ERIC J. HOLCOMB, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204

INDIANA EMERGENCY RESPONSE COMMISSION (IERC)
POLICY/TECHNICAL COMMITTEE
Madison County 911 Center
200 North Delaware
Anderson, Indiana 46016
March 13, 2017, 9:00 AM [start time 9:37]

COMMITTEE MEMBERS PRESENT

Jim Pridgen—Business and Industry, Chair
Ian Ewusi—IDHS
Jeff Larmore—Local Government Representative
Matt Bilkey—Designee for ISP Superintendent
Laura Steadham—IDEM
Becky Waymire—Morgan County LEPC

COMMITTEE MEMBERS ABSENT

Dean Larson—Public Representative
Shawn French—Business/Industry Representative
Allison Moore—IDHS

COMMITTEE MEMBERS ON THE PHONE

Cara Cyrus—Business and Industry Representative

The following Commissioners, staff and audience members were present:

Charles Heflin—IDHS
Justin Guedel—IDHS
Marc Torbeck—IDHS
Krystal Hackney—IDHS
Madison Roe—IDHS
John Erickson—IDHS
James Greeson—IDHS

WELCOME AND INTRODUCTION

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

DETERMINATION OF QUORUM

Mr. Heflin advised there was a quorum.

CONSIDERATION OF MINUTES

A motion to accept the January 9, 2017, meeting minutes was made by Mr. Ewusi and seconded by Ms. Cyrus. No further discussion occurred.

Roll call vote

Mr. Pridgen—Yes
Ms. Cyrus—Yes
Mr. Bilkey—Yes
Ms. Waymire—Yes
Mr. Larmore—Yes
Mr. Ewusi—Yes
Ms. Steadham—Absent

MOTION CARRIED

OLD BUSINESS

Mr. Pridgen introduced the agenda item *LEPC Electronic Communications Policy Discussion.* Mr. Guedel stated that he had done some research on allowing a LEPC to conduct a meeting using electronic communications. Mr. Guedel determined that county boards are not allowed to have an electronic communications policy unless expressly authorized by statute and the LEPCs do not have that authorization in the current statute. The only way to allow an LEPC to utilize electronic communications is to modify the current statute. Mr. Pridgen asked Mr. Guedel to be prepared to discuss this item in the IERC meeting at 1:00pm later today. Ms. Waymire asked how it would be possible for an LEPC to conduct a meeting utilizing electronic communications. Mr. Guedel stated that it would require a change Indiana statute. Mr. Pridgen stated that this may be a topic that the IERC may want to introduce into the next legislative session. Mr. Ewusi asked if staff should send a letter to all the LEPCs advising them of Mr. Guedel's finding. Mr. Pridgen stated he would like something sent to the LEPCs and he would like a vote in the IERC meeting to get authorization to push the topic through to the next legislative session which starts in late September or early October.

