



INDIANA EMERGENCY RESPONSE COMMISSION (IERC) Meeting
Indiana Government Center South
302 W Washington St., Conference Rm 4
Indianapolis, IN 46204/Virtually
May 11, 2020 [Start Time: 1:30 pm]

COMMISSION MEMBERS PRESENT:

Joel Thacker—State Fire Marshal, Chairperson
Laura Steadham—Designee for IDEM Commissioner
Ian Ewusi—Designee for IDHS Executive Director
Bruce Palin—Public Representative
Matt Bilkey—Designee for Superintendent of ISP
Jeff Larmore—Local Government Representative
James Pridgen—Business/Industry Representative
Shawn French—Business/Industry Representative
Cara Cyrus—Business/Industry Representative

The following staff members were present:

Madison Roe—IDHS
Amana Horner—IDHS
Justin Guedel—IDHS
Elliot Anderson—IDHS
Kraig Kinney—IDHS

WELCOME AND INTRODUCTION

Chairman Thacker welcomed everyone to the May Indiana Emergency Response Commission (IERC) meeting and requested the determination of a quorum. The meeting was called to order at 1:30pm.

QUORUM

Ms. Roe indicated a quorum was present after the roll call, with nine (9) out of nine (9) members in attendance.

REPORT OF THE CHAIR

Chairman Thacker requested Ms. Steadham provide this report because she served as the chairperson for the last two meetings. Ms. Steadham stated there was no information to report.

CONSIDERATION OF MINUTES

Chairman Thacker requested a motion to approve the January 13, 2020 meeting minutes. Mr. Pridgen made a motion to approve the minutes and Mr. Palin seconded the motion.

Roll Call Vote

Mr. Ewusi—Yes Mr. Palin—Yes Mr. French—Yes
Ms. Steadham—Yes Mr. Pridgen—Yes Mr. Bilkey—Yes
Chairman Thacker—Abstain Mr. Larmore—Yes Ms. Cyrus—Yes

No further discussion occurred. Chairman Thacker abstained because he was not present at the January meeting.

Motion Carried.

ROSTER APPROVAL

Ms. Roe reported 11 LEPCs have submitted rosters for membership appointments or removals between March 9, 2020 and May 5, 2020.

Benton	Hendricks	Howard
Jay	LaGrange	Lawrence
Miami	Noble	Rush
Vanderburgh	Vigo	

Chairman Thacker requested a motion to approve the roster changes. Mr. Palin made the motion to approve the changes and Mr. Pridgen seconded the motion.

Roll Call Vote

Mr. Ewusi—Yes Mr. Palin—Yes Mr. French—Yes
Ms. Steadham—Yes Mr. Pridgen—Yes Mr. Bilkey—Yes
Chairman Thacker—Yes Mr. Larmore—Yes Ms. Cyrus—Yes

No further discussion occurred. All present were in favor.

Motion Carried.

COMMITTEE REPORTS

Training Committee - Chair position is vacant

Chairman Thacker advised the position of Training Committee chair is vacant and the Training Committee did not meet. Chairman Thacker was informed that Larry Hamby would like to be considered for the Training Committee membership.

No further discussion occurred.

Communications Committee - Jeff Larmore, Chair

Mr. Larmore informed the Commission the NASTTP RMP update is not yet available due to the spring conference cancelation. Mr. Larmore reported on the list of facility questions staff prepared for the LEPC plan module. He added the recommendation for staff to reach out to facilities of varying sizes to get feedback on the questions. Mr. Larmore also informed the Commission of roster changes. Ms. Mason and Ms. Chaney need to be removed from the Committee and Ms. Horner added.

Mr. Larmore reported the Communications Committee had the opportunity to review the tentative agenda for the EMAI/IERC conference. He reported Mr. Pridgen, Ms. McKinney and he will be working together to discuss speakers to ensure the conference holds 51% hazardous materials content. There was discussion concerning how much longer the contract between the EMAI and Marriot East hotel, the conference location is for. Mr. Larmore reported Mr. Ewusi will request a copy of the contract from the EMAI board and will present the findings at the July meeting.

No further discussion occurred.

Policy-Technical Committee - Jim Pridgen, Chair

Mr. Pridgen began his report by informing the Commission of roster changes. He noted Ms. Mason, Ms. Chaney, and Ms. Moore need to be removed and Ms. Horner added. Mr. Pridgen stated at the March meeting he wanted the Committee to present a vision for 2020, however the topic was tabled until the next meeting due to COVID-19 pandemic. He also reported the problem in Tier II Manager system with LEPC meeting minutes has been resolved after a conversation with the IDSi team.

