



INDIANA EMERGENCY RESPONSE COMMISSION (IERC) Meeting
Indianapolis Marriott East
7202 East 21st Street,
Indianapolis, Indiana 46219
October 24, 2019, 4:00 pm [Start Time: 4:04 pm]

COMMISSION MEMBERS PRESENT:

Ian Ewusi— Designee for State Fire Marshal, Chairperson
Bernie Beier—Local Government Representative
Clint Bundy Proxy for Matt Bilkey—Designee for Superintendent of ISP
Cara Cyrus—Business and Industry Representative
Larry Hamby—Designee for IDHS Executive Director
Jeff Larmore—Local Government Representative
James Pridgen—Business/Industry Representative
Shawn French—Business/Industry Representative

COMMISSION MEMBERS ON THE PHONE:

None

COMMISSION MEMBERS ABSENT:

Bruce Palin—Public Representative
Laura Steadham—Designee for IDEM Commissioner

The following IERC staff members were present:

Kraig Kinney—IDHS
Madison Roe—IDHS
Dawn Mason—IDHS
Sarah Chaney—IDHS

The following audience members were present:

Larry Robb—Emergency Management Alliance of Indiana (EMAI), Posey County LEPC, EMA
Stephanie McKinney—Gibson County Deputy EMA
Bryan Husband—Clay County EMA
Amy Biggs—Whitley County EMA
Dan Monaco—Whitley County Deputy EMA
Greg Robinson—Warren County LEPC
Kelly Thornburg—Warren County LEPC

Mick Newton—Noble County EMA
Ray Chambers—EMAI, Newton County LEPC, EMA
Martin R. Webb—EMAI, Tippecanoe County LEPC, EMA
John Brown—Division Director for Planning, Training, Exercise, Grants
Duane Davis—EMAI, Jackson County LEPC, EMA
Tyler Clements—Tippecanoe County LEPC, EMA
Shari Harrington—Montgomery County LEPC, EMA
Graham Jessiman—IDHS
Ed Rock—EMAI, Kosciusko County EMA
Mark O’Hare—Vermillion County LEPC, EMA
Paul Peterie—Lake County LEPC, EMA

WELCOME AND INTRODUCTION

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

Roll Call Vote

Mr. Beier —Yes	Mr. French—Yes	Mr. Pridgen—Yes
Mr. Bundy—Yes	Mr. Hamby—Yes	
Mr. Cyrus—Yes	Mr. Larmore —Yes	
Mr. Ewusi—Yes		

QUORUM

Ms. Chaney indicated a quorum was present after the commission roll call.

OPENING REMARKS

Mr. Ewusi gave the floor to Mr. Kinney who stated Fire Marshal Greeson designated Mr. Ewusi as the acting Chairperson in his absence. Mr. Kinney explained Mr. Stephen Cox is the new State Fire Marshal and although he could not attend the October 24, 2019 meeting, he plans to attend future meetings. Mr. Kinney also stated Marshal Cox designated Mr. Ewusi as his proxy in his absence. Mr. Kinney pointed out the Vice Chairperson, Laura Steadham, could not be present. Mr. Kinney stated Mr. Ewusi would chair the IERC meeting on October 24, 2019 if there were no objections from the commission. No objections occurred.

REPORT OF THE CHAIR

Mr. Ewusi stated that he did not have a formal chairman’s report, however, he discussed the commission’s decision to implement the ruse of computer tablets (iPad) in place of printed documents for commissioners. He explained that this was the first meeting to test the IPADs, and if successful the IPADs would be used in all meetings moving forward. Ms. Chaney gave a quick presentation to the commissioners on the use of the IPADs during the meeting.

CONSIDERATION OF MINUTES

Mr. Ewusi made a motion to approve the September 9, 2019 IERC meeting minutes. Mr. Kinney advised Mr. Beranek’s questions and comments presented at the September 9, 2019 IERC meeting were included as an attachment, and asked the commissioners to adopt them as part of the meeting minutes. Mr. Larmore made a motion to approve the September 9, 2019, minutes as presented with the attachment and Mr. Pridgen seconded the motion.

