

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=36>

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

State Capitol Building
Pierre, SD

Department of Transportation
Brookings, SD

Rapid City/Pennington County Emergency Management
Rapid City, SD

Mitchell Technical Institute
Mitchell, SD

June 25, 2018
10:00 a.m. Central Time

COMMISSION MEMBERS PRESENT: Robert McGrath, Paul Merriman, Patrick Snyder, Tina Titze, Mike Carter, Dustin Willett, Kim McIntosh, Becky Pitz, and Andrew Canham.

COMMISSION MEMBERS ABSENT: John Forman.

PRESENT VIA TELEPHONE CONFERENCE CALL: Bre Bockstahler, EPA Region 8.

OTHERS PRESENT: See attached attendance sheets.

INTRODUCTIONS: Participants at the DDN sites introduced themselves.

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

Chairman McGrath announced that the meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

APPROVAL OF MINUTES FROM MARCH 26, 2018, MEETING: Motion by Titze, seconded by Snyder, to approve the minutes from the March 26, 2018, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATES: Bre Bockstahler discussed recent activities of EPA Region VIII, including EPA's proposed changes to the Risk Management Program (RMP) rules. (RMP Reconsideration Proposed Rule Fact Sheet attached.)

Ms. Bockstahler noted that EPA is also looking forward to assisting with the industry workshops in August.

TRI Report Submittals: Trish Kindt reported that Toxic Release Inventory (TRI) reports are due by July 1, 2018. TRI reports are annual reports that certain facilities, primarily manufacturing facilities, are required to submit to the federal EPA and to the SERC on an annual basis. The TRI report must be filed if a facility manufactures, processes, or otherwise uses enough of a TRI reportable chemical. The reports summarize emissions, discharges, the amount of waste sent to a landfill, how much is sent for recycling, how much is treated on-site, how much is treated off-site, etc. In South Dakota, about 100 facilities submit the TRI report each year.

As of June 23, 2018, sixty-two facilities had submitted TRI reports; however, there will be several more coming in during the next week.

INDUSTRY WORKSHOPS: Ms. Kindt reported that she has been working with EPA to hold industry workshops in South Dakota. These workshops, which were very well attended in the past, will be held in Mitchell on August 28 at the Davison County Fair Complex, in Aberdeen on August 29 at the Brown County Community EOC Room, in Pierre on August 30 at the Matthew Training Center in the Joe Foss Building, and in Rapid City on August 31 at the Pennington County EOC.

Morning Workshop (9 am – noon) topics will include:

- Risk Management Program (RMP) regulations
- Chemical Facility Anti-Terrorism Standard (CFATS)
- Toxic Release Inventory (TRI) reporting requirements
- Spill/Release reporting requirements
- Tier II reporting requirements
- OSHA worker safety topics

The intended audience for the morning workshop is any facility that uses and stores hazardous substances.

Afternoon Workshop (1:30 – 3:00 pm) topics will include:

- Spill Prevention Control and Countermeasure (SPCC) Requirements
- Facility Response Plan (FRP) Requirements
- Oil Inspection Procedures
- EPA Spill Response Authority and Case Study

The intended audience for the afternoon workshops is any facility that uses and stores oil substances.

Speakers for the workshops will include representatives from the Environmental Protection Agency, Department of Homeland Security, Department of Environment and Natural Resources, and the Sioux Falls Occupational Safety and Health Administration.

Invitations to attend were sent to past chemical workshop participants, Tier II facility contacts, TRI facility contacts, RCRA facility contacts, the Agriculture Retailers Association, and the South Dakota Petroleum and Propane Marketers Association.

People are invited to register for either the morning or afternoon workshops, or both.

Ms. Kindt summarized preregistration numbers.

Ms. Kindt answered questions from the SERC members.

LEPC ROSTER APPROVALS/APPOINTMENTS: Ms. Kindt reported that at the March meeting, the SERC approved rosters for 53 LEPCs. Haakon, Jackson, Oglala Lakota, and Sanborn LEPCs are not active and did not submit rosters, so the SERC appointed the county commission, state's attorney, emergency manager, and county sheriff to serve as the LEPC for those three counties.

In March, Ms. Kindt reported that Edmunds, Todd, and Meade LEPCs had not yet submitted rosters, but were expected to submit rosters within the near future, so the SERC deferred action on these three.

Since the March meeting, rosters were submitted by Edmunds and Todd LEPCs. Copies of the rosters were sent to the SERC prior to the June meeting. Ms. Kindt requested that the SERC approve the two rosters.

To date, Meade County LEPC has not submitted its roster. Ms. Kindt noted that the new emergency manager still intends to submit a roster, but he is still in the process of adjusting to his new duties and has been busy with planning for the Sturgis Motorcycle Rally. She noted that the emergency manager is planning to meet with key players during the summer, and he is promoting the LEPC as a forum for rally topics beyond the rally meetings. The tentative plan is to hold the first LEPC meeting in September.

