

Minutes
IOWA EMERGENCY RESPONSE COMMISSION
October 27, 2011 at 9:00 a.m.
Wallace Building, 3rd Floor Conference Room

Attendance – Need 5 of the 7 voting members for a quorum. # indicates voting member.

Members Present:

- Julie Waltz
- Meghan Gavin
- #Dean House
- #Anne Jackson
- #Kathy Lee
- Rex Mundt
- #Ray Reynolds
- Ted Stopulos
- #Susan Green

Absent:

- #Mahala Cox
- Melanie Rasmusson
- #Terry Butler
- Kevin Klommhaus
- Jim Clark

Staff

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

EPA

- Pat Reitz
- Don Lininger

Public Present

- Bob Goldhammer-Public Member
- Peggy Reelitz Polk County LEPC

On the Conference Phone:

- Janet Riley – HSEMD
- B.J. Dvorak – Johnson County
- Peg Stickrod LEPC Region 5
- Bob Dougherty – IERC Member

Guests

- Bob Goldhammer

Meeting was called to order at 9:00 am by Chairperson Julie Waltz. Due to a lack of a quorum, the meeting was conducted as an informational meeting until a quorum was reached.

• **Correspondence, Speeches, Conference Reports**

- Region 7 LEPC Conference La Vista, NE July 28-30, 2011 – Julie Waltz.
Julie chaired the Iowa LEPC Breakout and the attendance at the breakout session was disappointing. Only twelve people attended the Iowa Breakout session. Adam Broughton, Elonda Bacon and Paul Sadler from the IERC staff attended and Julie Waltz and Jim Clark represented the IERC. Sadler expressed disappointment that more IERC members did not attend. He said it sent a poor message to the LEPCs. He reminded them the IERC supervises and coordinates the activities of LEPCs, appoints their members and sets their boundaries. This would have been a perfect time to observe what LEPCs do in Iowa and see what LEPCs do in surrounding states. He said that overall turnout was low - about 204 people were registered for the Conference and about 25 were from Iowa. The low turnout could be due to the response to the Missouri River flooding and other disaster recoveries and the poor economy – he estimated about 25 people from Iowa attended. He reminded the IERC that they had set aside \$10,000 of HMEP money for financial assistance to LEPC members to attend the Conference. Going into the conference, the number of requests for assistance had dwindled to 20 people but as of September 1st, Lisa received invoices from only 11 participants. We will have to turn back about \$5000 because people did not take advantage of the assistance. Lisa Sexton said this is not the first time this has happened. Those who did not

submit an invoice will have to absorb the cost or seek reimbursement through their company or county. Elonda Bacon gave a presentation at the Conference in the LEPC 101 session on Tier II Reporting for Hazardous Chemicals. As mentioned earlier, Julie Waltz led the Saturday breakout session. What we took away from that session was that LEPCs are frustrated with a lack of enthusiasm and generating interest in what they do. He said next time, Iowa attendees who want financial assistance will need to attend the breakout session and put their name on an attendance sheet. Julie attended the Awards Banquet and presented awards to Union, Marshall, Johnston and Jasper Counties. Saturday afternoon of the Conference was a table top exercise, which was poorly attended. The next LEPC Conference will be 2013, probably in Kansas City.

Paul Sadler said that the 2011 LEPC Conference Planning Committee consisted of representatives from EPA, FEMA and each of the four states. From Iowa, Paul Sadler, Bob Goldhammer and Adam Broughton represents Iowa on the Planning Committee. Adam directed the exhibitor part of the Conference and did a great job. The exhibits make money for the Conference to pay for expenses of speakers and facility. A conference call is scheduled for November for the Planning Committee to start planning the next LEPC Conference in 2013.

- New Commission Member Orientation - October 3, 2011.

The Governor's Office provides training to new appointees of the Boards and Commissions. Topics include information on Open Records, Public Records, Responsibilities and Ethics, Rule Making, etc. These are always excellent sessions and it was unfortunate that so many of the new IERC members did not attend. Three people from the IERC attended. After the training, Paul Sadler forwarded the attachments and packets to all the IERC members for their information. He will send it again.

