

MINUTES
IOWA EMERGENCY RESPONSE COMMISSION
September 24, 2009 at 9:00 a.m.
Wallace Building, 4th Floor Conference Room

Members Present:

Julie Bell
#Anne Jackson
#Kathy Lee
Jim Clark
Kevin Klomnhaus
#David Miller
#Dean House
Terry Butler
#Jim Kenkel

Absent:

Matt Unger
Sherry Sievers
Fire Service Council – Vacant
Dept of Justice – Vacant
LEPC Representative - Vacant

Staff:

Paul Sadler - HSEMD
Lisa Sexton – HSEMD
Jack Briggs - HSEMD
Elonda Bacon - DNR

EPA

Pat Reitz – EPA R7

Guests

B. J. Dvorak – Johnson EMA
Debbi Cooper – IDPH
Gary Brown – Woodbury EMA/Region 4
Bob Goldhammer
Matt Oetker – Attorney General Office
Peggy Reelitz – Polk EMA
Olivia Sommerlot – Polk EMA
David Johnson – HSEMD

On the Conference Phone:

Barb Berquam– Black Hawk County
Peg Stickrod – Region 5

1. Attendance and Introductions

2. Approval of Agenda

- Debbi Cooper was added to the agenda under new business. Moved by Kathy Lee, second by David Miller. Motion carried.

3. Approval of Minutes

- September 25, 2008 - Motion to approve by Anne Jackson, second by Dean House. Motion carried.
- March 5, 2009 motion to approve by Anne Jackson, second by Jim Kenkel. Motion carried.

4. Correspondence, Speeches, Conference Reports

- 2009 LEPC Conference in Kansas City, August 6-9, 2009 – Julie Bell - 150 people from four states attended. Attendance was kind of low. Consensus was that the Conference was well done. Iowa's session was well attended and had good participation. About 20-30 people. People were slow to register. Randy Schademann talked to Kathy Lee and suggested a

hazmat/LEPC conference, which brought positive comments. Dave Miller asked if travel budget restrictions would have an impact.

- Letter from Deborah Dietrich with EPA OEM, dated August 20, 2009 - Julie Bell and EPA. Pat Reitz will cover in her report later too. A copy of the letter is spread on the minutes. Kathy Lee said that the three RCRA sites in Iowa already submit Tier II forms, so compliance in Iowa is good. The letter had two guidance documents and the links are in Pat's report, which is also spread on the minutes.

5. Committee Updates: Membership/Reports

- Executive Committee - Julie Bell & Kathy Lee met on 09/09/09 – Julie Bell. Discussed agenda items and rule changes.
- LEPC Support/ Education – LEPC Workshop June 10, 2000 – Julie Bell & Kathy Lee. The committee met several times via conference calls to organize the First Annual LEPC Workshop. Kathy reported that it was very successful – standing room only and some walk-ins. The most expensive part of the workshop was the meal but it saved time. Organizers were creative and scratched together supplies, using recycled binders and begged and borrowed where possible. Feed-back was very positive; comments in every section of the evaluation had positive comments. The Committee feels they are going in the right direction. Industry participation was good. Thanks to the Fire Service Training Bureau for providing the space for the workshop.
- Fee Legislation Study Committee – Tabled until 2012.
- Rules Committee Chapter 605 – Kathy Lee – Proposed rule changes will allow for the way Tier IIs are submitted electronically and clarify the way we are doing business. Gary Brown – asked if this will fix the reporting to LEPCs. Kathy Lee said the State can pass rules to allow for a one stop reporting. She is working with John Benson at HSEMD. Rule making will take a formal approval by the IERC, so if this gets done before the March 2010 meeting, we may have an electronic meeting.

6. Old Business:

- Cost Recovery DNR update – Kathy Lee – Cost recovery legislation passed without any opposition. One county has already utilized the ordinance. About 50 percent of the counties did not have a cost recovery ordinance or did not know if they have one. Iowa Fireman's Association issues a reasonable fee structure based on a survey, which is used to charge for response to incidents. Legislation went into effect July 1, 2009.