Ms. Kindt recommended that because there is no LEPC at this time, the SERC appoint the LEPC until Meade County submits, and the SERC approves a roster.

In response to a question from Mr. Willett, Ms. Kindt stated that Meade County LEPC is not eligible for a grant this year because it is not an active LEPC at this time, and it has not submitted a membership roster.

Motion by Willett, seconded by McIntosh, to accept the rosters submitted by Edmunds and Todd County LEPCs. A roll call vote was taken, and the motion carried unanimously.

Motion by Titze, seconded by Snyder, to authorize Chairman McGrath to send a letter appointing the county commission, state's attorney, emergency manager, and county sheriff to serve as the LEPC for Meade County LEPC. The appointment is effective until a roster is submitted and accepted by the SERC. A roll call vote was taken, and the motion carried unanimously.

REGIONAL HAZMAT TEAM UPDATE: No update.

HMEP GRANTS TRAINING AND PLANNING REPORT: Tina Titze, OEM, presented the quarterly review of the HMEP training and planning grant activities.

Since the last SERC meeting, there was no change for the FFY 2016 grant.

For FFY 2017, funding was awarded to complete six hazmat plan updates/rewrites, one hazmat exercise, four hazmat awareness/operations trainings, attendance at five hazmat trainings/conferences for Aberdeen Fire Rescue, attendance at four hazmat trainings/conferences for Sioux Falls Fire Rescue, and attendance at five hazmat trainings/conferences for Watertown Fire Rescue.

Nine projects have been completed. Those include attendance at the Hot Zone conference in Houston for three personnel from Watertown Fire Rescue, attendance at the TEEX Transportation Specialist training for four members of Sioux Falls Fire Rescue, three hazmat awareness/operations courses in Codington County, two Hazmat IQ courses for Aberdeen Fire Rescue, and two planning meetings for the Task Force 1 hazmat team leads. A total of 121 personnel were trained through the hazmat classes.

The South Dakota Office of Emergency Management has submitted the FFY 2018 HMEP grant application to the U.S. Department of Transportation/Pipeline and Hazardous Material Safety Administration (DOT/PHMSA). The expected allocation amount for South Dakota is \$143,739, with \$35,935 as the minimum match requirement. These funds are for FFY 2018, which will have a period of performance of October 1, 2018 through September 30, 2019. The grant award will be issued by DOT/PHMSA by September 30, 2018.

The State of South Dakota has also submitted a request for supplemental funding to stock a hazmat training trailer with non-consumable inventory for the Task Force 1 hazmat team to use for training on hazardous materials transportation incidents, such as rail car or tanker responses. Sioux Falls Fire Rescue will donate the 22-foot enclosed trailer, which will count as match for the project. The State of South Dakota was eligible to apply for this supplemental funding because we have obligated our entire FFY 2016 award and have continuously submitted reports on time to DOT/PHMSA. This is a competitive application process. If awarded, it will be in addition to the expected \$143,739 allocation amount.

Chairman McGrath asked what the amount of the grant request was for the hazmat training trailer. Ms. Titze stated that she would ask Autumn Stout and let the SERC know.

NOTE: Following the meeting, Ms. Titze sent the following email to the SERC members:

We asked for \$30,355 for the trailer. I have not been given an exact timeframe from PHMSA, but since the competitive application was due at the same time as the continuing application, I would assume it will also be awarded in September.

NATIONAL ADVISORY COUNCIL FOR FEMA: Tina Titze reported that she is a member of the FEMA National Advisory Council. The group meets via telephone conference call two times per month. The group meets in person twice per year. The council's last face-to-face meeting was in May 2018. FEMA administrator, Brock Long, and other FEMA officials attended the meeting. The advisory council finalized its objectives and considerations to present to Administrator Long to consider. Subcommittees are again being formed to determine other objectives and considerations.

ELECTION OF OFFICERS: Willett nominated Bob McGrath as chairman; seconded by Merriman.

Motion by Titze, seconded by Snyder, to close nominations for SERC chairman. A roll call vote was taken, and the motion carried unanimously.

Chairman McGrath requested a vote on the nomination for chair.

A roll call vote was taken, and the motion carried unanimously.

McIntosh nominated Paul Merriman as vice chairman; Snyder seconded.

Motion by Willett, seconded by Titze, to close nominations and cast a unanimous ballot for Paul Merriman as vice chairman. A roll call vote was taken, and the motion carried unanimously.

PUBLIC COMMENT PERIOD: The 2018 Legislature passed HB 1172, which amended SDCL 1-25-1 by adding the following paragraph:

The chair of the public body shall reserve at every official meeting by the public body a period for public comment, limited at the chair's discretion, but not so limited as to provide for no public comment.

Ms. Kindt requested guidance from the board as to where on the meeting agenda to place the public comment period and how much time would be allowed for the comment period.

Motion by Willett, seconded by Carter, to place the public comment period at the end of the agenda prior to adjournment, and to allow a five-minute timeframe for each person who wishes to comment. A roll call vote was taken, and the motion carried unanimously.

