State Government

Sherman Greer—Local Government

Bruce Palin—State Government

Thomas Melville—State Government

Shawn French—Industry

The following Commission members were absent:

Carol Shelby—Public

James Pridgen—Industry

Dean Larson—Public

William Reed—Public

Roger Powers—Local Government

The following staff members were present:

Laura Stedham—IDEM

Mara Snyder—IDHS Legal Council

Ian Ewusi—IDEM/IDHS

John Steel—IDHS

The following members of the audience were present:

Dr. E. Douglas Harris—University of Texas—Dallas

Cindy Riley—IDHS

Roger Axe—Greene County LEPC

QUORUM

The LEPC coordinator indicated that a quorum was present.

CONSIDERATION OF THE MINUTES

A motion to approve and adopt the minutes from the July 13, 2009, meeting was made by Mr. Greer and seconded by Mr. Bigler. **MOTION CARRIED.**

REPORT OF THE CHAIR

Chairman Garvey provided an update on the planning and preparation efforts for an H1N1 influenza outbreak.

COMMITTEE REPORTS

Communications Committee—Sherman Greer, Chair

Mr. Greer reported on the agenda items for the Fall EMAI/LEPC Conference. He noted the \$1200 cost of acquiring the speaker from the National Institute of Chemical Studies to present on sheltering in place. He made a motion to approve the \$1,200 cost and was seconded by Mr. Melville. **MOTION CARRIED.**

Technical/Technical Committee—James Pridgen/Dean Larson, Co-Chairs

No Report

Training Committee—Carol Shelby, Chair

No Report

Fiscal Committee—Bruce Palin, Chair

No Report

Chairman Garvey asked for a motion to approve all committee reports. Motion to accept the reports as submitted was made by Mr. Melville and was seconded by Mr. Lott. **MOTION CARRIED.**

OLD BUSINESS

Facility Reporting—Mr. Ewusi noted that the exemption error in the HC-500 instruction packet had been reported to the Department of Revenue for correction. He indicated that the instruction packet incorrectly stated that federal and local governmental facilities were not required to report their chemical inventories because they were not subject to paying inventory fees. Mr. Ewusi reported that he had provided the appropriate statutory language to Department of Revenue to correct the error.

Indiana University School of Law Request—Mr. Ewusi noted that the request from the Indiana University School of Law to the IERC to financially support a Hazmat exercise for lawyers and public officials involved in environmental law needed an official response. The commission members indicated that the request was not within the scope of their duties. Mr. Greer made a motion not to approve this request and was seconded by Mr. Lott. **MOTION CARRIED.**

NEW BUSINESS

Commissioner Attendance—Mr. Lott inquired if there is a criterion or bylaw requirement on commission members' meeting attendance. Ms. Snyder reported that the state statute did not contain

any criteria on attendance requirements for boards and commissions. Mr. Garvey suggested that a report on previous meetings attendance be prepared for review.

E-Plan—Dr. E. Douglas Harris of the University of Texas–Dallas was on hand to present and discuss the E-Plan Program. He reported that the program was a web-based system started by the University of Texas–Dallas at the request of the EPA for the safety of first responders and is funded by the U.S. Department of Homeland Security. He summarized the E-Plan program as follows:

- The nation’s largest database containing chemical and facility hazard data on over 200,000 facilities
- A repository of RMP and SARA Title III Tier II information where first responders can obtain information on chemicals and facilities
- A database for fixed chemical facilities that may be used for transportation incidents
- Contains mapping of fixed chemical facilities and at-risk facilities such as schools and hospitals
- A secure network with access limited to authorized personnel
- Information is secure on 2 different servers in different locations for redundancy
- Plume modeling capabilities will be available in a few months

Dr. Harris offered to send a representative to speak on E-Plan at the Fall EMAI/IERC Conference. A motion was made by Mr. Greer to have the Policy/Technical Committee review E-Plan for implementation, second by Mr. Palin. **MOTION CARRIED.**

EPA Letter—A letter sent by U.S. EPA to all state emergency response commissions regarding EPCRA issues was briefly discussed. Mr. Steel reported that he will be attending the October 2009 NASTTPO Conference where the letter would be further discussed. He indicated that he will report in further detail to the commission at the November meeting.

REPORT OF THE FIELD REPRESENTATIVE

Mr. Ewusi reported on the status of 2009 EPCRA reporting and the associated funding amounts sent to compliant LEPCs. He reported that chemical inventory storage fees had been collected from 4,414 EPCRA facilities and the amount was about \$138,000 less than in the previous year. He also mentioned that some LEPCs had reported discrepancies between the number of facilities that reported to the state and those that reported to their respective counties. Mr. Ewusi indicated that he had recommended that these LEPCs send letters to non-reporting facilities about their inventory status and provide a list of the non-responsive facilities for EPA enforcement.

Mr. Ewusi reported that he is still working with Department of Revenue to determine the number of facilities that paid their chemical inventory fees and the associated amounts. He also noted that he was working with Revenue to reconcile the databases of LEPCs, the state, and Revenue.

MEMBERSHIP ROSTER APPROVALS

Mr. Ewusi reported that the following counties had submitted new or updated rosters for approval:

Dearborn	Fulton	Parke
DeKalb	Marshall	Perry

Mr. Melville made a motion to approve the rosters and was seconded by Mr. Bigler. **MOTION CARRIED.**

LEPC COMMENTS

Roger Axe with the Greene County LEPC requested assistance from the IERC in developing a model job contract to be used by contracted employees of LEPCs. Mr. Axe expressed concerns that the Internal Revenue Service (IRS) may view LEPC contractors as LEPC employees. The IERC advised that it will look into this issue and obtain information from the State Attorney General to address these concerns.

EPA COMMENTS

No Report

PUBLIC COMMENTS

No Report

NEXT MEETING

November 9, 2009, 1:00 P.M.
Indiana Government Center South, Conference Room A

ADJOURNMENT

Meeting was adjourned at 3:01 P.M.

Joseph E. Wainscott, Jr., Chair