



**INDIANA EMERGENCY RESPONSE COMMISSION (IERC) Meeting**  
**Marion County Health Department**  
**4012 North Rural Street**  
**Indianapolis, Indiana 46205**  
**March 12, 2018, 1:30pm**

**COMMISSION MEMBERS PRESENT**

James Greeson—State Fire Marshal, Chair  
James Pridgen—Business/Industry Representative  
Bernie Beier—Local Government Representative  
Laura Steadham—Designee for IDEM Commissioner  
Jeff Larmore—Local Government Representative  
Shawn French—Business/Industry Representative  
Cara Cyrus—Business and Industry Representative

**COMMISSION MEMBERS ON THE PHONE**

Matt Bilkey—Designee for Superintendent of ISP

**COMMISSION MEMBERS ABSENT**

Bruce Palin—Public Representative  
Larry Hamby—Designee for IDHS Executive Director

**The following IDHS staff members were present:**

Kassandra Buster—IDHS	Marc Torbeck—IDHS
Doug Cooke—IDHS	Alex Straumins—IDHS
Kraig Kinney—IDHS	Ian Ewusi—IDHS

**The following audience members were present:**

Heather Orbaugh—Stenographer  
Karen Arnold—Deckard Engineering & Surveying  
Tom Moore—Switzerland County EMA  
Eric Tuemler—Switzerland County LEPC  
Angie Shuler—Jefferson County LEPC

**WELCOME AND INTRODUCTION**

Mr. Greeson welcomed everyone to the Indiana Emergency Response Commission (IERC) meeting and requested the determination of a quorum.

**QUORUM**

Ms. Buster indicated a quorum was present.

**CONSIDERATION OF MINUTES**

Mr. Pridgen made a motion to approve January 8, 2018, meeting minutes and was seconded by Mr. French. No further discussion occurred.

**Roll Call Vote**

Mr. Beier—Yes

Ms. Cyrus—Yes

Mr. Bilkey—Yes

Mr. Larmore —Yes

Ms. Steadham—Yes

Mr. French—Yes

Mr. Pridgen—Yes

Mr. Greeson—Yes

**Motion Carried.**

**REPORT OF THE CHAIR**

Mr. Greeson thanked the Marion County Health Department (MCHD) for the use of their facility and mentioned that Madison Roe was returning as the SARA Title III Specialist. He reported that over seventy (70) percent of LEPCs were utilizing the new reporting module. He further reported that Mr. Straumins was researching webcast equipment to purchase and share with IDHS staff. He advised that state legislation did not move forward with the Marion County LEPCs request for approval on not becoming a county board. Mr. Larmore reported that the proposal failed to leave the LEPC due to concerns, but they would revisit the proposal in the future. Mr. Larmore advised that the proposal would have authorized the MCHD to be the home of the Marion County LEPC and there were still concerns about the state appointing LEPCs.

Mr. Kinney advised that Indiana Code 13-25-1-6(h) has transferred LEPCs into county boards and the code authorized the IERC to appoint LEPCs as county boards. He advised that according to case law and the Indiana Constitution, county and township offices shall be elected or appointed in such a manner as may be prescribed by law. He advised that the state law approved the IERC authority to appoint LEPCs as county boards. He further advised that Marion County interpreted that the law does not specifically state that the IERC can appoint LEPCs as county boards, he reiterated that the law does not state that the IERC cannot appoint LEPCs to county boards.

Mr. Kinney advised that the law was less clear on legal protections LEPCs have as county boards if an incident were to occur. He reported that according to case law, members of a corporate body such as a Board of Commissioners upon which the duty rest cannot be held liable for neglect of duty of the body in refusal to perform the duties of the body, and the individual members could not be held liable for a failure to act. He advised that if an incident were to occur, a court of law would determine who would be held liable. He reported that since the state was only appointing LEPCs, the incident would most likely be a county responsibility and individual members were protected as long as they follow the law and policies. He further reported that LEPCs, as a county body, were not required to use a vendor from the Secretary of State Vendor list but may be required to if grants were involved.