Mr. Pridgen reported there was a brief discussion about an EPA concern in Knox county regarding the LEPC and staff will take a soft approach to the issue and monitor the response.

Mr. Pridgen informed the commission of recommendations to extend/suspend requirements for LEPCs compliance due to Executive Orders on COVID 19 response. He reported the Committee’s recommendation of extending the timeline for the number of required LEPC meetings and suspending the exercise requirement for this year without any funding penalties.

Mr. Pridgen made a motion to suspend the requirement that LEPCs meet at least two (2) times every six (6) months in calendar year 2020 as a basis for withholding LEPC funding and was seconded by Mr. Palin.

Roll Call Vote

Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—Yes	Ms. Cyrus—Yes

No further discussion occurred. All present were in favor.

Motion Carried.

Mr. Pridgen made a motion to suspend the LEPC exercise requirement for 2020 as a basis for withholding LEPC funding and was seconded by Mr. Palin.

Roll Call Vote

Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—Yes	Ms. Cyrus—Yes

No further discussion occurred. All present were in favor.

Motion Carried.

Fiscal Committee-Laura Steadham, Chair

Ms. Steadham reported on the IERC budget and the possibility of separating the IDSi fees from the budget. It was noted that the IERC budget is around \$71,000 each year and the annual maintenance fee for Tier II Manager system is \$53,000, which means the IERC has roughly \$20,000 for other projects. Ms. Steadham said several options were presented by Mr. Ewusi to supplement the budget, of which the most appealing option to the committee was to add or increase the Tier II reporting fee. Ms. Steadham stated there was a discussion to use the legal fund to supplement the budget in the interim.

Ms. Steadham reported the LEPC plan module quote from IDSi is an initial one-time fee of \$45,000 and an annual fee of \$10,000. She noted the plan module will present specific questions to the reporting facilities that will be integrated into the LEPC plan and will also include GIS to assist in creating the required maps for the plan. Ms. Steadham stated there was concern over the annual fee of \$10,000 which brought about the conversation and consideration of using the legal fund in addition to increasing the reporting fee. Ms. Steadham reported a suggestion of getting facility input on the questions and then gradually introducing the questions into the plan module. Ms. Steadham stated that Mr. Ewusi will continue conversations with IDSi about the plan module and he will convey the committee’s concerns with the \$10,000 annual fee.

Ms. Steadham reported that the committee voted on upgrading the Meeting Owl. The Meeting Owl is the technology used to record, provide sound and video during the meetings. She noted the IERC shares the Meeting Owl with IDHS Emergency Medical Service (EMS) section and EMS has agreed to pay \$250, half of the total cost of the upgrade.

Ms. Steadham also informed the Commission of roster changes. The members to be removed are Ms. Mason, Ms. Chaney, and Mr. Beier. The member to be added is Ms. Horner.

APPROVAL OF COMMITTEE REPORTS

Ms. Cyrus made a motion to approve the committee reports and was seconded by Mr. Palin.

Roll Call Vote

Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—No Response	Ms. Cyrus—Yes

No further discussion occurred. Mr. Larmore did not respond to the call to vote.

Motion Carried.

OLD BUSINESS

Roster Approval

Ms. Roe explained that due to the lack of quorum at the March 9th meeting, the rosters from January 11th to March 6th would need approval. Ms. Roe reported that 59 LEPCs made changes to their rosters and 20 LEPCs kept their roster the same.

Adams	Allen	Bartholomew	Blackford
Boone	Brown	Carroll	Clark
Clay	Clinton	Crawford	Daviess
DeKalb	Dubois	Elkhart	Floyd
Fountain	Fulton	Gibson	Grant
Greene	Hamilton	Henry	Howard
Huntington	Jackson	Jasper	Jay
Jennings	Johnson	Kosciusko	LaPorte
LaGrange	Lake	Marion	Marshall
Monroe	Montgomery	Morgan	Newton
Noble	Ohio	Owen	Parke
Perry	Porter	Posey	Putnam
Randolph	Shelby	Spencer	St. Joseph
Sullivan	Switzerland	Union	Vigo
Warren	Washington	Whitley	

Chairman Thacker asked if there were any LEPCs who did not submit a roster and Ms. Roe indicated about five LEPCs have not submitted a roster thus far.

Chairman Thacker requested a motion to approve the roster changes. Mr. Palin made the motion to approve the changes and was seconded by Ms. Cyrus.

Roll Call Vote

Mr. Ewusi—Yes
Ms. Steadham—Yes
Chairman Thacker—Yes

Mr. Palin—Yes
Mr. Pridgen—Yes
Mr. Larmore—Yes

Mr. French—Yes
Mr. Bilkey—Yes
Ms. Cyrus—Yes

Motion Carried.

