

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, Indiana  
March 8, 2010 1:00 P.M.

**WELCOME AND INTRODUCTION**

Mr. Mike Garvey, designee chairman of the IERC, welcomed everyone to the meeting and asked for roll call.

**ROLL CALL TO ORDER**

Mike Garvey—IDHS  
James Pridgen—Industry  
Dean Larson—Public  
Shawn French—Industry  
Thomas Melville—State Government

Brian Lott—Local Government  
Roger Powers—Local Government  
Mike Bigler—State Government  
Sherman Greer—Local Government

**The following Commission members were absent:**

William Reed—Public  
Bruce Palin—State Government  
Carol Shelby—Public

**The following staff members were present:**

Laura Stedham—IDEM  
Ian Ewusi—IDEM/IDHS  
John Steel—IDHS  
Mara Snyder—IDHS

**The following members of the audience were present:**

Jeff Larmore—Marion County LEPC  
Pam Thevenow—Marion County LEPC  
Becky Waymire—Morgan County LEPC  
Jim Plum—Jefferson County LEPC  
Tony Burris—Allen County LEPC  
Brad Gavin—IDHS

**QUORUM**

The LEPC coordinator indicated that a quorum was present.

**CONSIDERATION OF THE MINUTES**

A motion to approve and adopt the minutes from the January 11, 2010, meeting was made by Mr. Larson and seconded by Mr. Melville. **MOTION CARRIED.**

## **REPORT OF THE CHAIR**

Mr. Garvey provided an update of legislation pertaining to IDHS and LEPCs. He reported that Senate Bill 186 made its way through the legislative process and was awaiting the governor's approval. He noted that the bill was an amendment to previous legislation that addressed transportation of high and low level radioactive waste. Mr. Garvey indicated that notable additions with this legislation version were a permitting process for both wastes and fee structure for high level waste. He reported that fees collected would be used to fund training of first responders in high level radioactive waste incident responses.

Mr. Garvey also reported that the bill included a provision to allow the use of LEPC proxies and indicated that when signed by the governor on July 1, 2010, government officials on an LEPC could designate proxies in their stead.

## **COMMITTEE REPORTS**

### **Communications Committee—Sherman Greer, Chair**

Mr. Greer indicated that he did not have a report to present because the Communications Committee had not met. He inquired about the status of the proposal to combine the IERC Conference with the Indiana Fire Chiefs Association Conference. Chairman Garvey informed the commission that the proposed conference alignment would not occur this year, but that staff was working on the logistics to make it happen in the future. Mr. Greer noted that the 2010 IERC Conference would be a stand-alone conference and that the committee would work on rescheduling the speakers and topics for another date and location separate from the Fire Chiefs conference.

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

Mr. Larson reported on the Policy/Technical Committee meeting held in the morning and noted that the purpose of the meeting was to seek out recommendations to increase the interaction of the LEPCs and District Planning Councils (DPC). He reported that the committee had decided on the following recommendations:

- Do nothing—leave the LEPCs and DPCs to operate as they currently do.
- Develop one statewide LEPC to replace the current 91 named LEPCs.
- Designate LEPC representatives as full voting members of assigned DPCs.
- Institute a 2-year membership requirement for LEPCs within the DPC and review the viability and functionality of both bodies at the end of the period.

Mr. Larson also reported that there were some concerns raised at the meeting about the logistics of how LEPCs and DPCs would work, and he summarized the concerns as follows:

- Would the DPCs be required to perform the statutory requirements of the statewide LEPC
- Where would the records of a statewide LEPC be maintained and/or housed
- Who would manage and maintain the records of a statewide LEPC
- What would be the membership composition of a statewide LEPC and would it be representative of all counties
- Would LEPCs be sub-committees of the DPCs or full committee members
- Could DPCs help inactive LEPCs become active

Mr. Larson reported that the Policy/Technical Committee had tasked itself to develop a “white paper” on the following topic: If an LEPC was to be set up for the first time in Indiana, what would this entity look like in terms of structure, operation, duties and functionality. He also mentioned that he and Mr.

Pridgen would be talking to Director Wainscott on the progress of this discussion and that the committee planned to meet the morning of the May 2010 IERC open meeting.

**Training Committee—Carol Shelby, Chair**

Chief Lott reported for Ms. Shelby and indicated that a company known as HAZMAT 911 had requested to be added to the LEPC training resource list. He noted that HAZMAT 911 had been asked to provide additional information and that he would bring the request to the commission for consideration at a future meeting after HAZMZAT 911 had provided the information.

