

# **AGENDA**

## **South Dakota State Emergency Response Commission**

**Monday March 23, 2015  
11:00 a.m. Central (10:00 a.m. Mountain)**

- 1. Introductions**
- 2. Call to Order and Roll Call**
- 3. Approval of December 15, 2014, SERC Meeting Minutes**
- 4. Introduction of new SERC members**
- 5. Federal Updates**
- 6. History of Crude Oil Pipelines in South Dakota – DENR**
- 7. Legislative update – Joe N**
- 8. Approval of LEPC Rosters - DENR**
- 9. Tier II Reporting Update – DENR**
- 10. HMEP Grants, Training, and Planning Report – OEM**
- 11. LEPC Grant – DENR**
- 12. Regional Haz Mat Team Update – HLS/OEM**
- 13. Other Business**
- 14. Adjourn**

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### **Held via the Digital Dakota Network at the Following Locations:**

**Pierre  
State Capitol Building  
Basement– Studio A – Room B12  
500 East Capitol  
Pierre, South Dakota**

**Mitchell  
Mitchell Technical Institute  
Room TC 155  
1800 E Spruce St  
Mitchell, South Dakota**

**Rapid City  
School of Mines & Technology  
Classroom Building – Room 109  
501 East St. Joseph Street  
Rapid City, South Dakota**

**Brookings  
Department of Transportation  
2131 34th Avenue  
Brookings, South Dakota**

**Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at least 48 hours before the meeting if you have a disability for which special arrangements must be made at the meeting. The telephone number for making arrangements is (605) 773-3296.**

Memorandum

To: State of South Dakota SERC  
 From: Bob Van Winsen  
 CC: Cari Leidholt  
 Date: March 19, 2014  
 Re: GY2014 HMEP Grant

Training grant:	Fed Share: <b>\$110,979.69</b>	Non Federal Share (Match): <b>\$27,744.69</b>	Total: <b>\$170,832.63</b>
Planning grant:	Fed Share: <b>\$59,852.94</b>	Non Federal Share (Match): <b>\$14,963.70</b>	Total: <b>\$74,816.64</b>

First Quarter: **October, November, December, 2014**

Training: Allocated: <b>\$100,446.88</b>	Unallocated: <b>\$10,532.81</b>
Planning: Allocated: <b>\$33,900.00</b>	Unallocated: <b>\$25,952.94</b>

(\$30,000.00 has been allocated for 9 awareness classes to be held during the GY2014 performance period)

Second Quarter: **January, February, March**

Training: Allocated \$	Unallocated \$
Planning: Allocated \$	Unallocated \$

Third Quarter: **April, May, June**

Training: Allocated \$	Unallocated \$
Planning: Allocated \$	Unallocated \$

Fourth Quarter: **July, August, September**

Training: Allocated \$	Spent \$	Remaining funds \$
Planning: Allocated \$	Spent \$	Remaining funds \$

## **GY2014 HMEP Activities and Goals.**

The GY2014 HMEP training grant application was sent to fire chiefs, local emergency managers and EMS personnel throughout the state. The goal of the training grant is to assist in training public sector personnel and first responders how to identify and properly respond to transportation related hazardous materials incidents. The following classes to name a few are listed in the State application:

- Awareness and Operations
- EMS Hazardous Material, level 1 and level 2
- Technician level and above, for State of South Dakota recognized hazardous material teams
- Various conferences allowable under the grant guidelines.

The GY2014 HMEP planning grant application was sent to LEPC chairmen and the local emergency managers. The planning grant is available to assist the local LEPC's meet their responsibilities for planning of hazardous materials in the community. Specifically, these funds can be used to:

- Prepare the annual update to the hazardous materials plan required under SARA Title III. The cost of hiring a contractor and all related out of pocket expenses can be covered with this grant. **If the last major plan update was several years ago, each county is encouraged to apply for this grant.**
- Conduct a commodity flow study to determine the hazardous materials flowing through the road/rail system in each jurisdiction. This information can then be used to improve planning for hazmat incidents.
- Conduct hazardous material exercises to better prepare personnel in response to a hazardous materials event.