Mr. Greeson reported that three (3) commissioner positions were open, one (1) in local government and two (2) in public representation, and the positions were open for referrals to individuals that meet the qualifications. He advised that last Friday there was a garbage truck explosion in Bristol, Indiana. He reported that the truck was passing by a school and the explosion blew off part of the gym wall, and the driver was injured. He recommended LEPCs reach out to local refuse companies to determine the kind of garbage being collected. Mr. Greeson opened the floor for discussion. No further discussion occurred.

**ROSTER APPROVAL**

Due to the launch of the new LEPC reporting module, Ms. Buster submitted an entire list of members from each LEPC that submitted an annual Roster Report. Below are the fifty-three (53) LEPCs that submitted Roster Reports:

Allen	Bartholomew	Boone	Cass	Dearborn
Decatur	DeKalb	Dubois	Floyd	Fountain
Gibson	Grant	Greene	Hamilton	Hancock
Harrison	Hendricks	Howard	Jasper	Jay
Johnson	Knox	Kosciusko	LaGrange	Lawrence
Marion	Monroe	Montgomery	Morgan	Newton
Noble	Ohio	Owen	Parke	Perry
Posey	Pulaski	Putnam	Randolph	Ripley
St. Joseph	Shelby	Spencer	Tippecanoe	Tipton
Union	Vermillion	Wabash	Warren	Warrick
Wayne	White	Whitley		

Mr. Greeson requested a motion to approve the roster as submitted by staff. Mr. Pridgen made a motion to accept the roster and was seconded by Mr. Cyrus. No further discussion occurred.

**Roll Call Vote**

Mr. Beier—Abstain  
 Mr. Larmore —Abstain  
 Mr. Pridgen—Yes

Mr. French—Yes  
 Ms. Steadham—Yes  
 Mr. Greeson—Yes

Ms. Cyrus—Yes  
 Mr. Bilkey—Yes

**Motion Carried.**

## COMMITTEE REPORTS

### **Communications Committee-Jeff Larmore, Chair**

Mr. Larmore reported that under old business, the committee discussed the spill card and staff advised that the spill card was still in the development stage. He further reported that under new business the committee discussed communication ideas and a semi-annual newsletter that would be distributed to LEPCs in January and August. Mr. Larmore recounted that the committee discussed working with the IDHS PIO on developing handouts for LEPCs to dispense at their county fairs. He reported that Public Service Announcements (PSAs) and podcasts were mentioned and discussions with IDHS PIO need to occur.

Mr. Larmore conveyed that the committee discussed the 2018 EMAI/IERC Conference and the EMAI Planning Committee recently received the check for the 2017 Conference. He reported that the EMAI Planning Committee would work on the 2018 budget and present the budget at the May IERC meeting. He further reported that the Communications Committee discussed the agenda, guest speaker, and reaching out to Harris County, Texas to discuss incidents that occurred during Hurricane Harvey.

Mr. Larmore reported that Commissioners and LEPCs should notify staff of any outdated material on the IDHS website. He reported that the committee discussed discontinuing the stenographer service due to redundancy. He further reported that that committee discussed purchasing webcast equipment for the IERC due to instances when the equipment is in use by the Fire Training Committee and webcasting IERC meetings were beneficial to LEPCs.

Mr. Larmore described the discussion on discontinuing stenographer service for IERC meetings due to cost and lack of use of the transcriptions. Mr. Larmore made a motion to discontinue the stenographer service and was seconded by Mr. Pridgen.

#### **Roll Call Vote**

Mr. Beier—Abstain

Mr. French—Yes

Ms. Cyrus—Yes

Mr. Larmore —Abstain

Ms. Steadham—Yes

Mr. Bilkey—Yes

Mr. Pridgen—Yes

Mr. Greeson—Yes

#### **Motion Carried.**

Mr. Greeson reiterated that the Fire Training Committee and the IERC meetings fell on the same date and staff would like to discuss purchasing similar equipment for the IERC. Mr. Larmore advised that the motion could be tabled until the next IERC meeting.

### **Training Committee-Bernie Beier, Chair**

Mr. Beier reported that Wallace Training Associates requested to be included on the LEPC Planning and Training Resource List and the Training Committee voted and approved the company to be added to the list.