- Hazmat Symposium

Kathy Lee said the 2011 Hazmat Symposium was successful. Registration was slow, but there were 189 attendees – on par with past attendance. This year, it was at the Scheman Center in Ames. There were other events in Ames that week but in spite of obstacles, attendance was good.

At this point, Susan Green HSEMD, an IERC voting member, arrived. A quorum was reached and business could be conducted.

- **Approval of Agenda**
 - Moved by Dean House to approve the agenda. Second by Kathy Lee. Motion carried.
- **Approval of Minutes**
 - Minutes of the May 26, 2011 meeting were sent by email so Commission members could read ahead of the meeting and hard copies were in their packets at the meeting. Moved by Susan Green to accept the minutes of May 26, 2011. Second by Anne Jackson. Motion carried.
- **Committee Updates: Membership/Reports**
 - Executive Committee – no meeting
 - LEPC Support/ Education Committee – See old business

- Fee Legislation Study Committee – Tabled until 2012
 - Rules Committee Chapter 605 – No progress.
- **Old Business:**
 - CEPP Grant - award from EPA for LEPC Outreach –
Julie Waltz said for several years IDALS has applied to EPA for the CEPP grant and they have received the grant for \$30,000 from October 1, 2011 to September 30, 2012. As a part of this grant, the IERC asked IDALS for \$2000 to do LEPC workshops to include a risk management segment. Kathy Lee said she, Julie Waltz, and Neil Vaughn will have a meeting on November 4th to shore up the agenda. Others may participate. She said the IERC wants to target SW Iowa. She said she would provide the time and place of the November 4 meeting and provide notes after the meeting. Rex Mundt asked that we look at the number of fire departments that are represented on LEPCs.
 - **New Business:**
 - HERE program (Homeland Emergency Response Exchange) update – Kathy Lee said that sometimes end users that do not have administrative rights to their computers have problems with the HERE updates, which will be fixed with the next update. There will be an increase in the size of the database that the software will allow. Currently it can only add two states, which is a problem for counties that are adjacent to other states. Water quality monitoring data will be added to the application and will be available.
 - **IERC Standing Committees Review**
 - **Executive Committee:** Julie Waltz (Committee Chair*), Susan Green, Anne Jackson, Kathy Lee (traditionally the IERC Chair and three state agencies who have statutory responsibilities.) HSEMD Staff Support.
 - **LEPC Support/ Education:** Julie Waltz (Committee Chair*) Susan Green, Ray Reynolds, Kathy Lee and Mahala Cox. HSEMD Staff Support.
 - **Fees Committee:** Kathy Lee (Committee Chair*), Meghan Galvin (Attorney General Rep.), Mahala Cox (LEPC Rep.), and Susan Green (HSEMD), Terry Butler (Industry Rep.), Julie Waltz, Jim Clark. HSEMD Staff Support. (Fees Committee activity suspended until 2012 by the IERC on March 5, 2009)
 - **Rules Committee** Chapter 605 – Chair Kathy Lee (chair); John Benson
 - **Election of Officers –**
Paul Sadler reminded the IERC that 605—101.9 require that the election of officers shall take place at the first commission meeting held each calendar year. It will be placed on the agenda for March 15, 2012. A Nominations Committee was appointed. The Nominations Committee will be Dean House, Rex Mundt, and Susan Green
 - **Use of Email**
Meghan Gavin, the Attorney General Representative on the IERC reminded the Commission members to refrain from using the “Reply to All” option when responding to e-mails that include all of the IERC members. It is a technical violation of the Open Meetings law (Chapter 21); it is considered an

electronic meeting and it violates the requirements of the law. A meeting consists of a “majority of the members” (in the case of the IERC, more than 7 members would be a majority). An “open meeting” must meet specific requirements and an email that originates from a Commission member that goes to more than 7 members, would violate the public notice of the meeting and violates the public access to the place of the meeting, among other requirements. The law places the responsibility of compliance on the individual members of a governmental body and each member would be liable. Also, ignorance of the Open Meetings requirements is not a defense.