The application deadline stated is the requested time to get applications to OEM but we will accept applications after this date as long as funds are available and the work is completed and invoiced by the end of the performance period.

The performance period for the HMEP GY2014 grant is October 1, 2014 through September 30, 2015.

### Challenges and Goals:

- Training:

The challenge expending funds due to the consortium the hazmat teams were once utilizing has come to an end. The waiting period for the facilities using FEMA funds has drastically increased. The 4 state hazmat teams have returned to the HMEP grant for assistance. With the limited amount of money the State of South Dakota receives, allotments of \$25,000.00 are being awarded to the hazmat teams. If all of the funding is not allocated the hazmat teams will be notified and they can apply for more.

The goal of providing awareness classes is being met. There are 9 eight hour classes are being scheduled using GY2014 funds. There are also going to be five 4 hour classes sponsored by LEPC's.

Request for Proposal (RFP) is the method the State of South Dakota has been using to attract and secure contractors for the training courses. The RFP requires the contractor furnish proof of eligibility to teach the class which eases the burden of verifying instructor qualifications for the State. This also allows competition creating fair pricing.

- Planning

With the commodity flow study completed in the western portion of the state in 2012 the State feels with the increase in oil field related activity more in depth flows studies should be completed.

The local planning districts have been getting involved in assisting LEPC's update or write hazmat emergency operating plans. This has created an avenue for the local authorities to take that is familiar and utilizes grant dollars available.

- GY2014 Grant Planning and Training

The HMEP grant application process at the federal level has been evolving over the last couple of years. At the present time it is a little cumbersome but I believe the changes that are being made will produce a more efficient program. This in turn will benefit the LEPC's and their communities.

One change calls for the grantee (SD) who is applying for the grant submit all training and planning projects in detail with costs. This requires that the grant administrator contact VFD's, regional hazmat teams, EMS providers, LEPC's and County Emergency Managers to request application submittals. Presently we wait to see what the grant amount proposed will be which usually comes out the 1<sup>st</sup> of February each year. Applications are sent to the locals, returned by the first week in March and processed. The application package the State fills out has to be turned in to HMEP grants by the 4<sup>th</sup> of April. This process gives a 2 month period to send and receive applications from the locals and submit an application.

As grant administrator I would like to request that the SERC find and make available funds to match the planning grant portion. I would request using the same process as when the state wide commodity flow studies were conducted for the East and West portion of the State of South Dakota. This would allow the state grant administrator to develop an RFP to secure a contractor to conduct commodity flow studies starting in the NW region where the oil field activity is prevalent. This should be implemented each grant cycle which would prevent grant dollars being returned at the end of the grant year.

## GY2014 HMEP Training Grant

Activity	Proposed	Final
Awareness	240	0
Operations	68	0
Specialist	3	0
Technician	2	0
Incident Command	0	0
Hazmat Monitoring	0	0
Cold Zone	9	0
Airport Rescue Live Burn	18	0
Airport Rescue Specialist	0	0
Airport Rescue Refresher	18	0
Hazmat IQ	55	0
Hazmat IQ Advanced	30	0
Hazmat IQ Air Monitoring	0	0
HazCat	16	0
Various Conferences	12	0
Total	466	0

# Training

## First Quarter Review

- Prepare and send out the GY2014 HMEP applications to each of the 4 Hazmat teams, Fire Chiefs, County Emergency Managers, and State of South Dakota Regional Coordinators.
- Applications were returned and processed.
- Agreements were returned.
- Work can proceed.
- No requests for reimbursements have been received.