### **Policy-Technical Committee-Jim Pridgen, Chair**

Mr. Pridgen reported that several items were presented during the Policy-Technical meeting. Mr. Doug Cooke, IDHS District 9 Coordinator, recounted that Switzerland County requested to receive 2017 funding. Mr. Cooke conveyed that Switzerland County have submitted all 2017

annual requirements as well as some 2018 requirements. He reported that Switzerland County was holding monthly meetings and were continuously working hard.

Mr. Pridgen reported that the committee invited Mr. Cooke and the Switzerland County LEPC to the IERC meeting to discuss the possibility of receiving 2017 IERC funding. He further reported that there was a failure of communication between staff and the Switzerland County LEPC and the committee requested their attendance for clarification. He conveyed that there were not many facilities in Switzerland County and the LEPC had been working hard to re-establish their LEPC. Mr. Pridgen requested approval for the Switzerland County LEPC to receive 2017 funding. Mr. Greeson recognized the Switzerland County LEPCs hard work and determination. Mr. Tuemler and Mr. Moore thanked the IERC for the opportunity to be heard.

Ms. Buster reported that the IDHS Exercise Program Managers, Ms. Courtney Turner and Ms. Ashley Baldwin provided a brief presentation on the documentation that was required for LEPCs to submit to receive Homeland Security Exercise Evaluation Program (HSEEP) approval. She advised that the request to add seminars and workshops was approved by the Policy-Technical Committee and would begin in 2019. She further advised that exercise seminars and workshops would be available for all LEPCs to choose from, but LEPCs would not be able to conduct seminars or workshops year after year. Mr. Pridgen reported that the initial request to include seminars and workshops was to accommodate LEPCs that struggle, but Mr. Larmore recommended that all LEPCs have the opportunity to choose any exercises they would like to conduct.

Ms. Buster reported that a handout was provided that included LEPCs with missing 2017 documentation. She advised that the Marshall County LEPC and the Scott County LEPC were missing 2017 documentation and the committee approved an extension of April 15, 2018, for them to submit their documentation. She reported that eight (8) LEPCs were missing one (1) out of four (4) meetings due to a missing quorum, eighty (80) LEPCs were set to be funded for 2017, and ten (10) LEPCs were either in-active or non-compliant. Mr. Pridgen reported that staff would reach out to the Marshall County LEPC and inform them that they could hire a secretary to assist with preparing the documentation.

Ms. Buster reported that Carroll County lost their EMA Director shortly after the January IERC meeting and the merger between Cass and Carroll County LEPC was placed on hold. She reported that she traveled to Cass County to assist them with submitting 2017 documentation and they were now set to be funded. She advised that staff would attend the Cass County LEPC meeting and discuss the future merger of the Cass and Carroll County LEPCs.

Ms. Buster reported that several LEPCs have reached out with concerns about the March 1<sup>st</sup> Exercise Proposal Report due date. Mr. Pridgen reported that the committee voted and approved the date change from March 1<sup>st</sup> to May 1<sup>st</sup>. Mr. Larmore advised that several LEPCs do not hold their exercise pre-planning meeting until after March and EMAs have indicated May 1<sup>st</sup> as a date that would meet their needs. Mr. Beier and Mr. Greeson reported that LEPCs should be thinking ahead to avoid procrastination.

Ms. Karen Arnold from Deckard Engineering and Surveying reported that the company was requesting to be included on the LEPC Planning and Training Resource List to conduct GIS work on the Montgomery County LEPC Plan. Mr. Pridgen reported that the company was

capable of conducting the work and the committee voted and approved Deckard Engineering and Surveying to be added to the list. Mr. Pridgen reported that GIS work was very advantageous for LEPCs and plan updates.

Mr. Pridgen reported that Sullivan County requested to receive 2016 funding and the committee voted to deny that request. Mr. Greeson requested a motion to deny the 2016 funding. Ms. Cyrus made a motion to deny the Sullivan County LEPCs request for funding and was seconded by Mr. French.

**Roll Call Vote**

Mr. Beier—Yes	Ms. Cyrus—Yes	Mr. French—Yes
Mr. Larmore —Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Ms. Steadham—Yes	Mr. Greeson—Yes	

**Motion Carried.**

**Fiscal Committee-Amy Smith, Chair**

Mr. Greeson reported that the Fiscal Committee did not meet.

