



**INDIANA EMERGENCY RESPONSE COMMISSION (IERC)
POLICY/TECHNICAL COMMITTEE**

**Elkhart County Sheriff's Office
26861 County Road 26
Elkhart, Indiana 46517**

July 9, 2018 [Start Time: 11:12pm]

COMMITTEE MEMBERS PRESENT:

Ian Ewusi—IDHS
Jeff Larmore—Local Government Representative
Laura Steadham—Designee for IDEM Executive
Kassandra Buster—IDHS

COMMITTEE MEMBERS ON THE PHONE:

James Pridgen—Business/Industry Representative, Chair

COMMITTEE MEMBERS ABSENT:

Shawn French—Business/Industry Representative
Matt Bilkey—Designee for ISP Superintendent
Allison Moore—Monroe County EMA
Cara Cyrus—Business/Industry Representative

The following Commissioners, staff and audience members were present:

Marc Torbeck—IDHS
Kraig Kinney—IDHS
Madison Roe—IDHS
Alex Straumins—IDHS
Stan Pinegar—Duke Energy
Warren Waymire—Morgan County
Becky Waymire—Morgan County LEPC

WELCOME AND INTRODUCTION

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

DETERMINATION OF QUORUM

Ms. Buster advised there was a quorum present.

CONSIDERATION OF MINUTES

A motion to accept May 14, 2018, meeting minutes was made by Ms. Waymire and seconded by Mr. Ewusi. No further discussion occurred.

Roll Call Vote

Mr. Ewusi —Yes
Mr. Larmore —Yes

Mr. Pridgen—Yes
Ms. Buster—Yes

Ms. Steadham—Yes
Ms. Waymire—Yes

Motion Carried.

OLD BUSINESS

Mr. Pridgen opened the floor for old business. Mr. Larmore requested an update on the state facilities marked non-compliant on the EPA list. Mr. Kinney reported that thanks to Mr. Torbeck's hard work, he was able to contact the agencies and remove them from the list. Mr. Torbeck reported that the state facilities were removed and eight non-state facilities remained on the list. Mr. Pridgen thanked Mr. Larmore for reminding the Policy-Technical Committee about that action needing to take place. No further discussion occurred.

NEW BUSINESS

Duke Energy Proposal

Mr. Pridgen recommended moving this agenda item first to allow Mr. Stan Pinegar from Duke Energy to speak about their proposal to the IERC. Mr. Pridgen thanked Mr. Pinegar for attending the meeting. Mr. Pinegar introduced himself as the Vice President of Government and Regulatory Affairs at Duke Energy, and he reported that Duke Energy served in sixty-nine of the ninety-two Indiana counties. He advised that he has been working with Mr. Ewusi and Ms. Jordan Bolden, IDHS Chief of Staff, to find a solution to a dilemma with the Tier II Manager Payment system. Mr. Pinegar reported that due to changes in the EPA reporting requirements, they were mandated to report mineral oil, and this included reporting substations. He said that before the rule change, Duke Energy filed thirty to thirty-five (35) reports, and that increased to four hundred fifty (450) annual reports.

Mr. Pinegar reported that Duke Energy complies with the requirements, but it creates a dilemma. He advised that the Tier II Manager required reports to be filed separately and this caused them to hire two full-time employees to submit the reports. He further reported that after several discussions with Mr. Ewusi, Duke Energy found out that the Tier II Manager had an upgrade package that allowed bulk payments. Mr. Pinegar advised that submitting individual reports was very time consuming and the upgrade allowed for bulk reports and payments. He reported that after discussing the upgrade with the developer of Tier II Manager, Duke Energy requested the IERC to purchase the upgrade and they would donate the funds to purchase the software. Mr. Pinegar listed the price of the software quoted at nineteen thousand dollars (\$19,000) and proposed that Duke Energy donate the amount to IDHS to purchase the software upgrade as well as a commitment to pay nine thousand dollars (\$9,000) annually to upgrade the software. He requested approval to move forward with the donation to have the software updated in Tier II Manager before the next reporting season.