## Second Quarter Review

## Third Quarter Review

## Fourth Quarter Review

## GY2014 Planning Grant

Planning Activity	County	Status
Hazmat Plans	Butte, Edmunds, Tripp, Todd, Warhawk District (to include Campbell, Walworth, Dewey, Corson, & Ziebach counties.)	
Commodity Flow Study	To be determined	
Hazmat Exercise	Todd	0

## **Planning**

### First Quarter Review:

- Prepare and send applications to LEPC chairpersons, County EM's and Regional Coordinators
- Applications were returned and processed.
- Work can proceed
- No requests for reimbursements have been received.

### Second Quarter Review

### Third Quarter Review

### Fourth Quarter Review

LEPC	2015 Roster	2014 Notes	
Aurora			
Beadle	Y		
Bennett	Y		
Bon Homme	Y		
Brookings	Y		
Brown	Y		
Brule/Buffalo	Y		
Butte	Y		
Charles Mix	Y		
Clark	Y		
Clay	Y		
Codington	Y		
Custer	Y		
Davison	Y		
Day	Y		
Deuel	Y		
Douglas	Y		
Edmunds	Elects officers at the April LEPC Meeting		
Fall River	Y		
Faulk	No roster will be submitted	Was not active last year	
Grant	Will elect officers at the April LEPC Meeting		
Gregory	Y		
Haakon		Was not active last year	
Hamlin	Y		
Hand	Y		
Hanson	Y		
Harding	Y		
Hughes/Stanley	Y		
Hutchinson	Y		
Hyde	Y		
Jackson	No roster will be submitted	Was not active last year	
Jerauld	Y		
Jones	Y		
Kingsbury	Y		
Lake	Y		
Lawrence	Y		
Lincoln	Y		
Lyman	Y		
Marshall	Y		
McCook	Y		
McPherson	Y		
Meade	No roster will be submitted	Was not active last year	
Mellette	Y		
Miner	Y		



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

State Capitol Building  
Pierre, SD

South Dakota Department of Transportation  
Brooking, SD

SD School of Mines and Technology  
Rapid City, SD

Mitchell Technical Institute  
Mitchell, SD

December 15, 2014  
1:00 p.m. CT

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

COMMISSION MEMBERS PRESENT: Robert McGrath, Joe Nadenicek, Paul Merriman, Mike Carter, John Forman, Patrick Snyder, and Jason Bauder sitting in for Kristi Turman.

COMMISSION MEMBER ABSENT: Andrew Canham.

PRESENT VIA TELEPHONE CONFERENCE CALL: Becky Pitz, SERC member, Mary Beth Vasco, FEMA, and Lynn DeYoung, Sioux Falls.

OTHERS PRESENT: See attached attendance sheets.

INTRODUCTIONS: Participants at the DDN sites and on the telephone introduced themselves.

APPROVAL OF MINUTES FROM SEPTEMBER 9, 2014, MEETING: Motion by Nadenicek, seconded by Snyder, to approve the minutes from the September 9, 2014, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATE (EPA): No update.

TURNER COUNTY LEPC: Trish Kindt reported that the Turner County LEPC wanted to inform the SERC that their chairman, Mike Hofeldt, moved out of the Turner County area, and the Vice President, Nolan Clark, is not service as the chairman of the LEPC. The LEPC will be holding new officer elections in the spring of 2015.

TODD COUNTY LEPC ROSTER: Ms. Kindt reported that Kara Walkling, the Todd County Emergency Manager, has been working to start-up an LEPC in the county. The Todd County LEPC held its first meeting on December 2, 2014. The LEPC has submitted a roster to the SERC for

approval. Ms. Kindt noted that the roster lists only 11 members, but the media is the only sector not fulfilled at this time. Todd County LEPC has requested approval of the roster by the SERC.

Motion by Carter, seconded by Nadenicek, to approve the Todd County LEPC roster. A roll call vote was taken, and the motion carried unanimously.

Bob Van Winsen, Emergency Management, noted that a new fire station was built in Wanblee, which is in Todd County.

LEPC GRANT AWARDS: This year LEPC grant applications were received from 38 counties. Ms. Kindt noted that prior to the meeting, she provided the SERC with a list of those counties requesting grants and a list of the counties that did not apply for grant funds.