No further discussion occurred. All present were in favor.

Wayne County Expenditure Request

Ms. Roe reported Wayne County LEPC is requesting new tables for the county's Emergency Operations Center (EOC) because the LEPC holds their meetings in the EOC. Ms. Roe noted she originally reported on this request in January and was tasked to acquire more information from the LEPC. She noted in the March IERC meeting she was tasked to get more information for the second time however, she was not able to due to the circumstances surrounding COVID-19 pandemic.

Chairman Thacker requested tabling the discussion until the July meeting and to allow staff time to gatherer additional information.

No further discussion occurred.

Approve/Remove Committee/Commission Members

Chairman Thacker reported there is a chairperson vacancy on the Training Committee and requested for a full roster of the committee from Ms. Roe. He asked if there are any positions to be filled on the remaining committees to which Ms. Steadham, Mr. Pridgen, and Mr. Larmore all stated there are no additional positions. Mr. Kinney stated that according to the Commission's Bylaws, the Chairman has ultimate authority on committees and the addition and removal of members does not require a vote from the Commission. Chairman Thacker approved all of the roster changes laid out in the committee reports above.

Chairman Thacker stated he will work with the Governor's office to get the two local government representative and two public representative positions filled. Mr. Kinney stated the Commission does not have authority to fill the vacant commissioner positions, however, recommendations can be presented to the Governor's office. Chairman Thacker requested any recommendations for possible Commission members be sent to him.

No further discussion occurred.

Madison County Compliance Vote

Mr. Ewusi reported due to an oversight at the January meeting the Commission did not hear and vote on the recommendation not to fund the Madison County LEPC by the Policy-Technical committee. He noted the Policy-Technical Committee voted to recommend that the Commission reject funding at the January meeting due to lack of compliance.

Chairman Thacker requested for a motion to deny funding to Madison County in 2020 for failing to comply with 2019 requirements. Mr. Palin made a motion to deny funding and was seconded by Mr. Pridgen.

Roll Call Vote

Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—Yes	Ms. Cyrus—Yes

Motion Carried.

Chairman Thacker requested Ms. Horner to follow up with Madison County LEPC to ensure they are compliant for this year.

No further discussion occurred. All present were in favor.

IAHMR/EMAI Conference Funding

Mr. Larmore reported at the previous IERC meeting the Commission discussed providing \$7,500 to EMAI and \$2,500 to IAHMR for their conferences. He noted the \$7,500 for EMAI is contingent upon the agenda fulfilling the agreement of 51% LEPC-related content or hazardous materials planning and response content. Mr. Larmore said he has been working with Ms. McKinney to get the tentative schedule for the EMAI conference and the deadline to present the conference agenda to the Commission is at the July meeting. He noted once the agenda is presented, the Commission will decide whether to approve the \$7,500 or not.

Mr. Palin asked what cost will be covered for IERC members who want to attend the EMAI conference. Mr. Pridgen suggested the \$7,500 should cover Commissioners' registration fees and the IERC can provide the funding for their respective meals. Mr. Larmore indicated relaying the information to EMAI and Chairman Thacker requested staff to look into the cost of meals while at the conference.

See recording for more discussion.

NEW BUSINESS

Tier II Manager: LEPC Plan Module Quote

Ms. Roe explained that each LEPC must submit an annual hazardous response plan to be compliant and that creating a complete plan can be difficult because the LEPCs must contact facilities and responders for specific information. She noted adding an LEPC plan module to Tier II Manager system will make the process and result more streamlined and complete. Ms. Roe reported the quote for the plan module has a one-time cost of \$45,000 and an annual fee of

\$10,000 for maintenance. Ms. Roe added that Mr. Ewusi will work with IDSi in hopes of getting the annual fee reduced. Chairman Thacker requested more information for the July meeting.

No further discussion occurred.

Vacancy: LEPC West Program Manager Position

Mr. Ewusi informed the Commission that Ms. Horner has taken the sole responsibility for LEPCs for the time being while the current hiring freeze is in effect. Mr. Ewusi reported he will be completing a justification document explaining why the second LEPC Program Manager is essential.

Recommendation: 2020 Funding for Compliant LEPCs

Ms. Roe reported 83 LEPCs are recommended for funding in 2020 based on compliance in 2019.