**APPROVAL OF COMMITTEE REPORTS**

Mr. Larmore motioned to approve the committee reports and was seconded by Ms. Cyrus. No further discussion occurred.

**Roll Call Vote**

Mr. Beier—Yes	Ms. Steadham—Yes	Mr. Bilkey—Yes
Mr. Larmore —Yes	Mr. Pridgen—Yes	Mr. French—Yes
Ms. Cyrus—Yes	Mr. Greeson—Yes	

**Motion Carried.**

**OLD BUSINESS**

**Elkhart County LEPC (Hosting July 2018 IERC Meeting)**

Ms. Buster reported that Elkhart County would like to host the July IERC meeting and reported that they do not have a location set up due to the recent flooding in that area. Ms. Buster reported that she would send out the information to the Commissioners when available.

**NEW BUSINESS**

**Hamilton County (Hosting May IERC Meeting)**

Ms. Buster reported that Hamilton County would like to host the May IERC meeting and they have the equipment available for the meeting. Mr. Greeson asked for approval by consent from the Commissioners, and all were in agreement. Ms. Buster reported that she would update the location and send invites to the Commissioners.

**LEPC Reporting Module**

Ms. Buster reported that the new LEPC reporting module was launched and she provided a brief demonstration of the module. She advised that LEPCs received PowerPoints with step by step

instructions and LEPCs were reaching out for assistance when needed. She further advised that fifty-five (55) LEPCs have uploaded the Legal Notice and Meeting Schedule Report and fifty-three (53) LEPCs have submitted their Roster Reports. Mr. Beier inquired why the number was so low when the reports were due on March 1. Ms. Buster reported that the system launched on February 13, 2018, and she was continuously reaching out to LEPCs to create or update accounts. Mr. Larmore asked if the old system was locked out and Ms. Buster reported that LEPCs need to have the ability to access the system. Mr. Ewusi reported that LEPCs were already familiar with Tier II Manager from the facility reporting side and the knowledge was beneficial to training.

#### **Remove and add Committee Members**

Mr. Greeson reported that Tracy Smith moved into another position within IDHS, but she had been appointed to the Training, Communications, Fiscal, and Policy-Technical Committees. Mr. Greeson announced that he was removing Ms. Smith and appointing Ms. Buster to all four committees.

#### **FOLLOW-UP FROM PREVIOUS MEETING**

##### **Non-Compliant Tier II Facilities**

Mr. Torbeck reported that on March 1, 2018, the Tier II reporting season successfully came to a close with 664 non-compliant facilities. He advised that this number included the previous non-compliant amount of 434 facilities. Mr. Torbeck reported that staff would compile a list of non-compliant facilities for the July IERC meeting and request approval to forward the list to the EPA for enforcement. He further reported that staff would continue to reach out to facilities and offer assistance with SARA Title III compliance.

##### **Tier II Maintenance Fee**

Mr. Torbeck reported that staff was working with IDHS legal on submitting the proposal for the legislative change to increase Tier II fees.

#### **STAFF ACTIVITIES**

Mr. Torbeck reported that since the January IERC meeting, staff attended four (4) LEPC meetings and, one (1) exercise.

##### **2017 Compliance Status for 2018 Funding Year—(18)**

Mr. Torbeck reported that seventy-seven (77) out of ninety-two (92) LEPCs (71%) have completed and submitted all 2017 funding requirements in compliance with Indiana Code 13-25-2-10.7. He further reported that two (2) additional LEPCs would be compliant if they submitted their plan updates and HSEEP documentation.

##### **Tier II Reports**

Mr. Torbeck reported that during the 2018 Tier II reporting season, 2,800 submit users have successfully completed their Tier II reports and to date, 5,347 Tier II Annual Reports for 2017 have been completed with total revenue from 2018 Tier II reporting season of \$584,331.00.

##### **Advanced Searches**

Mr. Torbeck reported that staff did not receive any requests for advance search reports.

**Spill Reports**

Mr. Torbeck advised that there was one (1) spill reported since the January IERC meeting. He reported that the spill occurred in Posey County at Country Mark and they reported a release of 1000 pounds of Sulfur Dioxide on January 8, 2018. Mr. Torbeck advised that the spill report was closed.