Ms. Kindt noted that this year \$66,853 is available for LEPC grants. Only active LEPCs are eligible to apply for grant funds. Individual grant amounts are determined by a distribution formula. The first \$16,500 will be divided evenly among LEPCs that qualify for and have applied for a grant. That amounts to \$434 per LEPC. The remaining amount of \$50,853 will be divided among the qualifying LEPCs based on the number of facilities that paid Tier II fees for the reporting year from which the grant is funded.

Motion by Nadenicek, seconded by Forman, to approve grants for the LEPCs in the amounts listed on the table. A roll call vote was taken, and the motion carried unanimously.

TIER II REPORTING: Ms. Kindt stated that the Tier II reports are the bulk storage reports that all of the LEPCs receive on an annual basis. Almost any facility that stores bulk chemical may need to submit a Tier II report.

The TRI reports are due July 1 and only a small segment of facilities, approximately 100, are required to submit that report.

Tier II reporting begins January 1, 2015, and every year Ms. Kindt mails reminders and reporting forms to facilities that have submitted Tier II reports in the past. Last year, online reporting was available for the first time. About two-thirds of the facilities reported online. The department will continue to allow facilities to submit paper reports, but it won't be as convenient as reporting online. Ms. Kindt noted that in the past, she pre-completed the paper reports for facilities based on past reporting information and all the facilities had to do was review the form, make any needed changes, sign and return the form. Ms. Kindt will not pre-complete the reports in the future.

The online reporting system that is currently used was built in-house by DENR staff. There are some limitations. For instance, an LEPC can log in to view and print Tier II reports, but they can only be printed in a pdf format and data cannot be downloaded in any other format. The state Bureau of Information and Telecommunications (BIT) is working to create an online reporting tool that will, hopefully, pose fewer limitations.

BAKKEN CRUDE OIL SHIPMENTS: Lynn DeYoung, Minnehaha County Emergency Manager, addressed the SERC regarding his concerns pertaining to shipments of Bakken crude oil through South Dakota via rail. His concerns focused primarily on funding gaps, the ability to respond to a

large scale hazardous materials incident, and knowledge gaps pertaining to transport/temporary storage of any hazardous material vial rail or pipeline.

Discussion took place among Mr. DeYoung, the SERC members, and other meeting participants.

The SERC indicated willingness to further research the issue and requested that the matter be added to the agenda for the next meeting.

HMEP GRANTS, TRAINING, AND PLANNING REPORT: Bob Van Winsen provided a fourth quarter review of Grant Year (GY) 2013 HMEP Training and Planning grant activities. The grant period ended September 30, 2014.

The training allocation was \$ 149,046.00 and the planning allocation was \$ 23,140.00. The training grant had \$13,562 remaining and the planning grant had \$1,432 remaining.

Mr. Van Winsen reported that a total of 281 people were trained with grant funds.

Authorization was given by grants.gov personnel to move the remaining funds from the planning portion of the grant to the training portion. Those funds were used to host five 8-hour awareness classes. There was one each held in Tripp, Bennett, and Fall River Counties and two in Edmunds County. The classes were very well accepted and appreciated. Mr. Van Winsen noted that great interest was generated and more classes will be scheduled in the future.

Five hazardous materials plans were written or updated with GY 2013 HMEP funds. The counties that wrote or updated their plans were Bennett, Hamlin, Jerauld, Brookings, and Davison. All of these counties took advantage of their planning districts and contracted the work to them.

Edmunds and Butte counties conducted individual commodity flow studies. They wanted more in-depth counts than were gotten with the 2012/2013 statewide commodity flow studies. The increased traffic flow due to the oil boom in North Dakota was realized.

The 2013 grant year for the HMEP grant saw a lot of interest in providing classes for the local responders to better educate them due to the oil boom in North Dakota. Due to the rail car accidents associated with the oil boom, interest has increased in commodity flow studies and making sure the local hazmat plans are updated.