Adams	Allen	Bartholomew	Benton	Blackford
Boone	Brown	Carroll	Clark	Clay
Clinton	Crawford	Daviess	Dearborn	DeKalb
Delaware	Dubois	Elkhart	Floyd	Fountain
Franklin	Fulton	Gibson	Grant	Greene
Hamilton	Hancock	Harrison	Hendricks	Henry
Howard	Huntington	Jackson	Jasper	Jefferson
Jennings	Johnson	Knox	Kosciusko	LaGrange
Lake	LaPorte	Lawrence	Marion	Miami
Monroe	Montgomery	Morgan	Newton	Noble
Ohio	Owen	Perry	Pike	Porter
Posey	Pulaski	Putnam	Randolph	Ripley
Rush	St. Joseph	Scott	Shelby	Spencer
Starke	Steuben	Sullivan	Switzerland	Tippecanoe
Tipton	Union	Vanderburgh	Vermillion	Wabash
Warren	Warrick	Washington	Wayne	Wells
White	Whitley	Jay		

Chairman Thacker requested a motion to approve LEPC funding. Mr. Palin made a motion to approve funding for the 83 recommended LEPCs and was seconded by Mr. French

Roll Call Vote

Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—Abstains	Ms. Cyrus—Abstains

Mr. Larmore and Ms. Cyrus both abstain due to their involvement in their respective LEPCs.

Mr. Palin requested information regarding how much money is kept from LEPCs who do not receive funding. Mr. Ewusi reported it is between \$40,000 and \$45,000.

No further discussion occurred.

Motion Carried.

SARA TITLE III PROGRAM REPORT—SARA Program Staff (See attached written report)

Ms. Roe reported staff had a meeting with IDSi to discuss things to change within Tier II Manager system. She noted the LEPC Program Managers have not attended any more LEPC meetings due to COVID-19 pandemic than the one Ms. Horner and Ms. Mason attended in Franklin County to meet the new EMA director.

Ms. Roe reported 6,147 facilities submitted Tier II reports and there are about 300 reports to still be submitted. Mr. Larmore offered to assist LEPCs contact facilities if needed.

Spill Reports (EPCRA Section 304)

<i>County</i>	<i>Date</i>	<i>Facility/Individual</i>	<i>Chemical</i>	<i>Quantity</i>
Allen	03/09	Continental Structural Plastics	Styrene	8,000lbs
Cass	03/11	Nustar Pipeline	Anhydrous Ammonia	200lbs
Marion	03/19	ConAgra Foods	Anhydrous Ammonia	392.43lbs
Daviess	04/06	White River CoOp	Anhydrous Ammonia	Unknown
St. Joseph	04/07	Pioneer Metal Finishing	Anhydrous Ammonia	Unknown
Jasper	04/08	Farm	Anhydrous Ammonia	Unknown
Boone	04/08	Co-Alliance	Anhydrous Ammonia	4800lbs
Lake	04/09	Dawn Foods	Anhydrous Ammonia	2000lbs
Delaware	04/20	AgBest LLC	Anhydrous Ammonia	500lbs

APPROVAL OF SARA PROGRAM ACIVITY REPORT

Chairman Thacker requested a motion to approve the SARA III report. Mr. Larmore made a motion to approve the SARA III report and was seconded by Ms. Cyrus.

Roll Call Vote

Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—Yes	Ms. Cyrus—Yes

No further discussion occurred. All present were in favor.

Motion Carried

PUBLIC COMMENTS

Mr. Kinney informed the Commission that when voting on funding, members can abstain from voting on their own county, but they do not need to abstain from all counties. Mr. Kinney introduced Mr. Anderson who will attend IERC meetings as the IERC’s legal representative.

No further discussion occurred.

ADJOURNMENT

Chairman Thacker requested a motion for adjournment. Mr. Palin made a motion to adjourn and was seconded by Mr. French.

Roll Call Vote

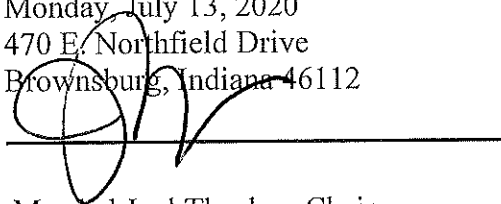
Mr. Ewusi—Yes	Mr. Palin—Yes	Mr. French—Yes
Ms. Steadham—Yes	Mr. Pridgen—Yes	Mr. Bilkey—Yes
Chairman Thacker—Yes	Mr. Larmore—Yes	Ms. Cyrus—Yes

No further discussion occurred. All present were in favor. Meeting adjourned at 3:00pm.

Motion Carried

NEXT MEETING

Monday, July 13, 2020
470 E. Northfield Drive
Brownsburg, Indiana 46112



Marshal Joel Thacker, Chair