

Minutes of the
South Dakota Emergency Response Commission Meeting
Conducted via the Digital Dakota Network

State Capitol Building
Pierre, SD

South Dakota Dept. of Transportation
Brooking, SD

SD School of Mines and Technology
Rapid City, SD

Mitchell Technical Institute
Mitchell, SD

July 15, 2014
1:00 p.m. CT

CALL TO ORDER AND ROLL CALL: Chairman Robert McGrath called the meeting to order. The roll was called and a quorum was present.

COMMISSION MEMBERS PRESENT: Robert McGrath, Joe Nadenicek, Becky Pitz, Mike Carter, Andrew Canham, Patrick Snyder, Doug Hinkle sitting in for Paul Merriman, and Jason Bauder sitting in for Kristi Turman.

COMMISSION MEMBER ABSENT: John Forman.

PRESENT VIA TELEPHONE CONFERENCE CALL: Mary Beth Vasco, FEMA, and Bernadette Rose, EPA.

OTHERS PRESENT: See attached attendance sheets.

INTRODUCTIONS: Participants at the DDN sites introduced themselves.

APPROVAL OF MINUTES FROM MARCH 24, 2014, MEETING: Motion by Nadenicek, seconded by Pitz, to approve the minutes from the March 24, 2014, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATE (EPA): Bernadette Rose, EPA, provided an update on recent EPA activities. She discussed training that Executive Order 13650 was an action plan. As part of EPA's effort in doing its share, Region VIII is proposing to provide LEPC training. This will be full-day training by a contractor who will provide training regarding LEPC requirements. Ms. Rose said EPA is taking a poll of each of the states to see if each state would be interested in the training. EPA has discussed possibly holding two training sessions per state.

Chairman McGrath said he believes there would be interest in the training.

Responding to a question from Mr. Nadenicek, Ms. Rose stated that Executive Order 13650 was signed by the President after the fertilizer plant explosion in West, Texas. The Order basically requires several federal agencies to work together to make sure these types of accidents do not happen in the future. EPA is working with the Department of Homeland Security, Department of Transportation, and the Department of Labor, OSHA. This group of agencies prepared the action plan, which states the things that need to happen in order for each agency to do its part in making sure that LEPCs and industry are taking the right precautions. Ms. Rose will send a copy of the action plan to Ms. Kindt.

Responding to a question from Kim McIntosh, Ms. Rose said EPA would leave the length of the training session up to the state.

Ms. Rose then discussed a three-day training session being offered by Burlington Northern and Santa Fe Railroad (BNSF) in Pueblo, CO. This is free training is for emergency responders and is specifically geared toward railroads carrying crude oil. The training is being offered through December 2014.

Ms. Kindt stated that DENR received the flyer on this training.

Motion by Nadinecek, seconded by Snyder, that DENR and the Office of Emergency Management work with EPA to set up the dates and locations for the training offered by EPA. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATE (FEMA): Mary Beth Vasco provided an update on recent FEMA activities.

OFFICE OF EMERGENCY MANAGEMENT REPORT: Jason Bauder provided an update on the presidential disaster declaration process. As a result of the severe storms, flooding and tornados that occurred from June 13 through June 20, 2014, FEMA, along with the Small Business Administration, performed individual assistance preliminary damage assessments.

After the damage assessment was complete, the Office of Emergency Management felt the state would meet the requirements to receive individual assistance from FEMA. On July 2, 2014, the Office of Emergency Management submitted the request and the following week that request was denied. The request for individual assistance was for the counties of Jerald, Lincoln, and Union.

Mr. Bauder stated that as a result of the denial, the Office of Emergency Management moved on to the Small Business Administration to bring in low-interest disaster loans for the residents that were affected in the businesses. That declaration was received on July 14, 2014, from the Small Business Administration. The Small Business Administration will open a loan processing center in Wessington Springs, Canton, and Elk Point on July 16, 2014. The center will be open for approximately two weeks.

At the same time, a preliminary damage assessment being done for public infrastructure damage. This includes roads, bridges, culverts, public buildings, etc. that were damaged as a result of the storms. This is being done in 12 counties and one tribal government, Standing Rock Sioux Tribe. Depending upon how that turns out, the Office of Emergency Management is anticipating that all 12

counties and the one tribe will meet the level of requirement to request a federal disaster declaration for public infrastructure. If the declaration is granted, those 12 counties and the tribal government would be eligible for 75% federal reimbursement to repair the damaged facilities.

Mr. Bauder noted that there are a lot of volunteer activities taking place in Wessington Springs, Canton, and Union County related to homeowners and trying to get their lives back in order and clean up their homes as a result of the damage.

Mr. Bauder answered questions from the SERC members.

ELECTION OF OFFICERS: Nadenicek nominated McGrath as chairman.

Motion by Nadenicek, seconded by Bauder, that nominations cease and a unanimous ballot be cast for Bob McGrath as chairman. A roll call vote was taken, and the motion carried unanimously.

Snyder nominated Nadenicek as vice chairman.

Motion by Carter, seconded by Snyder, that nominations cease and a unanimous ballot be cast for Joe Nadenicek as vice chairman. A roll call vote was taken, and the motion carried unanimously.

TRI REPORTING/TIER II REPORTING STATUS: Trish Kindt reported the TRI and Tier II reports are two completely different types of reports.

The Tier reports are the bulk storage reports that all of the LEPCs receive on an annual basis.