Applications for the GY 2014 grant were sent out and application requests received by March 21, 2014. The GY2014 HMEP grant was awarded at the end of September 2014. The federal amount awarded is \$170,832.63. The 20% match would bring the grant amount that can be expended to \$213,541.02.

Mr. Van Winsen stated that updating or writing a hazmat plan will be emphasized again this year.

OEM staff is working to retain a contractor to teach the 8-hour awareness classes.

The four regional hazmat teams were allowed to apply for funds again. Their requests were greater than the grant. They were allocated \$30,000.00 per team for the three teams that applied. The

remaining training funds that were not requested by the locals will be used to provide the 8-hour awareness classes or the 24 hour operations class.

Mr. Van Winsen answered questions from the SERC.

REGIONAL HAZMAT TEAM UPDATE: Jason Bauder and Don Rowland, reported that the four regional hazmat teams are in the process of creating a task force concept in relation to regional hazmat responses. They explained the roles of the task force.

Mr. Rowland reported that the four hazmat teams are planning a large exercise during the motorcycle rally.

The next SERC meeting will be March 23, 2015, via the DDN at 11:00 a.m. Central Time.

OTHER BUSINESS: The next SERC meeting will be March 23, 2015, via the DDN at 11:00 a.m. Central Time.

ADJOURN: Motion by Nadenicek, seconded by Bauder, that the meeting be adjourned. Motion carried.

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Chairman

Date

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Witness

Date

State Emergency Response Commission Meeting  
March 23, 2015

# PIPELINES IN SOUTH DAKOTA

# Introduction – Who Am I?

- Brian Walsh – Environmental Scientist, DENR's Ground Water Quality Program
- DENR's primary contact for interstate hazardous material pipeline projects
- Started working on pipeline projects in 2005 – TransCanada Keystone Pipeline