Mr. Pridgen thanked Mr. Pinegar and Duke Energy for offering the donation to upgrade the system. Mr. Ewusi advised that he was working on purchasing the software before the end of July to meet the deadline to have the system operational before January 1, 2019. Ms. Waymire inquired if the upgrade would expand to all facilities with bulk payments and she requested clarification on the due date of the annual fee. Mr. Pinegar reported that any additional cost would be the burden of any facility using bulk payments. He further reported that Duke Energy would send their data to the developer and they would upload the information in Tier II Manager. He said the annual fee would cover the

cost of the upload. Mr. Pinegar advised that the nineteen thousand (\$19,000) initial donation and the nine thousand dollars (\$9,000) annual donation were efficient for Duke Energy. Ms. Waymire asked if the fees included the annual maintenance fee, Mr. Pinegar reported no. Mr. Pinegar said that IDSi would not require an annual maintenance fee for this particular software, and Mr. Ewusi agreed. Mr. Ewusi reported that the software was an update that allowed entering data and bulk payments in Tier II Manager. He advised that the update would allow facilities to make bulk payments but they would not be able to complete a bulk upload. Mr. Ewusi reported that the update would not create an issue or a burden to other facilities and they would be able to conduct business as usual without additional fees. Mr. Larmore inquired if the extra fees were for the bulk uploads and not the bulk payments, Mr. Ewusi reported yes. Mr. Kinney reported that under Indiana Code 13-25-1-7, the IERC could accept a donation and advised that the motion should state that Duke Energy was not bound to the payment if an upgrade agreement is not reached.

Mr. Larmore inquired if the donation would go directly to the IERC and not the general fund, Mr. Kinney reported yes. Mr. Kinney advised that the IERC was able to accept this form of donation. Ms. Waymire asked if a payment was not made, would the facility still have the option to make a bulk payment, Mr. Ewusi reported yes. Mr. Ewusi said that facilities would benefit from the upgrade because facility fees would not increase. Ms. Waymire inquired if staff would notify facilities, Mr. Ewusi reported yes. Mr. Larmore asked if any other states were utilizing the same software. Mr. Ewusi advised that staff was invited to attend the Kentucky Emergency Response Commission (KERC) to discuss the Tier II Manager. He reported that Indiana was the first state to take advantage of this software. Mr. Larmore asked if there would be repercussions in the future if iDSI increased the annual fees, Mr. Ewusi reported that the contract would be between iDSI and facilities. Mr. Ewusi further reported that the process was the same as facilities hiring a vendor to upload Tier II reports. Mr. Pridgen recognized Mr. Pinegar's passion for making the payment to iDSI and suggested that the process begins by August 1, 2018. Mr. Ewusi reported that iDSI requested that the project start on or before August 1 due to the amount of time the software took to upgrade. He advised that Tier II reports were not complete until a payment was made and this was how Indiana's system differed from the states.

Mr. Larmore made the motion to recommend that the full Commission approve the donation from Duke Energy and was seconded by Ms. Steadham. No further discussion occurred.

Roll Call Vote

Mr. Ewusi —Yes
Mr. Larmore —Yes

Mr. Pridgen—Yes
Ms. Buster—Yes

Ms. Steadham—Yes
Ms. Waymire—Yes

Motion Carried.

LEPC Exercises (District 3 Cross-County Exercise)

Ms. Buster reported that Noble County requested permission from the IERC to conduct a cross-county exercise that would include Noble, DeKalb, LaGrange, and Steuben Counties. She further reported that when incidents occur in any of the four counties, they utilize their mutual aid agreements. Ms. Buster advised that the exercise would test core capabilities and pointed to a handout that included details of the exercise. She further advised that the core capabilities listed were

Operational Communications (response mission area), Operational Coordination (response mission area), and Situational Assessment (response mission area). Ms. Buster reported that the request was brought before the committee to eliminate any concerns with staff making individual decisions on approving cross-county or cross-district exercises.