Mr. Pridgen introduced the agenda item *SWERP Exercise Rules Change*. Mr. Larmore explained that the Marion County LEPC has been working closely with Citizen's Energy Group to develop plans that would address a chemical release that would impact the community water source. He stated that Marion County LEPC would like to host an exercise with Citizen's Energy Group but they would like to know if it would be an allowed expense under the current expenditure rules. Mr. Larmore suggested that an allowance be made periodically to allow LEPCs to utilize their funds to host an exercise. Mr. Ewusi asked what would the LEPC funds be used for? Mr. Larmore explained that an LEPC may want to hire a contractor to design and facilitate the exercise. He stated that since the exercise had to be HSEEP compliant the contractor would have to conduct meetings and draft the paperwork for submission to the state which all would cost money. Mr. Ewusi stated that if the exercise is HSEEP compliant and the chemical falls under EPCRA Section 304 then the LEPC is allowed to have an exercise. Mr. Larmore explained that some of the chemicals they could exercise with would result in a "do not use" or "do not drink" order from the water utility but would not qualify for use during the required annual LEPC exercise. Mr. Pridgen asked why an exercise with a water utility could not use two (2) different chemicals, a chemical that the water utilize chose and one that would qualify as an EHS or CERCLA chemical. Mr. Larmore stated that he believes it would make the exercise overly complicated. Mr. Pridgen stated that he did not have a good "tummy comfort" that an LEPC could conduct an exercise and not use an EHS or CERCLA chemical. Mr. Larmore asked if the legislation that creates the LEPCs include specifics about what is required for an exercise. Mr. Ewusi explained that the requirement under Section 304 (accidental releases) includes all the chemicals found in the *List of Lists* which includes all the chemicals that have a Reportable Quantity (RQ). He explained that chemicals with an RQ are dangerous enough that they have to be reported if they are released/spilled. Mr. Ewusi used milk as an example. He stated that milk released in the water would cause a fish kill but milk does not fall under EPCRA Section 304 because it does not have an RQ. He explained the same applies to Bakken Oil releases/spills. He explained that the requirements that the IERC adopts is based on EPCRA Section 304. Mr. Larmore stated that he wanted to clarify his suggestion and recommend that the IERC allow the use of a non-CERCLA or non-EHS chemical during a LEPC exercise that was in conjunction with their local water utility but not grant this exception every year. He stated the IERC could decide the frequency of how often the exception would be given and that he is not suggesting they allow this exception every year. Mr. Larmore explained that the local water utilities have a response plan in place and they work closely with IDEM but not with the rest of their community partners such as the local fire department or law enforcement agency. Mr. Pridgen asked Ms. Waymire if she had anything to add to the discussion. She asked Mr. Pridgen to clarify the question being posed. Mr. Pridgen indicated he wanted to know what Ms. Waymire's thoughts were about the LEPCs using a chemical that does not have an RQ during their exercise and allowing the LEPC to use LEPC funds for the exercise. Ms. Waymire stated that she would defer the question to Mr. Ewusi. Mr. Ewusi stated that he did not understand why LEPCs would have to use their funds when it is the water utility that has been tasked with