7. New Business:

- Speaker – Debbi Cooper, with Iowa Department of Public Health; Debbie presented a PowerPoint about the Hazardous Substance Emergency Events Surveillance Systems. The program was instituted by ATSDR in 1990 and Iowa was one of the first 5 states in the pilot program. Now there are 14 states participating. A plaque was presented to Debbi expressing the IERC's appreciation for all that she has done since 1990 in this program. The information that Debbi has captured in the past 20 years has been saved and archived for future reference.

- Julie Bell introduced new IERC Members Terry Butler and Melanie Rasmusson.
- Appointment of Private Industry voting member – Julie Bell
Julie Bell nominated Terry Butler as the voting member.
Motion to appoint Terry Butler as a voting member of the IERC. Motion was second by Dean House. All in favor and motion carried. Congratulations, Terry!
- HMEP Grant Approval – Lisa Sexton October 1st is the new fiscal year for HMEP. In the packet are the proposals for use of the grant money. Staff is waiting on some final approvals. Julie Bell, Paul Sadler and Lisa Sexton met last Friday to review the applications. Summaries of the allocations are spread on the minutes. Allocations are “preliminary” because of the waiting on eligibility approval. Some of the new concepts, like Tier II information binders for first responders in Region 4, are waiting on approval from USDOT. Preliminary information is not to be distributed yet.
 - Motion by David Miller to accept the preliminary allocations with approval to adjust the awards if the eligibility approval does not work out; if it is denied, they will be given a chance to amend their proposal. Second by Anne Jackson. Motion carried.
LEPC applications will be required to be due by spring of 2010 because DOT is requiring a scope of work. Lisa talked about conflict of interest. Instructors and contractors should not be members of their LEPCs.
- Jackson County Joining Region 6 – Paul Sadler
Jackson County has petitioned the IERC to join the Region 6 Emergency Planning District. The Jackson County LEPC has disbanded and the existing LEPC members have submitted their resignations. The Jackson County Board of Supervisors has passed a resolution to permit the joining of Jackson County with Region 6. The Region 6 Planning Committee has expressed that they welcome Jackson County into their Region. Jackson County LEPC has not entered into any agreements that remain in effect and the County has agreed to continue to maintain a hazardous materials plan. Lyn Melenger, Jackson County EMA Coordinator has been nominated to represent Jackson County in the Region 6 Committee.
 - Motion to accept the nomination and resignations from Jackson County by Anne Jackson second by Dean House. Motion carried.
 - Motion to change the boundaries for Region 6 to include Jackson County moved by Anne Jackson, second by Jim Kenkel. Motion carried.
- Planning Issues – Gary Brown is the Region 4 Emergency Planning District Chair, and he represents Woodbury EMA and District 3 to the Iowa Emergency Managers Association and is the President Elect to IEMA. Gary said “Thank-you” for the HERE program and expressed that it is a useful tool. He went on to talk about certain requirements in the hazardous materials planning guidance. Planning documents are required to map and chart EHS

facilities and include in the plan. The maps are required to show that area on the map that would identify the vulnerability zones for each facility. He said that circles are antiquated and that available technology today does not use paper maps or identify areas that are vulnerable. He said doing so is a liability. The method of how those circles get drawn varies greatly and are not consistent or even scientific; uniformity is lacking. HSEMD requires that the hazardous materials plans be submitted with maps that show these vulnerability zones. He expressed that technically, if the Tier II form has a check mark in the EHS box, then a map with a circle has to be submitted. DNR needs to take a good look at the Tier II forms and kick out the ones that are mislabeled as EHS chemicals. Kathy Lee said she had planned to hire some chemical majors to go through and clean it up, but there are budget restraints right now. Gary said that Region 4 LEPC is using Sioux City fire Dept to ensure chemicals are done right. He asked if the HERE program can help with the maps? RMP maps? Kathy said that there will be more mapping available through the HERE in the future. Paul Sadler said that RMP maps have always been acceptable in the plans. Gary said he wants to get the maps out of the plans. Ohio has a good example he suggested that the plans refer to Cameo or where the data resides.

Dave Miller suggested that the IERC assign this to a group to research the requirements and what other states are doing and what new technologies that will satisfy the requirements. Jim Clark suggested that whatever we do is ensure it is something that can be funded by HMEP.

The following people volunteered to be on the “Planning Issues Committee”

Gary Brown – Co-Chair

Paul Sadler – Co-Chair

David Johnston

Jack Briggs

Elonda Bacon

Kathy Lee

Matt Oetker

Barb Berquam

The Co-chairs were instructed to set a meeting date and get back to the IERC. Kathy Lee offered conference room space.