**Fiscal Committee—Bruce Palin, Chair**

No report

Motion was made by Chief Lott to accept all committee reports and was seconded by Mr. Greer.  
**MOTION CARRIED.**

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

Mr. Brad Gavin, Ethics Officer with IDHS, reported on the LEPC/IERC ethics training requirements in progress March 1–19, 2010. He indicated that he had been working with all LEPC members to insure that they complete the training and would provide a progress report at the May IERC meeting.

Mr. Garvey asked the commission to consider if the expense of maintaining a court reporter to transcribe commission meeting minutes was necessary. Mr. Ewusi responded that the commission had in the past tried to replace court reporters with IDHS administrative assistants to transcribe meeting minutes without success. He continued that the commission realized that the quality of the minutes recorded by IDHS administrative assistants diminished significantly because there were too many data gaps in the minutes.

Ms. Snyder noted that using a court reporter to transcribe other IDHS commission meetings was not a legal requirement.

Motion was made by Mr. Melville to discontinue the use of a court reporter to transcribe IERC meetings and was seconded by Mr. Bigler. **MOTION CARRIED.**

Mr. Bigler made a motion to have audio recordings of IERC meetings to track all discussions and was seconded by Mr. Lott. **MOTION CARRIED.**

Mr. Larson made a motion to amend the January meeting minutes, from “EMAI/IERC Conference” to “IERC Conference” by striking out the initials “EMAI” and was seconded by Mr. Melville. **MOTION CARRIED.**

## **REPORT OF THE FIELD REPRESENTATIVE**

Mr. Ewusi reported the following filed activities since the last meeting:

- CAMEO training workshops held in Greensburg and Noblesville
- LEPC 101 workshop held in Bedford, Lawrence County
- EPCRA online reporting workshops for reporting facilities held in Allen, Elkhart, Marion and Vigo Counties

Mr. Ewusi also reported that 2019 facilities had to date used the new online system to report their chemical inventories and indicated that this number was considerably more than last year's. He noted that some technical issues with the online system had been reported and the issues were being addressed as soon as received.

## **MEMBERSHIP ROSTER APPROVALS**

Mr. Ewusi reported that the following 42 counties had submitted new or updated rosters for approval:

Adams	Grant	LaPorte	Tippecanoe
Allen	Hamilton	Marion	Vanderburgh
Bartholomew	Hancock	Miami	Vermillion
Blackford	Harrison	Monroe	Wabash
Boone	Jackson	Morgan	Warrick
Brown	Jasper	Owen	Washington
Clinton	Jefferson	Perry	Wayne
Crawford	Johnson	Posey	Wells
DeKalb	Knox	Pulaski	White
Dubois	Kosciusko	Ripley	
Gibson	La Grange	Shelby	

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

## **LEPC COMMENTS**

Mr. Jim Plum, representing the Jefferson County LEPC, reported that he had received an email from the IDHS grants coordinator concerning the HMEP grants that stated, "The timeliness of filing the reports will be reflected in the grading process now being evaluated by your district coordinator." He inquired about the accuracy of this statement because LEPCs are not District Planning Councils.

Mr. Garvey responded that the statement must be carryover text from other IDHS grant requirements erroneously sent to LEPCs.

Mr. Plum also inquired about the \$297,000 out of \$514,000 HMEP grant funds awarded to 23 LEPCs last grant period and noted that HMEP grant funds were vital to LEPC operations because they funded projects such as commodity flow studies and hazard analyses. He noted that the paperwork process instituted by the IDHS grants office for LEPCs to access the HMEP grant was excessive and burdensome, especially since most LEPC members were volunteering personal time.

The commission determined that further and better communication was needed between LEPCs and the IDHS grants office.

Mr. Tony Burris with the Allen County LEPC expressed concern about the length of time it took the state to disseminate facility records and HMEP funds to LEPCs. He noted that it sometimes took as long as 6 to 9 months for LEPCs to receive facility records to be able to perform compliance audits. Mr. Burris reported that this delay sometimes affected the scheduled Hazmat and OSHA CFR 1910 training classes that LEPCs provided for local responders. He noted that untimely training programs for responders inevitably affects response to catastrophic events.

Mr. Larmore from the Marion County LEPC added that having EPCRA facility information in a timely manner is vital for their Hazmat planning efforts.

Mr. Greer asked if LEPCs can receive the accrued interest on their funding accounts which are managed by county fiscal bodies. Ms. Snyder responded that LEPCs should receive those accrued interest funds, and some commission members concurred with her.

### **EPA COMMENTS**

No Report

### **PUBLIC COMMENTS**

No Report

### **NEXT MEETING**

May 10, 2010, 1:00 P.M.

Indiana Government Center South, Conference Room A

### **ADJOURNMENT**

Meeting was adjourned at 3:14 P.M.

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Joseph E. Wainscott, Jr., Chair