Ms. Buster reported that concerns were previously mentioned about transportation exercises and she advised that the Pipeline and Hazardous Materials Safety Administration (PHMSA) required LEPCs to conduct transportation exercises to receive Hazardous Materials Emergency Preparedness (HMEP) grant funds. Mr. Larmore inquired if the exercise was a transportation incident that included hazardous materials cargo, Ms. Buster reported yes. Ms. Buster advised that the exercise would take place at the border of each county. Ms. Waymire questioned if the LEPCs were all compliant, Ms. Buster reported yes. Ms. Buster advised that the Noble County LEPC requested HMEP funds for the exercise and clarified that the exercise was scheduled for 2019. Ms. Buster reported that the deadline to apply for HMEP funds was approaching and Noble County LEPC is requesting approval to conduct the exercise. Mr. Ewusi advised that each county needed to have four key agencies and four supporting agencies present at the exercise to receive credit, Mr. Larmore agreed. Mr. Larmore reported that LEPCs were required to have four key and four supporting agencies present to receive credit, but the Homeland Security Exercise Evaluation Program (HSEEP) documents could be combined, Ms. Buster agreed. She advised that the IDHS state exercise staff would accept one set of HSEEP documents for the exercise. Mr. Larmore noted that the exercise sounded like an excellent idea and recommended LEPCs work together to test their mutual aid capabilities. Mr. Ewusi reported that there was some confusion about the requirement of exercises being conducted at fixed facilities but staff researched the Emergency Planning and Community Right-to-know Act (EPCRA) and found that transportation exercises were also approved.

Mr. Larmore made a motion to approve the 2019 cross county LEPC exercise as long as the exercise was HSEEP compliant and four key and four supporting agencies were present from each LEPC. Mr. Ewusi moved on the motion and was seconded by Ms. Waymire. No further discussion occurred.

Roll Call Vote

Mr. Ewusi —Yes
Mr. Larmore —Yes

Mr. Pridgen—Yes
Ms. Buster—Yes

Ms. Steadham—Yes
Ms. Waymire—Yes

Motion Carried.

LEPC Planning & Training Resource List

Mr. Ewusi reported that this topic had been discussed over the past several meetings and there has not been a vote to date. He advised that this discussion was over the need for the list and provided a brief background on the development of list. Mr. Ewusi reported that LEPCs were required to come before the IERC to request approval for training and planning and before the list, the burden was on the LEPCs to research and find instructors and planners. He further reported that ethics violations arise when LEPCs could select anyone. Mr. Ewusi advised that the committee voted to approve the LEPC Training and Planning Resource list which included instructors who were vetted. He reported that there use to be two separate resource lists and the IERC voted to consolidate the list. Mr. Ewusi recounted that the discussion was about fire instructors vetted by the IDHS Training Section and staff

had the authority to approve state-approved instructors without the Training Committee's approval, and there was not an issue in the past.

Mr. Ewusi reported that the concern was to have a policy that approves instructors and planners or the list become a resource tool. Ms. Waymire made a motion that required LEPCs to use the list to select vendors, Mr. Larmore agreed. Mr. Larmore asked about the process of adding an instructor to the list, and he reported that Mr. Beier's concern was that the Training Committee should not be responsible for evaluating instructors since the evaluation lacked criteria. He reported that he was concerned that the process needed to be continuously updated and that Federal Resources, a vendor, would not be approved to instruct Hazmat IQ because they did not have fire instructor I and II certifications. Mr. Larmore recommended establishing a solution on who was responsible for verifying the applicant's qualifications or determining if the list was still a requirement. He reported that a resource tool needed to be available that included vetted instructors and planners and LEPCs should also have a way to report inadequate instructors so the IERC could vote to remove them from the list. Ms. Buster reported that planners should be vetted and Mr. Ewusi reported that trainers and vendors were two separate categories. Mr. Ewusi reported that LEPCs could pick an instructor that was state approved but the planner's qualifications would be unknown without a list in place.