the requirement to conduct an exercise and it should be the water utility that reaches out to the LEPC to include them in *their* exercise. Mr. Pridgen asked Mr. Bilkey to provide his thoughts on the issue. Mr. Bilkey stated that the Committee is "getting into the weeds" with this issue and the Committee should look at the language of the rules to determine exactly what the rules call for. Ms. Roe entered the discussion by giving an example of a transportation incident exercise that released Anhydrous Ammonia into a waterway and that exercise would be eligible for funding. She continued to explain that she believed it was Mr. Greeson's vision that local water utilities could be invited to work with LEPCs to improve the relationship between both entities. Mr. Bilkey stated that he did not agree with simply funding a contractor to develop and run an exercise when he believes there are other avenues to get this accomplished such as using IDHS staff or a nearby LEPC. Mr. Larmore asked if staff could find out how many LEPCs used a contactor to develop *their* annual exercise in 2016. Mr. Bilkey noted that those LEPCs hired a contractor to conduct their exercise, not another entity's exercise like a water utility. Mr. Larmore stated the water utilities are not required to conduct an annual exercise. Mr. Bilkey stated if they are not required to conduct an annual exercise then why would an LEPC want to fund the water utility to do an exercise for them? Mr. Larmore stated that it was for the benefit to the community. Mr. Ewusi agreed with Mr. Bilkey's comments. Mr. Pridgen stated that he cannot think of a time that Bartholomew County has utilized a contactor to facilitate their annual exercise. Mr. Pridgen stated that he is concerned about getting away from conducting exercises that do not use an EHS or CERCLA chemical. He also stated he likes the idea of conducting a community exercise but what happens when an electrical utility approaches the LEPC and wants to conduct an exercise but have the LEPC pay for it. Mr. Larmore stated the electric utilities have not been requested to conduct periodic exercises. Mr. Bilkey asked how far would an LEPC take it if a public entity or even a facility wanted to conduct an exercise but have the LEPC pay for it. Mr. Pridgen used the example of having Cummins host an exercise but the LEPC would be required to pay for it. Mr. Larmore stated that Marion County LEPC utilizes facilities all the time. He also stated that IDEM hosted two (2) Surface Water Emergency Response workshops in which the LEPCs were encouraged to participate and the LEPCs were encouraged to bring elements of the water utility's plan into their LEPC response plan. Mr. Larmore asked if the LEPC is required to insert elements of the water utility's plan into their plan should the LEPC not be expected to conduct an exercise on those new elements. Mr. Ewusi stated that the water utilities are still required to conduct an exercise with or without the LEPC and he could not justify the use of LEPC funds when the utility is required to conduct an exercise regardless. Mr. Larmore read excerpts from a letter from the IERC Chairman, Mr. Greeson, which was directed to LEPCs that have community water systems supplied by surface water sources. This letter encouraged the LEPCs to reach out to their local water utilities and collaborate with them to include elements in their LEPC plan to protect the local drinking water. The letter went on to say the IERC was encouraging the LEPCs to include the local water utilities in their next table top exercise. Mr. Ewusi stated that the letter that Mr. Larmore read encouraged LEPCs and water utilities to work together but it did not suggest the LEPCs fund an exercise for the water utilities. Mr. Pridgen stated that he would discuss this issue with Mr. Greeson when he arrives later today to try to get clarification regarding the letter Mr. Larmore read to the Committee members. Ms. Waymire stated that she would like clarification on whether LEPC funding can be used for a joint exercise with a water utility as well as if an EHS or CERCLA chemical has to be used when exercising with the water utilities. Mr. Pridgen stated that he did not feel comfortable allowing an LEPC to do an exercise and not use an EHS or CERCLA chemical. He stated he would support using a chemical that the water utility chooses and an EHS or CERCLA chemical for the LEPC to be able to count it as their annual exercise. Mr. Pridgen noted that it would be a good idea if the LEPC included the local water utility into their LEPC response plan and an exercise took place that included the water utility. Mr. Larmore stated that Marion County LEPC already does that. He noted that in 2015 they conducted an exercise at Kroger Dairy where they had a release of Anhydrous Ammonia and all the pertinent response agencies were present at the exercise. Mr. Larmore stated it would be easier for everyone to understand his position had they attended one of the two (2) workshops that were held in the state to address this matter. He stated that only he and Mr. Beier attended the workshops. He stated that in the workshops the local water utilities indicated that the LEPCs were not favorable to them. Mr. Pridgen noted that the fact that LEPCs are not including their water utilities is another problem that would need to be addressed. He noted that LEPCs should be inviting all public agencies to their

exercises to help build relationships within the community. Mr. Pridgen stated that he would like to bring this discussion up at the Commission meeting later today after he has had the chance to talk with Mr. Greeson to determine what was the intent of his letter to the LEPCs. Ms. Waymire asked Ms. Roe if an LEPC conducted a joint exercise with a water utility and used a non-EHS or non-CERCLA chemical, could the LEPC be reimbursed using Hazards Materials Emergency Preparedness (HMEP) grant funds. Ms. Roe stated that it would have to be a transportation-related exercise and fixed facilities would not qualify as transportation-related.