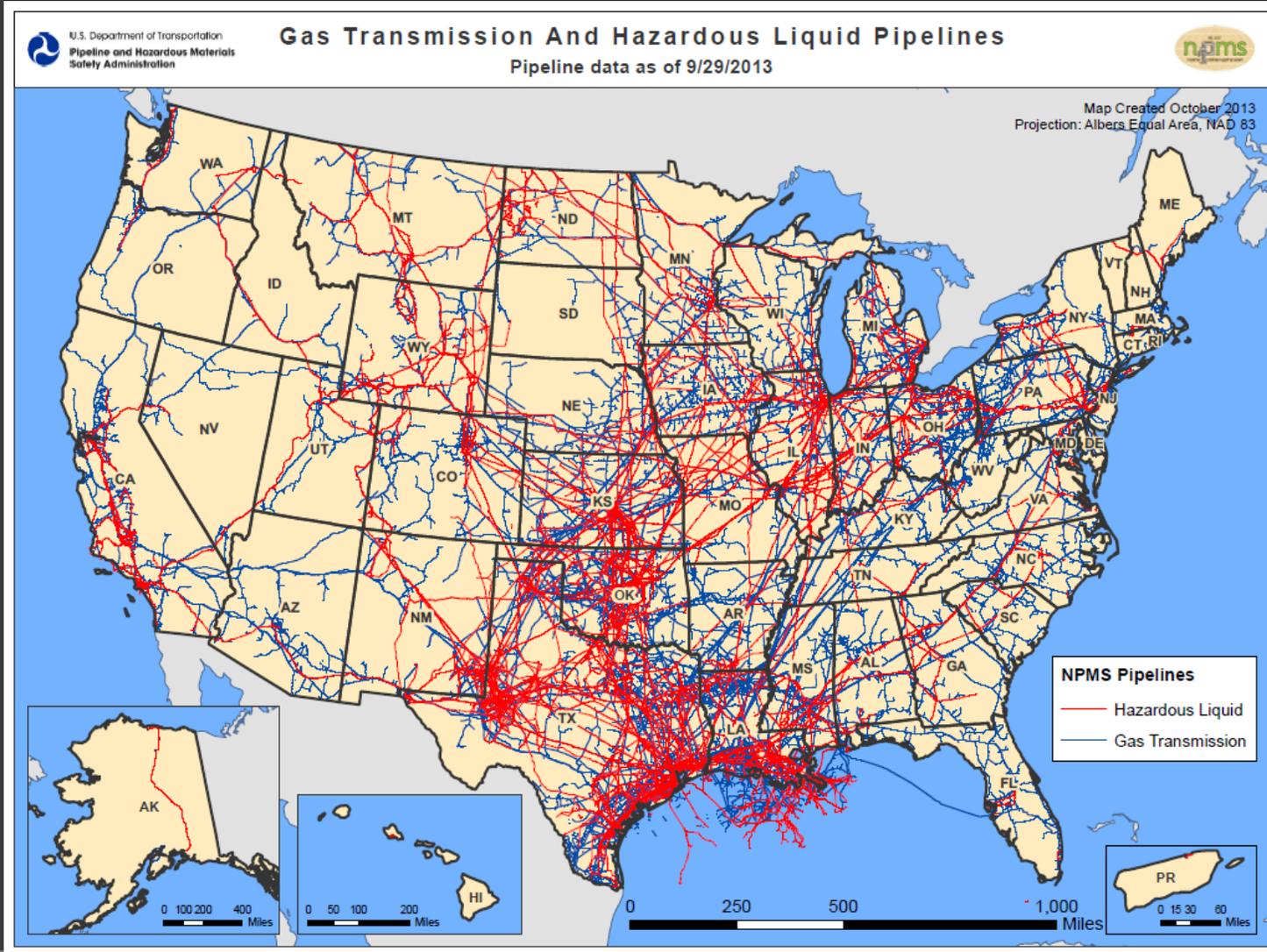
# Introduction – Outline

- Pipelines in the U.S. and SD
- Regulatory Framework in SD
- Recent Legislative History – Pipeline Task Force, SDCL 34A-18, Pipeline Fee Bills Legislative History
- Questions / Discussion

# Pipelines in the U.S.

- ◎ Based on 2013 Data Reported to PHMSA:
  - 60,902 miles crude oil
  - 63,533 miles refined petroleum products
  - 62,742 miles other highly volatile liquids
  - 5,195 miles CO<sub>2</sub>
  - 16 miles fuel grade ethanol
  - 298,306 miles gas transmission (onshore)