Roll Call Vote

Mr. Beier—Yes Mr. Bundy—Yes Ms. Cyrus—Yes
Mr. French—Yes Mr. Hamby—Yes Mr. Larmore—abstained
Mr. Pridgen—Yes Mr. Ewusi—Yes

No further discussion occurred. All present were in favor.

Motion Carried.

ROSTER APPROVAL

Ms. Chaney reported 12 LEPCs submitted rosters for membership appointments or removals as of October 22, 2019.

Adams	Clark	Crawford	Delaware
Hamilton	Hendricks	Jay	Miami
Monroe	Starke	Vanderburgh	Wayne

Mr. Pridgen made a motion to approve the submitted rosters and was seconded by Ms. Cyrus.

Roll Call Vote

Mr. Beier—Yes Mr. Bundy—Yes Ms. Cyrus—Yes
Mr. French—Yes Mr. Hamby—Yes Mr. Larmore—abstained
Mr. Pridgen—Yes Mr. Ewusi—Yes

No further discussion occurred. All present were in favor.

Motion Carried.

COMMITTEE REPORTS

Mr. Ewusi advised there were no official IERC committee meetings prior to October 24, 2019, IERC meeting at the EMAI conference. He invited each committee chairperson to share or present any information for the good of the order.

Training Committee-Bernie Beier, Chair

Mr. Ewusi introduced Mr. Beier who stated the Training Committee did not meet and there were no current issues.

No further discussion occurred.

Communications Committee-Jeff Larmore, Chair

Mr. Ewusi introduced Mr. Larmore who noted the Communications Committee did not meet, however, he wanted to share with the commission the final finished product of the LEPC brochure. Mr. Larmore stated the discussion to create the LEPC brochure occurred at the 2018 EMAI conference when it was suggested to create an LEPC document to share with local communities about the purpose and functions of an LEPC. He stated the LEPC brochure was designed with space on the back of the document to facilitate LEPCs to add their specific contact information, meeting schedule or any information they feel is of value to its community.

Mr. Larmore stated the Communications Committee is responsible for not only disseminating information to LEPCs but also citizens in communities. He stated another function of the committee is to make sure information on the IERC website is current, that the content adds value to support the work of the LEPCs and to assist in working closely with facilities in each county. He stated it is an ongoing task to keep information current and up-to-date.

Mr. Larmore invited suggestion from the IERC to help spread the word about LEPCs and their value to the community. He explained the LEPC brochure is available electronically for LEPCs to print, and he was hopeful that next year (2020) funding would be available to purchase copies for the LEPCs for them to hand out to citizens.

Mr. Larmore stated he wanted to take the opportunity to thank Ms. Mason for her help to create the LEPC brochure and he stated after all the edits and proof-reading it turned out very well.

No further discussion occurred.

Policy-Technical Committee-Jim Pridgen, Chair

Mr. Ewusi introduced Mr. Pridgen who stated the Policy/Technical Committee wanted to point out the implementation of the iPad use as an important decision to cut down on the cost of printing and the use of paper and it allows the IERC to move forward in the use of technology to conduct meetings.

Mr. Pridgen also discussed the recognition program to thank people in the counties that may have provided contributions to the LEPC or to the commission and recognize those who may

have passed away. He stated the recognition may come from either the commission or the LEPCs and he asked Ms. Roe to give an overview of the program.

Ms. Roe stated the process is to recognize retired or deceased LEPC members who have dedicated their time and service to their respective committees. She advised a document will be sent out to LEPCs for recommendations/nominations to be recognized at the next year EMAI/IERC conference.

Mr. Pridgen discussed the importance of recognizing those who work diligently and contribute a lot toward improving programs and helping citizens of Indiana. He thanked Ms. Roe for working on the program and the staff for all their work.

No further discussion occurred.

Fiscal Committee-Laura Steadham, Chair

Mr. Ewusi stated Ms. Steadham was not present, but he noted funding contribution from the IERC to the EMAI would be processed as soon as the conference concluded, and the receipts are submitted.

No further discussion occurred.

APPROVAL OF COMMITTEE REPORTS

Mr. Ewusi made a motion to approve the Committee Reports as reported. A motion to approve was made by Mr. Larmore and was seconded by Mr. French.

Roll Call Vote

Mr. Beier—Yes	Mr. Bundy—Yes	Ms. Cyrus—Yes
Mr. French—Yes	Mr. Hamby—Yes	Mr. Larmore—abstained
Mr. Pridgen—Yes	Mr. Ewusi—Yes	

No further discussion occurred. All present were in favor.