The TRI reports are reports that certain facilities submit stating what happens to certain chemicals after a facility is done with them. For example, a facility will report how much of a certain chemical went to the landfill, how much of it was treated on-site, how much was recycled, how much was an air emission, etc.

Almost any facility that stores bulk chemical might need to submit a Tier II report, whereas, with the TRI reports, it is really a far smaller number of facilities that are required to submit; usually in South Dakota it is about 100 facilities.

Ms. Kindt reported at that the time of the last SERC meeting she had received 1,587 Tier II reports. Since that time, 68 more reports were submitted, for a total of 1,655 Tier II reports. The Tier II reporting deadline was March 1, 2014, so reports filed now are late. Ms. Kindt has been working with the facilities that still have not submitted their Tier II reports.

Tier II fees collected to date total \$98,340.

Ms. Kindt reported that the TRI reporting deadline was July 1, 2014. Reports were received from 95 facilities. This is fewer than what was received last year, but it is fairly consistent with past. TRI fees are due August 1, 2014, and fees collected to date total \$25,900.

CRUDE OIL SHIPMENTS: Ms. Kindt stated that she had provided the SERC members with the link to the Federal DOT Emergency Order and the Federal DOT Frequently Asked Questions page.

Ms. Kindt sent the SERC copies of the notifications that were submitted to the SERC by the railroads.

Ms. Kindt stated that in response to several recent accidents involving trains, the federal DOT issued the Emergency Order requiring railroads to report information about crude oil shipments from the Williston Basin. The reporting threshold is 1,000,000 gallons per train. No notification is required if the train is carrying crude oil in an amount less than 1,000,000 gallons. The US DOT determined that the SERC was the most appropriate point of contact for these notifications because the SERC has preexisting involvement with the LEPCs.

Prior to disclosing shipping information, BNSF requested that the state sign a confidentiality agreement. DENR received the agreement and referred it to Mr. Nadenicek. Ms. Kindt said after visiting with Chairman McGrath and the Attorney General's Office, the state made the decision not to sign the agreement.

BNSF did make a notification to the state as did Canadian Pacific Railroad. Canadian Pacific Railroad's notification indicated that they had no shipments in the state that exceed 1,000,000 gallons. BNSF reported that they do have shipments through South Dakota that exceed 1,000,000 gallons. BNSF has three trains per week going through Minnehaha County. They reported to the state on two occasions and they do not have to report to the state again unless their shipment information changes by 25%.

Ms. Kindt noted that this information has been posted on the DENR website at the request of several news organizations and the general public. She stated that to date, Washington State, Montana, Iowa, California, North Dakota, Virginia, Wisconsin, Oregon, Florida, and Illinois have also released this information to the public.

Ms. Kindt will send the SERC the link to the official South Dakota DOT rail map.

Ms. Kindt answered questions from the board.

HMEP GRANTS, TRAINING, AND PLANNING REPORT: Mr. Van Winsen provided the third quarter review of the HMEP training and planning grant activities.

Allocated funds for training total \$129,487.00 with unallocated funds in the negative. \$(253.08).
Allocated funds for planning total \$40,515.00 with \$19,812.00 unallocated funds.

Training this quarter included specialist – 3; airport rescue refresher – 18; Hazmat IQ advanced – 30; HazCat – 12; and other conferences – 3.

Mr. Van Winsen reported that \$17,375 was allocated from the planning grant so Hazmat team members could attend the Cold Zone conference/training in Minnesota. This also provided funds for hazmat team members to attend the IAFC in Dallas Texas. The state received authorization from PHMSA to move the remaining funds from the planning portion of the grant so they can be applied to the training portion of the grant.

Staff has been working with Blue Cell to bring four eight-hour awareness classes and two twenty-hour operations to the state to make use of the transferred planning grant funds.

OEM has been working with the hazmat team in Rapid City to get an 8-hour hybrid awareness class authorized by the Fire Marshalls office. This class will meet the requirements for South Dakota certification.

On the planning side, Davison County intends to prepare a hazmat plan and Butte County intends to have a commodity flow study done.

Staff will continue to work with the Planning Districts to get them involved with the counties to upgrade or write a new hazmat plan.

The 2014 grant year applications for training and planning grants have been returned. Mr. Van Winsen noted that there is much interest in upgrading plans and commodity flow studies with the rail traffic containing Bakken oil.

Mr. Van Winsen discussed the FY 2013/2014 HMEP training and planning grant application. He answered questions from the SERC members.

REGIONAL HAZMAT TEAM UPDATE: No update.

OTHER BUSINESS: Motion by Nadenicek, seconded by Pitz, to hold the next SERC meeting on September 9, 2014, during the annual hazmat conference in Watertown. A roll call vote was taken, and the motion carried unanimously.

ADJOURN: Motion by Nadenicek, seconded by Snyder, that the meeting be adjourned. Motion carried.

Robert B. McQuinn 9/9/2014
Chairman Date

Pitcock Snyder 9 SEP 14
Witness Date

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK
STATE CAPITOL BUILDING
PIERRE, SD

JULY 15, 2014

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Kim McIntosh

Pierre

DENR

Kelsey Newling

Pierre

DENR

Doug Hinkle

Pierre

Fire Marshal's Office

JOE NADENICEK

Pierre

DENR

PATRICK SNYDER

PIERRE

PIERRE FIRE DEPARTMENT

Andrew Canham

Miller

Industry

Bob VanWijnen

Pierre

OEM

Trish Frost

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DENR

Jason Bauder

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OEM