Mr. Ewusi reported that companies or individuals qualifications for commodity flow studies should be reviewed and approved. He inquired if the list should be eliminated or remain as a work in progress. Mr. Larmore recommended the Policy-Technical Committee develop criteria for the planners and Mr. Ewusi reported that EPCRA required specific plan elements. Mr. Larmore reported that planners must meet the qualifications to be added to the list. Mr. Pridgen suggested to table the discussion and hold a Policy-Technical Committee meeting before the September IERC meeting to discuss the future need of the list. He asked if a motion was needed to table the list and Mr. Ewusi reported that there was a current policy in place that requires the use of the list. Mr. Pridgen reported that a further discussion was required to determine if the list would remain a requirement or be utilized as a tool.

Mr. Kinney noted Ms. Waymire's previous motion was still pending, and Ms. Waymire reported that she wanted to withdraw her motion and suggest there be a Policy-Technical Committee meeting before the September IERC meeting. Mr. Kinney reported that a motion was not currently on the table and Mr. Larmore made a motion to hold a Policy-Technical Committee meeting to discuss the future need of the list and was seconded by Ms. Waymire. No further discussion occurred.

Roll Call Vote

Mr. Ewusi — Yes
Mr. Larmore — Yes

Mr. Pridgen — Yes
Ms. Buster — Yes

Ms. Steadham — Yes
Ms. Waymire — Yes

Motion Carried.

Hazmat Chief and Company Officer Training

Mr. Ewusi reported that a Don Abbott requested approval to be added to the LEPC Planning & Training Resource List and instruct a Hazmat Chief and Company Officer training in Marion County. Ms. Waymire recommended that the Training Committee approve the request. Ms. Buster reported that the course was being held in August before the next IERC meeting and the committee needed to

take action. Mr. Ewusi inquired why the course approval was brought before the Policy-Technical Committee instead of the Training Committee, and Ms. Buster advised that Mr. Beier was not entertaining any requests to approve vendors. Mr. Ewusi reported that since the Training Committee denied the request, the Policy-Technical Committee needed to make the approval. Ms. Waymire asked why Marion County hired the contractor before being vetted and Mr. Larmore reported that an instructor failed to teach a course this summer. Mr. Larmore reported that Mr. Abbott submitted documentation promptly and he needed the approval to be added to the list for them to use LEPC funds. Ms. Waymire reported that Mr. Abbott should produce more hazmat related qualifications to be approved. Mr. Larmore advised that Mr. Abbott was a long time hazmat instructor and he would request he submit hazmat qualifications.

Mr. Larmore indicated that he would abstain from the vote. Mr. Ewusi made a motion to approve Mr. Abbott with the stipulation that he submit his hazmat qualifications and Ms. Steadham reported that the motion was contingent upon submission of his skills. Mr. Ewusi reported that Mr. Abbott did not require Fire Instructor I or II because the course fell in the gray area of hazmat training. Mr. Larmore reported that Mr. Abbott planned to teach Incident Commander Operations for Hazmat Chiefs and the second course was related to managing the incident. Ms. Waymire made a motion to approve Mr. Abbott to instruct the course contingent upon him submitting his hazmat qualifications to be added to the list permanently. Mr. Ewusi seconded the motion. No further discussion occurred.

Roll Call Vote

Mr. Ewusi —Yes
Mr. Larmore —abstain

Mr. Pridgen—Yes
Ms. Buster—Yes

Ms. Steadham—Yes
Ms. Waymire—Yes

Motion Carried.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Ewusi and seconded by Ms. Waymire. No further discussion occurred. Meeting adjourned.

Roll Call Vote

Mr. Ewusi —Yes
Mr. Larmore —Yes

Mr. Pridgen—Yes
Ms. Waymire—Yes

Ms. Steadham—Yes
Ms. Buster—Yes

NEXT MEETING

Indiana Government Center South Building
302 W Washington Street
Indianapolis, Indiana 46202
September 10, 2018


James Pridgen, Chair