

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING MINUTES
Indiana Government Center, Conference Room 14
302 West Washington Street
Indianapolis, Indiana 46204
May 12, 2008 at 1:00 P.M.

WELCOME AND INTRODUCTION

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

ROLL CALL TO ORDER

Bruce Palin—State Government
Mike Bigler—State Government
Sherman Greer—Local Government
Joseph Wainscott—IERC Chair

Jim Pridgen—Industry
William Reed—Public
Brian Lott—Local Government

The following Commission members were absent:

Dean Larson—Public
Michael Pace—Industry
Thomas Melville—State Government

Robert Reilley—Industry
Carol Shelby—Public

The following staff members were present:

John Steel—IDHS
Laura Stedham—IDEM

Mara Snyder—IDHS
Ian Ewusi—IDEM/IDHS

The following members of the audience that was present:

Becky Waymire—Morgan County LEPC
Bill Gosnell—Delaware County LEPC
James Plum—Jefferson County LEPC
Niki Theeuwes—IDHS

Jeff Larmore—Marion County Health Department/LEPC
Douglas Mawhorr—Delaware County LEPC
Jason Hutchins—IDHS
Brad Gavin—IDHS

QUORUM

The LEPC Coordinator indicated that a quorum was present.

CONSIDERATION OF THE MINUTES

A motion to approve and adopt the January 7, 2008, minutes was made by Mr. Lott, and was seconded by Mr. Bigler. **MOTION CARRIED.**

REPORT OF THE CHAIR

Mr. Wainscott indicated that he was recently appointed by the Governor as the Executive Director of IDHS. Before this appointment he was the Division Director of Training for IDHS and previously worked for the United State Attorney General and Indiana State Police. He further indicated the importance of the work done by all state boards and commissions for the citizens of Indiana and this appointment brings the IERC under his purview.

He introduced Mr. Jason Hutchins, the Division Director for Planning at IDHS, to the Commission and meeting attendees.

COMMITTEE REPORTS

Communications Committee

Mr. Greer reported that the committee was working on securing excellent guest speakers for the October conference. He indicated that so far two speakers had been confirmed and a third was in the works. He also indicated that he had scheduled a meeting with the Emergency Management Alliance of Indiana's (EMAI) to discuss several issues about the conference, including the selection of speakers. Mr. Greer reported that the committee would have its recommendations for anticipated costs of the conference by the July Commission meeting.

Technical Committee—James Pridgen, Chair

Mr. Pridgen reported that the Technical Committee had not met, but he wanted to remind everyone about the interest shown in holding an offsite meeting (IERC retreat), as done in previous years. He recommended that the Commission members review their calendars between now and August and let him know their available dates.

Policy Committee—Dean Larson, Chair

Mr. Ewusi reported for the committee in the absence of Mr. Larson. He reported that the Policy Committee had not formally met but had engaged in a series of conference calls to discuss several issues.

The first matter Mr. Ewusi brought before the Commission was a request from Grant County for expenditure of funds under Category 7 of IC 6-6-10-7(b). He explained that Category 7 allowed LEPCs to conduct special hazardous materials preparedness projects pre-approved by the Commission. He indicated that the proposal submitted was for funding the construction of a building in the city of Marion, in Grant County, to be used for hazardous materials training. He reported that members of the Policy Committee had serious concerns about the request because it did not meet with any of the duties/functions of LEPCs and an approval would open up other inappropriate expenditure requests. Mr. Bigler made a motion to deny the request and was seconded by Mr. Pridgen. **MOTION CARRIED.** Mr. Ewusi indicated that he would deliver the Commission's decision in person and in writing.

The second matter raised by Mr. Ewusi was the current vacancies on the IERC. He reported that two current LEPC members (Becky Waymire from Morgan County and Roger Powers from DeKalb County) had expressed interest in serving on the Commission. Mr. Pridgen indicated that there was an online process in place for individuals wishing to serve on any state commissions. Mr. Ewusi indicated that he would pass the message along.

The third matter raised by Mr. Ewusi was the draft of the new policy handbook. He explained that the committee had been able to reduce the size of the old policy manual from a two-inch binder to a manageable 85-page document which would be online and easily downloadable. He indicated that the new manual had been streamlined in such a way that all new LEPC members/chairs can use and at first glance know what is required to be compliant. Mr. Ewusi encouraged all IERC committees to submit any committee-specific information they wanted to have included in the policy handbook. He noted that the handbook would only be available online and that the committee's goal was to have the handbook finalized and ready for approval at the July meeting.

Training Committee—Carol Shelby

Mr. Lott reported for the committee in the absence of Carol Shelby. He reported that training Committee had not met but that the members were looking at some training issues, such as clarification on how LEPCs can spend funds for training and who is authorized to conduct these trainings. He indicated that Ms. Shelby, Mr. Bigler, and he were putting together some information that would be posted online for review and to solicit information from the response community. He hoped that the information gathered would be ready to present to the Commission at the July meeting.