Mr. Pridgen introduced the agenda item *Focus Group for 2017 Initiatives.* Mr. Pridgen stated that this discussion is a carry-over from the January meeting in which the Committee was looking at ways to get non-active LEPCs active again or bring non-compliant LEPCs into compliance. Mr. Pridgen noted that ten (10) LEPCs are currently inactive and he would like to pick five (5) LEPCs to focus on working with community partners to attempt to bring them back into active status. He noted that it would be a good idea to focus on the community school corporations because they have a particular interest in protecting the children that attend classes at their institutions. Mr. Pridgen believes that targeting the school superintendents or administrators will translate into getting parents involved and possibly result in an increased desire to bring an LEPC back online. Ms. Roe presented the Committee with results of a research project that she and Ms. Hackney did. She presented a list of all ten (10) non-active LEPCs which included the number of facilities in the county which store EHS chemicals of DHS chemicals of interest. Mr. Larmore suggested adding facilities that have Risk Management Plans (RMP) due to the fact that those facilities store chemicals that can travel very long distances when released. Mr. Pridgen agreed with Mr. Larmore and suggested adding that information into phase II of the outreach program. Ms. Roe noted that her presentation also includes any potential radiation sources in each county. She reported that through her research she found that none of the transportation routes through these communities carry cargo that could be deemed radioactive. Mr. Ewusi suggested just focusing on facilities right now instead of potential radioactive releases. Mr. Pridgen suggested the radioactive column in Ms. Roe's presentation but addressing the radioactive issues in phase II of the outreach program. Mr. Bilkey asked if there was any correlation to the fact that Benton, Carroll and Cass counties are all next to each other and all three (3) happen to be non-active. Mr. Pridgen noted that due to the size of Tippecanoe County their LEPC may be willing to assist one of the nearby counties with a non-active LEPC. Mr. Ewusi stated that Tippecanoe County LEPC was not interested in helping the neighboring counties. He noted that Benton County assumes Tippecanoe County will come assist them if something happens and Tippecanoe County has said they would not because Benton County is not interested in helping themselves first. Mr. Bilkey agreed with Mr. Ewusi and stated that the same expectations happen with the law enforcement discipline. He noted Benton County has gotten dependent on Tippecanoe County for law enforcement support as well. Mr. Ewusi noted that he has attended meetings with different County Councils and County Commissioners and the results were not positive. He stated that no one person wishes to step up and be the center of gravity to get things off the ground. Mr. Ewusi invited the Committee members to join him if he attends these meetings in the future. Mr. Pridgen asked Mr. Ewusi to provide the Committee a schedule of when he is planning on attending an upcoming meeting. Mr. Pridgen noted that a major incident in one of the non-active counties would not only tax local resources but state resources as well and could have a large financial impact on the area. Mr. Bilkey noted the large facilities in these communities employee hundreds of people but they are not highly skilled people so they would not have the skills to improvise if a major incident occurred. Mr. Pridgen asked Ms. Roe to add to her presentation a list of facilities that have on-site emergency coordinators. Ms. Roe stated that it was a requirement for a facility that has an EHS chemical to have an on-site coordinator so they should all have them. Mr. Larmore stated that the challenge with Tier II reporting is the person who fills out the report is not always the key individual with whom someone would want to get in contact with if something happened at their facility. Mr. Larmore believes it would also be a good idea to contact the facilities within each county and asking them to help get the LEPC back online. Ms. Cyrus noted that in some cases the facilities will hire a contractor to do their Tier II filing and that individual may know nothing about the facility except what they store and where. Ms. Roe noted that when she and Ms. Hackney gathered the information for the facilities they researched they obtained the regulatory contact and