OTHER BUSINESS: The next SERC meeting will be at 5:00 p.m. on September 11, 2018, during the Emergency Management Conference at the Holiday Inn City Centre in Sioux Falls.

Ms. Kindt and Ms. McIntosh updated the SERC on the June 22, 2018, train derailment and 230,000-gallon crude oil spill into floodwaters along the Rock River in Doon, Iowa. There is a

State Emergency Response Commission
June 25, 2018, Meeting Minutes

potential impact to South Dakota because the Rock River is a tributary to the Big Sioux River. At this time, no oil sheen has been visible.

Ms. McIntosh noted that Secretary Pirner appointed her as the administrator of the DENR Groundwater Quality Program. Trish Kindt was hired to Ms. McIntosh's former position as team leader for the spill section. A new employee will be hired to fill Ms. Kindt's former position.

ADJOURN: Motion by Titze, seconded by Snyder, to adjourn the meeting. A roll call vote was taken, and the motion carried unanimously.

Chairman McGrath declared the meeting adjourned.

Robert B. McGrath 9/11/2018
Chairman Date

[Signature] 9/11/2018
Witness Date

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK

DEPARTMENT OF TRANSPORTATION
BROOKINGS

JUNE 25, 2018

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Bob McGrath

Brookings

SERC

Bob Hill

Brookings Co.

Emergency Manage

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

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

JUNE 25, 2018

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

PAUL MERRIMAN

PIERRE

SD FIRE MARSHAL
OFFICE

Patrick Snyder

Pierre

PFD

TINA Titze

Pierre

SD OEM

Tasha Kral

Pierre

SD DENR

Kim McIntosh

PIERRE

SD DENR

Andrew Cannon

Miller

Industry

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK

RAPID CITY EMERGENCY OPERATIONS CENTER
RAPID CITY, SD

JUNE 25, 2018

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Mike Carter

SERC

Dustin Willett

SERC

RMP Reconsideration Proposed Rule Fact Sheet

Overview

EPA is proposing changes to a final rule, the Risk Management Program (RMP) Amendments (82 FR 4594, January 13, 2017) to better address potential security risks and reasonable consideration of costs. The proposed changes are intended to promote better emergency planning and public information about accidents and maintain the trend of fewer significant accidents involving chemicals regulated under the RMP rule. The proposal reflects issues raised in three petitions for reconsideration of the RMP Amendments as well as other revisions EPA identified in its review of that rule. The proposed rule was published on May 30, 2018. A public hearing is scheduled for June 14, 2018. Public comments are due on or before July 30, 2018.

Why is EPA reconsidering the RMP Amendments final rule?

EPA is reconsidering the final RMP Amendments Rule based on objections highlighted in three petitions submitted to the Agency under Clean Air Act section 307(d)(7)(B) and based on its own review of that rule. The proposal addresses:

- potential security risks associated with new information disclosure requirements introduced in the final rule,
- BATF's finding that a key incident affecting US chemical safety policy, a fire and explosion in West, Texas, was caused by a criminal act (arson) rather than being the result of an accident,
- concerns with EPA's economic analysis, and
- concerns that EPA did not coordinate its rulemaking with the Occupational Safety and Health Administration (OSHA).

EPA is proposing changes to the Amendments final rule to:

- Maintain consistency of RMP accident prevention requirements with the OSHA Process Safety Management (PSM) standard.
- Address security concerns.
- Reduce unnecessary regulations and regulatory costs.
- Revise compliance dates to provide necessary time for program changes.

What are the proposed changes included in the RMP Reconsideration Rule?

The RMP Reconsideration Rule proposes the following changes to the RMP Amendments final rule:

- Rescinding all accident prevention program provisions of the RMP Amendments rule (i.e., third party audits, safer technology and alternatives analyses, incident investigation root cause analysis, and most other minor changes to the prevention program) so that EPA can better coordinate revisions to the RMP rule with OSHA and its PSM standard and reduce

regulatory costs. (An alternative proposal would retain certain minor changes to the prevention program provisions.)

- Rescinding most of the public information availability provisions of the RMP Amendments rule that would have provided redundant, less secure means of access to information that is available through better controlled means, while retaining the provision requiring a public meeting after an accident but with minor language modifications.
- Modifying the emergency coordination and exercise provisions of the Amendments rule to address security concerns raised by petitioners and give more flexibility to regulated facilities in complying with these provisions.
- Establishing compliance dates that are:
 - one year after the effective date of a final rule for the emergency coordination provisions,
 - two years after the effective date for the public meeting provision,
 - four years after the effective date for the emergency exercise provisions, and
 - five years after the effective date for incorporating new Subpart G data elements into a facility's risk management plan.

What are the estimated cost savings for the proposed RMP Reconsideration Rule?

The proposed rule is deregulatory, and would result in total annual cost savings (averted costs) of approximately more than \$87 million a year.