Mr. Bigler advised that the committee needed to indicate in all documents that to provide training services for LEPCs, instructors had to be state certified at Instructor II-III levels.

Mr. Ewusi informed the committee that there was a request before them from PJS Environmental Consulting and Training, Inc., to be added to the LEPC Resource List. He stated that instructors and companies must be approved by the Commission to be added to the LEPC Resource List before they are able to provide paid services to LEPCs.

Mr. Lott made a motion to approve adding PJS Environmental Consulting and Training, Inc., to the resource list and was seconded by Mr. Bigler. **MOTION CARRIED.**

Fiscal Committee—Bruce Palin

Mr. Palin reported that the Fiscal Committee had not met; however, a meeting was planned before the next Commission meeting. He distributed a copy of the revised spending plan for the next fiscal year and indicated that by the end of April of the current fiscal year, the Commission had spent 107% of the spending plan. He noted that this was not a problem since the Commission had more money available than was allotted.

Mr. Palin inquired as to whether there was any other expenditure that needed to be accounted for in the spending plan. At the last meeting he had mentioned that IDEM was working with a contractor to revise the Tier II submittal format and improve electronic web-based submission. Mr. Palin added that that he had met with the contractor and that the program was very promising and user friendly and should be completed for use in the 2009 reporting year. The current estimate was \$70,000 for development and implementation. The program would input all the electronic information directly into IDEM's database and generate a report that could be sent electronically to the LEPCs. There would be no charge for facilities to submit their reports in this way, which would hopefully encourage an increase in the number of electronic submissions.

The issue of the cost for the 2008 Fall Conference was raised by Ms. Snyder. Mr. Palin said that the cost was included in the spending plan, and that \$5,000 had been allocated.

Mr. Wainscott made a motion to accept the committee reports. Mr. Lott and Mr. Pridgen seconded. **MOTION CARRIED.**

OLD BUSINESS

Brad Gavin provided an update on the status of the LEPC ethics training. At the end of March, he was notified by the State Ethics Commission that from April 4 to April 25 the LEPCs would need to complete their ethics training. This training would be required every 2 years, and every new member would be required to take the training within 6 weeks of appointment. An extension of the time to complete the training was requested (and denied) because some LEPC members were having difficulty with the training and there was some difficulty with reaching individual members because there was not a complete list of individual email accounts for all LEPC members. Mr. Gavin would be completing a report for the Office of the Inspector General, so anyone who had not completed the training may be contacted by them.

Nearly half of the 1400 LEPC members had completed the online training. A number of people did have problems with completing the training through the People Soft program.

Mr. Ewusi commented that he had helped 75 LEPCs to become compliant and that anything threatening to take LEPCs back to noncompliant or inactive status concerned him. He asked what would happen if an LEPC member refused to complete the training. The response from Mr. Gavin was that the Office of the Inspector General would contact anyone who had not completed the training, and he advised that everyone contacted by them complete the training. Mr. Gavin said that in theory it would be a violation of the State Ethics Rules to refuse the training and that those not completing the training could be referred to the State Ethics Commission, which would decide how to enforce the violation.

Mr. Pridgen suggested a 10- to 15-minute briefing at the July Commission meeting from a member of the State Ethics Commission, who could field some of these questions. Mr. Gavin said he would work on scheduling someone from the Ethics Commission for the July meeting.

NEW BUSINESS

The proposal from Mr. Buckman was tabled due to his absence, but he did submit a bid for supporting Hazmat training in the Indiana Homeland Security Districts. Mr. Steel said he needed more clarification on the proposal and would discuss this with Mr. Buckman upon his return to the office.

Ms. Theeuwes provided an update on Hazardous Materials Emergency Preparedness (HMEP) funds provided through the U.S. Department of Transportation to LEPCs for training and planning activities. She indicated that there would be some new priorities for 2008, one of which would be increasing the amount of LEPC participation in rural areas by training volunteer Hazmat responders and enhancing the activities of existing LEPCs nationwide. She informed the Commission that in the past, Indiana has typically been allocated \$300,000 annually, which will be going up to approximately \$450,000 in 2008, with the 20% match by LEPCs remaining in place. She indicated that the state hopes and is working to get more LEPCs participating in the HMEP grant program; participants will be asked to submit a preliminary budget through the IGMS system to be reviewed. She noted the following about the acceptable use of HMEP funds: grant money can only be used for planning and training activities, including commodity flow studies; no equipment purchases are allowed; and there are some exercise activities that can be considered to be planning if the applicant is exercising a plan.