not the person who filed the Tier II information. Ms. Roe continued with her presentation and explained what vulnerable populations were near the Tier II facilities in each county. She explained that vulnerable populations could include schools, nursing homes, hospitals, or any other structure that may require moving a large number of people if an evacuation was required. Ms. Hackney noted that the facilities they selected are ones with EHS chemicals above Threshold Planning Quantity and/or have DHS Chemicals of Interest. She explained that the facilities they selected are ones that could pose a considerably serious threat to the population near them and the threat could be something that is fast-moving, providing little time to react in the event of a release. Mr. Pridgen stated that the information that Ms. Roe and Ms. Hackney are presenting is good information that the local community needs to know about. He noted that the information that Ms. Roe is presenting is information that should be given to the local media outlets such as newspapers or radio stations so the community can be made aware of the dangers they face. He also noted that Ms. Roe's information would be good to provide to the school Superintendents at their annual meeting or the newly appointed Superintendent of the Indiana Department of Education. Mr. Ewusi stated that staff has selected five (5) counties that they would like to target getting the information out to the communities. Mr. Pridgen noted that he would like to be notified when staff will be delivering their presentation to the selected communities as he would like to also attend these meetings. Mr. Larmore stated that he would like to attend community meetings as well. Ms. Roe explained why staff chose the five (5) counties. She noted that Carroll and Cass Counties were chosen because they are close together and both have a numerous amount of facilities close to communities and vulnerable populations. Starke and Switzerland Counties were chosen because they have a new LEPC Chairpersons and they are wanting to work with staff to become compliant. Mr. Ewusi noted that Orange County was also chosen to reach out to. Ms. Waymire stated that she thought the Focus Group was a good idea and would be a good way to outreach to the communities in the affected counties. Mr. Ewusi stated that staff is planning to set up public meetings within the affected counties in an attempt to get the word out to the communities. Mr. Pridgen requested to know who would be the contact person in each of the affected counties. Mr. Ewusi stated that staff will be contacting the facility emergency coordinators, school Superintendents and Principals, and inform them of what staff will be doing and encourage these individuals to attend the meetings. Mr. Pridgen stated that the meetings should be focused on sharing information with the attendees that staff has a valid concern about their safety and they should also share this concern. Mr. Ewusi asked the Committee what kind of timeline they would like to see these meetings take place. Mr. Pridgen stated as soon as staff can get the meetings set up. Mr. Larmore stated that it may be best to ask the points of contact in each county and they may have a better idea of when best to reach the biggest audience. Mr. Ewusi requested to know what the Committee defines as a point of contact within the community. Mr. Pridgen stated that the point of contact should be an individual with whom staff can share their concerns and would be willing to convey these concerns to the leadership within the community. Mr. Larmore noted that the EMA Directors may be a good person to start with if they have a good personality. He also noted that the individuals staff should be targeting are the key community leaders within each county. Mr. Pridgen noted that every community has someone that "goes to Dunkin Donuts every day" and is the strongest person in the community that everyone listens to and who is not an elected official but people gravitate towards when they speak. Mr. Larmore suggested also looking for an individual like Ms. Waymire who is good at networking with everyone in the community and may have the inside tract to influential individuals within a county. Mr. Ewusi asked if staff should take out an ad in the newspaper to announce the public meetings. Mr. Erickson suggested not utilizing traditional media at first. He suggested making some direct contacts in the communities and if there is still a lack of cooperation then utilizing traditional media outlets. Mr. Pridgen stated that the three (3) biggest partners that staff should target are medical facilities, schools and the major industries in each community as well as individuals from the inactive LEPCs. Mr. Pridgen suggested starting with Cass and Carroll Counties first. Ms. Waymire suggested keeping the communication with the community leaders positive. She noted it is important to convey the dangers the facilities pose but to keep the communication positive and reinforce the idea that staff and the Committee members are there to help.

NEW BUSINESS

Mr. Pridgen introduced the agenda item *Status of LEPC Deliverables.* Mr. Larmore requested to know where the LEPCs stand in terms of reporting their exercise proposals for 2017. Mr. Heflin reported that fifteen (15) counties have submitted their exercise proposal for 2017. He stated that submitting their proposals by March 1 is a new policy so some counties were not prepared to have their proposal ready by the March 1 date and some counties do not have their first meeting until sometime later in March.

ADJOURNMENT

Mr. Pridgen requested a motion to adjourn. Mr. Larmore made a motion to adjourn and Ms. Waymire seconded the motion. All present were in favor.

MOTION CARRIED

NEXT MEETING

May 16, 2017
Northern Monroe Fire Territory
5081 N. Old State Road 37
Bloomington, Indiana 47408

Jim Pridgen, Chair