- **Agency Reports**

- **Homeland Security and Emergency Management Division**

- Section 301 – LEPC membership

- Appointments and Resignations - A list of LEPC nominations and resignations are spread on the minutes.
 - Moved by Dean House to appoint the nominations and accept the resignations. Second by Susan Green. Motion carried.

- LEPC Membership Report – Paul Sadler

A map of inactive LEPCs is spread upon the minutes. There are 19 LEPCs that are inactive. And two more that are working on an active status. Last May, there were 23 that were considered inactive, so this is an improvement. An active LEPC is one that has provided a set of By-Laws, and two sets of minute per calendar year. They also must maintain their membership by providing nominations and resignations and changes in LEPC officers. Sadler noted that he had recently been contacted by Henry County, which has been meeting informally and inquired about becoming an active LEPC. He said that the county Public Health agencies seem to be a driving force in getting some of the LEPCs activated again.

- Section 303 – Plan Submissions – Paul Sadler

As of October 1, 2011, Iowa again has 100 percent compliance in all 99 counties. Each county has a compliant hazardous materials plan (ESF-10) that was reviewed by the LEPC and approved by the County Emergency Management Commissions.

- Section 305 – Grants, Training Funds and Courses – Lisa Sexton

USDOT HMEP (Hazardous Materials Emergency Preparedness) Grant. She is in the process of closing out FY2011 which ended September 30th. She reported that as of yesterday, 2,760 people were trained in one year. Of those, 610 are paid responders, 2,152 are volunteer responders. Most of that training went to Ops Refresher (1,707). The rest of the training was Awareness, Operations, Technician, Ethanol, and HazMat IQ. She said for the first time ever, we are returning money (\$53,854 under training and \$9,676 under planning) due to USDOT HMEP “rebranding”. USDOT were audited and they had to tighten up the way they do things. For reasons unknown, LEPCs did not spend all their money for the projects they had committed to. She was tied to the work plans and she was not allowed to make changes, re-allocate or move funds.

Lisa said she is now working on the 2012 Grant. They (USDOT) say it will be easier this year. 2013 will start in October 2012 so that process will start in early February 2012. LEPCs will file their applications on IowaGrants.gov.

She said there is a good possibility that we could get audited this year, but she feels she is ready for it.

She said that at the March 15, 2012 meeting, she will need to know how much 2013 HMEP money we want to set aside to support the 2013 LEPC Conference for Financial Assistance.

- **Dept. of Natural Resources**

- Section 302 & 312 – Tier II Reporting & facility Submissions – Kathy Lee. There are about 3,968 facilities; For September, there were 45 spills so far this year. Last year during the same period was 57 spills.
- Section 304 & Section 313 - Emergency Notifications & Form R Reporting – Kathy Lee. 422 facilities registered for Section 313 reporting. This information is now reported on-line to EPA.

- **EPA Reports** – Pat Reitz, EPA. She provided two hand-outs that are spread on the minutes, which covered:

- TRI Fact Sheet
- EPCRA 313 – TRI Updates
- New Versions of CAMEO and Tier II Submit available
- Proposed Revision to Tier II
- 2011 Region 7 LEPC Conference
- Risk Management Program
- EPA Regional Office will be moving to Kansas City, Kansas.

Don Lininger, EPA - reported on the EPA Emergency Response and Removal

- **Public Comment**

Bob Goldhammer thanked the Commission for getting CEPP grant for Workshops. He offered himself as a resource for the LEPC Workshops. He thanked Ted Stopulos for being at the IERC meeting today.

- **Next meeting date:** March 15, 2012, May 24, 2012, October 25, 2012. It was decided to have the March 15th meeting at W-4 Camp Dodge.
- **Adjourn 11:25**

A short video of an exercise in Region 5 LEPC was shown after adjournment, provided by Peg Stickrod.

Minutes submitted by Paul Sadler

Chairperson

Date