**HMEP Grant**

Mr. Torbeck reported that the IDHS Grants team was in the contract phase and there were eighteen (18) HMEP sub-recipients. He reported that the IDHS Grants team had sent eleven (11) contracts out for signatures, however, two of them have come back with a wrong signer or as undeliverable. He further reported that the IDHS Grants team recently began statewide grant training to inform counties about the grant submission process.

**PUBLIC COMMENTS**

Mr. Greeson opened the floor to public comments. No further discussion occurred.

**ADJOURNMENT**

Mr. Pridgen motioned to adjourn the meeting and was seconded by Ms. Cyrus. No further discussion occurred.

**Roll Call Vote**

Mr. Beier—Yes

Ms. Steadham—Yes

Mr. Bilkey—Yes

Mr. Larmore—Yes

Mr. Pridgen—Yes

Mr. French—Yes

Ms. Cyrus—Yes

Mr. Greeson—Yes

**Motion Carried.**

**NEXT MEETING**

Main Training Room

Hamilton County Sheriff's Office

18100 Cumberland Road

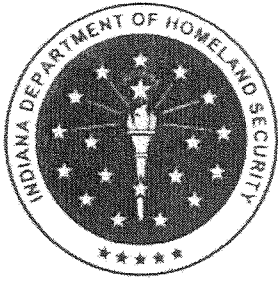
Noblesville, Indiana 46060

May 14, 2018 1:30 PM



James Greeson, Chair





ERIC J. HOLCOMB, Governor  
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 West Washington Street  
Indianapolis, IN 46204

**TO:** IERC Commission Members  
**FROM:** IERC Staff  
**DATE:** March 12, 2018  
**SUBJECT:** SARA Program Activity Report

**FOLLOW-UP FROM PREVIOUS MEETING**

**LEPC Reporting Module on Tier II Manager**—On February 13, 2018 the reporting module went live for LEPCs to begin submitting 2018 compliance documentation. To date, fifty-four (54) LEPCs have uploaded annual reports. Numerous LEPCs have reported positive feedback about using the new system.

**Non-Compliant Tier II Facilities**—On March 1, 2018 the Tier II reporting season successfully came to a close. The total number of non-compliant facilities is six hundred and sixty-four (664). This includes the previous non-compliant list of four hundred and thirty-four (434) facilities. Staff will compile and bring a list of non-compliant facilities to the July IERC meeting and request approval to forward the list to EPA for enforcement. Staff will continue to reach out to facilities and offer assistance with SARA Title III compliance.

**Tier II Maintenance Fee**—Staff is working with IDHS legal on submitting the proposal for the legislative change to increase Tier II fees.

**STAFF ACTIVITIES**

**LEPC Meetings Attended (4)**

Switzerland  
Cass  
Morgan  
Dearborn

**Exercises Attended (1)**

Switzerland

**Training and Conferences (0)**

**2017 Compliance Status for 2018 Funding Year—(18)**

77 out of 92 LEPCs (71%) have completed and submitted all funding requirements in accordance with IC 13-25-2-10.7. Five (5) additional LEPCs will be compliant if they submit their plan updates and/or HSEEP documentation.

**Tier II Reports**

During the 2018 Tier II reporting season, 2,800 submit users successfully complete their Tier II reports. To date, 5,347 2017 Tier II Annual Reports have been completed and the total revenue from 2018 Tier II reporting season is currently \$584331.00.

**Advanced Searches**

Staff did not receive any requests for advance search reports.

**Spill Reports (EPCRA Section 304)**

<i>County</i>	<i>Date</i>	<i>No. of Reports</i>	<i>Facility/Individual</i>	<i>Chemical</i>	<i>Quantity</i>	<i>Status</i>
Posey	Jan 8, 2018	1	Country Mark	Sulfur Dioxide	1000lbs	Closed

**HMEP**

The Grants team is in the contract process. There are eighteen (18) HMEP sub recipients and the Grants staff have sent eleven (11) contracts out for signatures. However, two of them have come back with a wrong signer or as undeliverable. The Grants team have recently began statewide grant training to inform counties of the grant submission process.