Mr. Bigler asked if there is a requirement for trainees to take the state test to be certified so there is a tracking mechanism in place when HMEP funds are used to conduct training (such as awareness, operations or technician training). Ms. Theeuwes said there is no requirement under U.S. DOT, but upon Mr. Wainscott's approval an IDHS policy could be recommended.

Mr. Larmore indicated a problem with there being seemingly no clear or set rules on the use of the funds. He said it seems rules are evolving, making it difficult to budget for something only to have it rejected. Ms. Theeuwes stated that if LEPCs have problems, she is more than willing to assist them in working with the application process and using the IGMS.

Ms. Waymire inquired about a checklist that LEPCs could use, and Ms. Theeuwes advised that there would be one in the packet going out to LEPC chairs that would outline allowable expenses and training courses.

REPORT OF THE FIELD COORDINATOR

Mr. Ewusi reported that Tipton and Cass Counties—2 inactive or non-compliant LEPCs—are becoming active. Mr. Ewusi has had a series of meetings with these counties, and they are starting to come on board. They have been inactive for over 5 years and have not received any funding. Last year Sullivan County started to come on board. There have been 13 non-compliant LEPCs, which Mr. Ewusi is working to get compliant.

In April, Mr. Ewusi attended the Regional Response Team (RRT) Region V meeting in Indianapolis. He reported that in the past the topics usually covered spill response and recovery, but this year the topic

was debris management. He indicated that after disasters one issue is debris removal and possible related environmental issues. LEPCs were discussed as a potential local support group in such activity, though no success stories were provided.

Mr. Ewusi pointed out that included in the Commissioners' packets was House Rule 5890, which would establish the Community Preparedness Division and the Citizens Corp within the Department of Homeland Security. The rule states what the future would hold for SERCs and LEPCs. This bill was still under proposal in the legislature and had not yet passed.

Mr. Ewusi addressed the discussion of record retention from the prior meeting. He had sent out a survey to the 91 LEPCs to solicit their approval or disapproval of the proposed retention schedule and their comments/recommendations. He had received 33 responses, and most felt the 11 proposed retention recommendations were acceptable. Ms. Snyder added that she would be in touch with Mr. Palin to make sure these responses were consistent with IDEM's memo on retention. She recommended that the issue be tabled until the July IERC meeting.

MEMBERSHIP ROSTER APPROVALS

Mr. Lott made a motion to approve the roster of 54 counties. Mr. Bigler seconded. **MOTION CARRIED.**

LEPC COMMENTS

Doug Mawhorr, attorney for the Delaware County LEPC, spoke on behalf of the Delaware County LEPC members with concerns about the mandatory ethics training and the time frame mandated by the State Ethics Commission, as well as frustrations of members attempting to take the online training. He and Mr. Gosnell were very pleased to hear the questions being asked by Commission members. He indicated that Delaware County understands that the ethics training is here to stay and reminded the Commission that LEPC members are volunteers who are employed in other places. He believes that the ethics requirements will prevent LEPC members from earning income in other places. He wanted the Commission to understand that this is something of concern for other counties and not just for Delaware County. They have heard the same concerns expressed from other jurisdictions.

He also indicated that they were working with Ms. Theeuwes on a problem in which HMEP grant money was being held up because of an ethics issue. Mr. Mawhorr recommended streamlining, making fulfilling the ethics requirements as simple as possible, and offered their assistance if needed. He had sent a letter to the State Ethics Commission (that Mr. Gavin had received a copy of) requesting an extension of time for completing the ethics requirements.

Mr. Larmore asked about ethics training for other agencies or special state appointees that may be agency-specific. He believed that if the training were more applicable to LEPCs it would be better received.

Mr. Plum inquired about National Incident Management System (NIMS) training. He pointed out that there is no fee for NIMS training, and at the National Association of SARA Title Three (NASTTPO) Conference it was stated as desirable that all LEPC members be trained in NIMS categories 100 and 700; NASTTPO had issued a letter with this recommendation. Mr. Wainscott said that this recommendation comes from Homeland Security guidelines, which require all first responders and disaster workers to have NIMS training.

Mr. Plum also discussed Chemical Facility Anti-Terrorism Standards (CFATS). He wanted to know if the IERC should disseminate information to LEPCs about who should be trained to talk to facilities about CFATS. He noted that under the regulation, only certified persons can talk to facilities about chemicals under the CFATS umbrella. He felt there were problem areas that could affect LEPCs. Mr. Greer said he had been working on setting up a speaker on CFATS for the fall conference and would ask him to cover those issues.

EPA COMMENTS

None

PUBLIC COMMENTS

None

NEXT MEETING

July 14, 2008, 1:00 P.M.

Indiana Government Center South, Conference Room 1

ADJOURNMENT

Meeting was adjourned at 2:56 P.M.

Joseph E. Wainscott, Jr., Chair