Motion Carried.

OLD BUSINESS

Electronic Meetings

Mr. Ewusi introduced Mr. Kinney to discuss the updated decision on LEPC electronic meetings request. Mr. Kinney took the opportunity to inform the Commissioners that they should have received a notice to submit the ethics statement from the General Council required every two years.

Mr. Kinney discussed the electronic meeting request findings and updated the Commission about the Delaware County EMA requesting permission to perform electronic meeting for LEPCs. Mr. Kinney stated his research resulted from determining if LEPCs qualified and were allowed to hold those types of meetings. He stated there are two statutes in Indiana on Open Door Law.

One statute advises state agencies or a state governing body can hold electronic meetings under certain conditions. The second statute states local governments are prohibited from holding electronic meetings. He advised from the Open Door perspective at the local level they want people to attend the meetings in person, allow people to conduct business and not be intimidated by an electronic meeting.

Mr. Kinney stated Delaware County made a plea to the IERC requesting permission to be able to hold electronic meetings to help them meet quorum and be more effective and the Commission ask Mr. Kinney to contact the Public Access Councilor (PAC) of Indiana, and shared his response as well as theirs. Mr. Kinney made a case based on the Public Access Councilor cases, with some exceptions. However, he stated the Public Access Councilor unfortunately felt the exception in other cases do not outweigh the fact of the statutory provision, which specifically declares an LEPC as a county board. He advised, based on the forgoing, their conclusion was that LEPCs are a local governing body and are therefore subject to the statute that prevents them from holding electronic meetings for the purpose of meeting quorum and voting. Mr. Kinney stated they can technically hold an electronic meeting, and people can participate in discussions, however to meet quorum or conduct voting those who are electronically watching could not be counted. They must be physically present on site to count at meetings.

Mr. Kinney advised his response and the response of the Public Access Councilor would be distributed to whomever request the information, and he can distribute to the LEPCs as well. Mr. Kinney asked for any questions from the Commissioners or the audience. Mr. Larmore advised that the decision does not mean the law cannot be changed, it is that the current law does not allow LEPCs to hold electronic meetings. Mr. Kinney agreed and stated if anyone feels inclined to have the law changed, it is a possibility. Mr. Kinney stated the Public Access Councilor would be open to discussions about the issue.

Marion County LEPC concerns

Mr. Ewusi discussed meeting with Dr. Beranek and discussing his concerns that he shared with the IERC. He stated the concerns as presented were attached to the September 9, 2019, IERC meeting minutes and is available for review should someone choose to see them.

Mr. Ewusi stated he attended a one-on-one meeting with Dr. Beranek to discuss and better understand his concerns. Mr. Ewusi stated Dr. Beranek was more concerned about the required LEPC Hazardous Material Plan. Mr. Ewusi also acknowledged the concerns from the audience at the EMAI conference regarding the LEPC plan, and confirmed the concerns have been heard and attempts are being made address those concerns. Mr. Ewusi stated Ms. Roe is working on a solution to address the concerns as we move forward.

NEW BUSINESS

LEPC Plan Module

Mr. Ewusi introduced Ms. Roe to discuss the solutions to help the LEPC create and update their plans within the Tier II Manager system. Ms. Roe acknowledged the difficulties LEPCs have with pulling the information from the Tier II Manager system to develop/complete their respective county Hazardous Materials plan. She stated the goal is to build the process of creating the LEPC plans into the Tier II Manager system and allow the reporting facilities to provide/input additional information needed by LEPCs to create their plans and help answer the questions.

Ms. Roe provided a demonstration of what the new program module would entail. This presentation generated a lengthy discussion from audience members of both concerns and positives of the reporting system. A complete report on this discussion can be obtained through public records for the IERC October 24, 2019, meeting held at the EMAI/IERC conference.

2020 Important Dates to Remember

Commission members were provided with a copy of the 2020 Important Dates to Remember including future meeting dates and locations. Ms. Cyrus requested that the Hazardous Materials Emergency Preparedness grant (HMEPG) performance dates be included to include on the list of Important Dates to Remember. Ms. Chaney noted that although the Hazmat section works with the IDHS Grants section, the program dates are managed specifically by the Grants section staff. Mr. Ewusi suggested talking to the Grants section chief, giving feedback on the production and finding a good working date to send out to all LEPCs.