- Conflicts of interests – Lisa Sexton explained the conflicts of Interest she is seeing and how she proposes to “cleaning them up”. For example consultants who are hired by a grant recipient to complete work in conjunction with an HMEP grant cannot sit on the LEPC. Dave Miller asked if they could sit on the LEPC without being an officer.
 - Motion by Dean House that consultants who do work for an LEPC that uses HMEP grants should not sit on the LEPC. Second by Kathy Lee. Motion carried unanimously.
- Tier II data requests: Providing Tier II data to the University of Texas and the U.S. Department of Homeland Security - E-Plan – Kathy Lee looked into it. She said she would still have gone with the Tier II Manager that we have now.

They have been asking for the data since May. Due to the sensitivity, she wanted to ask the IERC. She said that there are no problems with security with E-Plan. It was decided that although the information is public record, we should let the AG office see the request before taking formal action. Dave Miller asked that she wait until further research can be done on the security and/or our State's access to the information after it has been processed by University of Texas and the US DHS. His concern was that when DHS has previously requested info, DHS has then withheld access to the info from the state. No action was taken on this item, pending further research.

- Planning the next annual Iowa LEPC Workshop. Julie Bell and LEPC Support/Education Committee asked if the Commission supports doing another Workshop. She suggested a one day workshop again and make it an annual event. Consensus around the room was that it was good. HMEP cannot pay for it because the grant cannot be used for the private sector. Sioux City Fire offered to sponsor it in Sioux City – Gary Brown said he could find space in the Security Institute. Kathy suggested three workshops a year at odd Regions on odd years and even Regions on even years. Bob Goldhammer expressed it could distract from the bi-annual Region 7 LEPC conference (the one normally held in Kansas City).
 - Motion by David Miler to move forward with future state LEPC Workshops, leaving the Committee to determine the number, location and format of the workshops. Second by Kathy Lee. Motion carried unanimously.

8. Agency Reports

- **Homeland Security and Emergency Management Division**
 - Section 301 – LEPC membership – Appointments and Resignations
 - LEPC Membership Report – Paul Sadler. The report is spread on the minutes.
 - Motion by Dean House, second by Anne Jackson to accept nominations and resignations as presented. Motion carried unanimously.
 - Section 303 – Plan Submissions – Paul Sadler – As of today all counties have a compliant hazardous materials plan in place. It appears that after September 30th when all plans are due and reviewed at HSEMD, we will still have 100 percent
 - Section 305 – Training Funds and Courses – Lisa Sexton – this was covered earlier in the agenda.
- **Dept. of Natural Resources**
 - Section 302 & 312 – Tier II Reporting & facility Submissions – Kathy Lee – 3857 Tier 2 facilities now; 3200 when the program was taken over.

- Section 304 & Section 313 - Emergency Notifications & Form R Reporting – Kathy Lee – 654 spills – low because of transition to database.
- 313 – 485 reports; 291 submissions on paper or disk. Next year there will be no paper or disk.
- Kathy provided an updated Hazmat team map. She said 99.9 percent of the population is covered by hazmat teams.

9. EPA Reports –

Report is spread on the minutes.

EPA maintains a list of LEPC contacts. We suggested that instead of causing more work for the States in maintaining two lists and the hassle of making changes to the EPA list, that they link to the state websites that already has that information.

Pat reported that IDALS was turned down for the RMP grant. All questions will be referred to EPA KCMO.

10. Public Comment

Bob Goldhammer, member of the General Public.

- The Uniform Statewide Recovery legislation that was passed was a good thing and will save tax payer money. It wasn't publicized adequately.
- Facility fee legislation – discussion has been deferred since 1997. Suggested that we capitalize on the success of the recent successful legislation and try to get a fee legislation passed. He expressed disappointment that the issue is tabled, which was echoed by others around the table, however work is on-going in preparation for acceptable legislation.
- He said the IERC should continue to pressure the Governor's Office to appoint the LEPC representative to the IERC. It is an important part of the Commission.
- Discussion has been great and he hoped that the momentum will continue.

11. Set 2010 meeting dates - Meeting dates for 2010 were set for March 18 and September 23, 2010

12. Adjourn