# Pipelines in the U.S.



# Pipelines in SD

- Based on SD GIS Data & PUC

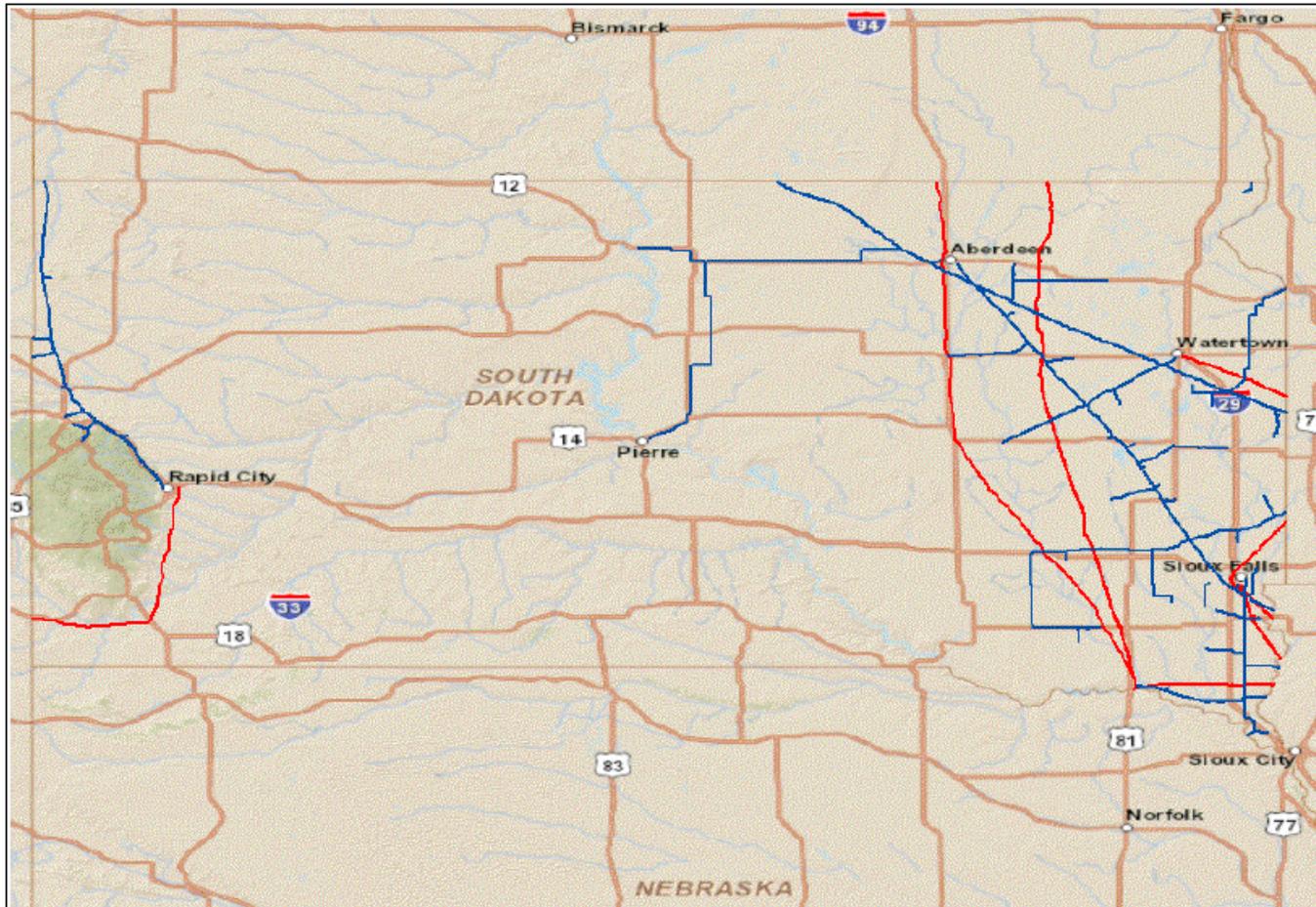
- Application Information:

- 220 miles crude oil (does not include gathering lines in Harding Co.)
- 593 miles refined petroleum products
- 1,457 miles gas transmission

# Pipelines in SD

## NATIONAL PIPELINE MAPPING SYSTEM

**FOR OFFICIAL USE  
ONLY**



### Legend

-  Gas Transmission Pipelines
-  Hazardous Liquid Pipelines

0 25.0 Miles

Pipelines depicted on this map represent gas transmission and hazardous liquid lines only. Gas gathering and gas distribution systems are not represented.

This map should never be used as a substitute for contacting a one-call center prior to excavation activities. Please call 811 before any digging occurs.

Questions regarding this map or its contents can be directed to [npmis-nr@mbakercorp.com](mailto:npmis-nr@mbakercorp.com).

Projection: Geographic

Datum: NAD83

Map produced by the PIMMA application at [www.npmis.phmsa.dot.gov](http://www.npmis.phmsa.dot.gov)

Date Printed: Dec 29, 2014



# Pipelines in SD - Operators

## ◎ Liquid Petroleum

- Magellan Pipeline Company, LP
- NuStar Pipeline Operating Partnership, LP
- TC Oil Pipeline Operations, Inc

## ◎ Gas

- WBI Energy Transmission, Inc
- South Dakota Intrastate Pipeline Co
- Northern Border Pipeline Co (Operated by TransCanada)
- Northern Natural Gas Co

# Regulatory Framework - Federal

- The primary regulatory authority over the construction, operation, maintenance of interstate pipelines in all states is the U.S. DOT – Pipeline and Hazardous Materials Safety Administration (PHMSA)
- PHMSA mission is to protect people and the environment from the risks of hazardous materials transportation.