Mr. Ewusi asked for a motion to approve the list of 2020 Important Meeting Dates to Remember. Mr. Pridgen made a motion to approve and was seconded by Ms. Cyrus.

Roll Call Vote

Mr. Beier—Yes	Mr. Bundy—Yes	Ms. Cyrus—Yes
Mr. French—Yes	Mr. Hamby—Yes	Mr. Larmore—Yes
Mr. Pridgen—Yes	Mr. Ewusi—Yes	

No further discussion occurred. All present were in favor.

Motion Carried.

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

Ms. Roe introduced Ms. Mason and Ms. Chaney as the LEPC Program Managers to the EMAI audience members and advised the counties to reach out to either LEPC Program manager with any questions. Ms. Roe stated the Managers attended twelve (12) LEPC meetings and four (4)

exercises. All hazmat staff also attended the Indiana Emergency Response Conference in September 2019.

Spill Reports (EPCRA Section 304)

<i>County</i>	<i>Date</i>	<i>Facility/Individual</i>	<i>Chemical</i>	<i>Quantity</i>
Hancock	August 29, 2019	Greenfield City Waste Water	Sodium Hypochloride	300lbs
Marion	September 17, 2019	Citizens Energy Group (Contractor Working onsite)	Ferrous Chloride	23 Gallons
Porter	October 3, 2019	Arcelor Miller	Flushing Link Liquid (Benzaprine) (Benzoclorapine)	500 Gallons
Boone	October 21, 2019	SARA Technologies	Anhydrous Ammonia	2000lbs

Discussion

Mr. Ewusi asked Ms. Roe to amend the report to reflect the appropriate date for Hancock County spill, in which she stated she would.

APPROVAL OF SARA PROGRAM ACTIVITY REPORT

Mr. Beier made a motion to approve the SARA Program Activity Report and was seconded by Mr. French.

Roll Call Vote

Mr. Beier—Yes Mr. Bundy—Yes Ms. Cyrus—Yes
 Mr. French—Yes Mr. Hamby—Yes Mr. Larmore—Yes
 Mr. Pridgen—Yes Mr. Ewusi—Yes

No further discussion occurred. All present were in favor.

Motion Carried.

PUBLIC COMMENTS

Mr. Whitaker, EMA Director and LEPC Chair of Fountain County, advised the IERC that

Fountain County, Montgomery County and Warren County LEPCs would hold a combined meeting at the Beef House on November 14, 2019. He invited IDHS training, exercise and planning staff to attend the meeting and advise the three counties of upcoming training or planning being conducted by FEMA, the Threat Hazard Identification Risk Assessment (THIRA), to bring the LEPCs up to speed on training and exercises and discussing a joint exercise.

Ms. Chaney advised that Ms. Chrzaszcz from the EPA emailed information on Hazmat training for the LEPCs and first responders within Region Five (5) including webinars and classes to attend.

Mr. Pridgen discussed people, processes and property and the importance of making communities safer. He asked the audience for suggestions on what they would like the IERC to improve in the future. Mr. Whitaker stated he felt the IERC is doing a good job and suggested having more information sent out. Other audience members stated they would like to see the IERC keep doing what they planned.

Mr. Larmore stated the IERC instituted the online ability for people to view the meetings through webcast, and ask if people thought it was helpful, in which the audience stated yes and they enjoy the online option to view the meeting.

ADJOURNMENT

Mr. Larmore made a motion to adjourn the meeting and was seconded by Ms. Cyrus.

Roll Call Vote

Mr. Beier—Yes	Mr. Bundy—Yes	Ms. Cyrus—Yes
Mr. French—Yes	Mr. Hamby—Yes	Mr. Larmore—Yes
Mr. Pridgen—Yes	Mr. Ewusi—Yes	

No further discussion occurred. All present were in favor. The meeting was adjourned at 5:30 p.m.

Motion Carried.

NEXT MEETING

Zionsville Town Hall
1100 W Oak Street
Zionsville, Indiana 46077
January 13, 2020



Ian Ewusi, Designated Chair