# Regulatory Framework - Federal

- 49 USC § 60104 – Requirements and Limitations

(c) Preemption – A State authority that has submitted a current certification under section 60105 (a) of this title may adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed under this chapter. **A State authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation.** Notwithstanding the preceding sentence, a State authority may enforce a requirement of a one-call notification program of the State if the program meets the requirements for one-call notification programs under this chapter or chapter 61.

# Regulatory Framework - State

- The South Dakota Public Utilities Commission (PUC) has siting authority over pipeline projects designed to transport coal, gas, liquid hydrocarbons, liquid hydrocarbon products or carbon dioxide
- These pipelines cannot be built in SD without a permit from the PUC

# Regulatory Framework - State

- The PUC also enforces (via PHMSA certification) the South Dakota Pipeline Safety Program that regulates intrastate hazardous gas pipelines including inspection and enforcement of gas pipeline safety requirements
- The PUC does not have enforcement authority over intrastate hazardous liquid pipelines – that authority remains with PHMSA

# Regulatory Framework - State

- DENR has no siting authority over pipelines in SD and only limited authority over ancillary construction activities covered under temporary water rights or temporary discharge permits
- SDCL 34A-18 does give DENR the authority to review and approve the oil spill response plans for crude oil pipelines operating in SD

# Legislative History - 2008

- SB 190 – An Act to impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill
- First attempt to impose a fee on crude oil – 2 cents per barrel with a \$30 million cap – money deposited into a reimbursement fund

# Legislative History – 2008

- SB 190 Hoghoused on the Senate floor and replaced with An Act to provide for regulatory oversight of oil pipelines and to create a task force
- Ultimately the Hoghoused SB 190 passed, was signed by the Governor and was memorialized in SDCL 34A-18

# Legislative History – 34A-18

- SDCL 34A-18 has three key components
  - Crude oil pipeline operators prepare and submit to DENR an oil spill response plan
  - Crude oil pipeline operators must implement their response plan in the event of a leak regardless of who or what caused the release
  - Creation of the South Dakota Underground Pipeline Task Force

# Pipeline Task Force

- ◎ Objectives

- Review the status of existing and proposed pipelines in South Dakota
- Assess the adequacy of state laws and regulations relating to pipelines in South Dakota

- ◎ The Task Force completed their objectives between August and December 2008

- ◎ Final report available on DENR's website at <http://denr.sd.gov/boards/pipelinetf.aspx>

# Legislative History – 2009

- SB 171 – An Act to impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill
- Same language as the original SB 190 – 2 cents per barrel with a \$30 million cap
- Deferred by the Senate State Affairs Committee – Bill died

# Legislative History – 2010

- ◎ SB 161 – An Act to impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill
- ◎ Same language as SB 190 & SB 171 – 2 cents per barrel with a \$30 million cap
- ◎ Passed by the Senate State Affairs Committee Failed on the Senate floor – Bill died

# Legislative History – 2011

- HB 1189 & SB 180 – An Act to impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill
- Same language as SB 190, SB 171 & SB 161 – 2 cents per barrel with a \$30 million cap
- Both Bills defeated in Committee

# Legislative History – 2012

- SB 126 – An Act to create an oil pipeline indemnity bond program
- Different approach than previous fee attempts – proposed a \$500 million bond for oil pipelines larger than 25 inches in diameter
- Deferred by the Senate Commerce and Energy Committee – Bill died

# Legislative History – 2013 - 2015

- No pipeline fee or bond bills proposed during the 2013, 2014 or 2015 legislative sessions

Questions?