

# **AGENDA**

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

**Monday, March 27, 2017**

**10:00 a.m. Central**

**Live audio of the meeting can be heard at: <http://www.sd.net/sdpcb6/> or <http://sd.net>**

- 1. Introductions**
- 2. Call to Order and Roll Call**
- 3. Approval of December 19, 2016, SERC Meeting Minutes**
- 4. Federal Updates**
- 5. LEPC Roster Approvals - DENR**
- 6. HMEP Grants, Training, and Planning Report – OEM**
- 7. Regional Haz Mat Team Update – HLS**
- 8. Legislative update – DENR & OEM**
- 9. Region 8 SERC Conference - Willett**
- 10. Other Business**
- 11. Adjourn**

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

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

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

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

**Rapid City, South Dakota  
Rapid City/Pennington County Emergency Management  
130 Kansas City St. Suite 130**

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  
Brooking, SD

Rapid City/Pennington County Emergency Management  
Rapid City, SD

Mitchell Technical Institute  
Mitchell, SD

December 19, 2016  
10:00 a.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, John Forman, Paul Merriman, Becky Pitz, Patrick Snyder, Tina Titze, Mike Carter, Andrew Canham, Dustin Willett, and Kim McIntosh.

COMMISSION MEMBERS ABSENT: None.

PRESENT VIA TELEPHONE CONFERENCE CALL: Mary Beth Vasco, FEMA Region VIII, and Lori Reed, EPA Region VIII.

OTHERS PRESENT: See attached attendance sheets.

INTRODUCTIONS: Participants at the DDN sites introduced themselves.

APPROVAL OF MINUTES FROM SEPTEMBER 13, 2016, MEETING: Motion by Pitz, seconded by Titze, to approve the minutes from the September 13, 2016, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATES: Lori Reed reported on recent activities of EPA Region VIII and Mary Beth Vasco, reported on recent activities of FEMA Region VIII. Ms. Vasco announced that she will be leaving FEMA at the end of December.

LEPC GRANT AWARDS: Trish Kindt reported that this year \$42,291.49 is available to award and 37 LEPC grant applications were received.

Ms. Kindt stated that she reviewed each application for compliance with the state and federal requirements. SDCL 1-50-10 and 42 USC 1101 outline things an LEPC must do in order to qualify for an LEPC grant. An LEPC has to submit a roster, elect officers, adopt bylaws, have quarterly meetings, have

procedures for providing information to the public, provide public notice of meetings, complete an emergency plan, review and update that plan on an annual basis, and the LEPC needs to hold exercises.

Ms. Kindt noted that if the required information is missing from an LEPC grant application, she contacts the LEPC and tries to gather incorrect or missing information.

Ms. Kindt stated that Bon Homme County LEPC held past grant funds in a separate fund not affiliated with the county. With the addition of the state of South Dakota grant recipient or sub recipient attestation form, the LEPC has decided to move the grant funds to an account managed by the county. The emergency manager has indicated that the LEPC has met with the county commission regarding this matter. Ms. Kindt recommended that Bon Homme County's grant be approved contingent on the attestation form being signed and submitted.

Mellette County LEPC is planning to adopt new bylaws in January 2017. Ms. Kindt recommended that the LEPC grant be approved for Mellette County LEPC contingent on adoption of the new bylaws.

Ms. Kindt reported that McPherson County LEPC submitted a grant application. The LEPC only met once in each of the years 2014, 2015, and 2016. The LEPC has indicated that the last time their emergency plan was reviewed is unknown. Ms. Kindt recommended no grant for McPherson County because the LEPC has not been active. The LEPC does have left over grant funds from several years ago. Ms. Kindt noted that she is working with the new emergency manager to encourage the LEPC to get started again.

Prior to the meeting, Ms. Kindt provided the SERC members with a list of LEPC grant applications and her recommendations and grant award amounts.

Chairman McGrath requested SERC action on the grant applications.

Motion by McIntosh, seconded by Forman, to deny LEPC grant funds to McPherson County LEPC. A roll call vote was taken, and the motion carried unanimously.

Motion by Willett, seconded by Carter, to approve grant funds in the amount shown on the table for Bon Homme County LEPC contingent on the attestation form is signed and submitted; and to approve grant funds in the amount shown on the table for Mellette County LEPC contingent on adoption of the new bylaws. A roll call vote was taken, and the motion carried unanimously.

Motion by Carter, seconded by Titze, to approve funding in the amounts indicated on the table for the remaining 34 LEPCs. A roll call vote was taken, and the motion carried unanimously.

Ms. McIntosh reported that staff contacted the all of the LEPCs and county auditors to determine how the LEPC grant funds are being managed and overseen. With the exception of four LEPCs, all of the counties were managing the LEPC grant funds through the normal auditing procedures that are in place in the county. Ms. McIntosh noted that both she and Ms. Kindt have encouraged the four LEPCs to work closely with the county auditors in order to meet the requirements of the two new forms that are required be submitted when receiving state grant funds. Ms. McIntosh stated that grant recipients are now required to provide documentation and proof that they meet the requirements of those auditing procedures. Ms.

McIntosh noted that the counties that manage the LEPC funds have developed internal mechanisms to make sure there are checks and balances.

EPA LEPC WORKSHOPS: Ms. Kindt reported that Tier II reporting season is beginning. The Tier II reports are the hazardous materials storage reports that are due every year by March 1. Reminder letters are being sent to all the facilities that have reported in the past. Ms. Kindt will also be hosting several Tier II reporting workshops. This year all of the workshops will be web-based. Depending on interest, Ms. Kindt will host one or two long, comprehensive Title III workshops that cover Tier II reports, 311 reports, TRI reports, 302 reports, spill reporting, etc.

Kelsey Newling plans to host two or more short workshops aimed solely at Tier II reporting facilities and filling out and submitting Tier II reports.

Ms. Kindt stated that she and Autumn Stout have been working with EPA on holding LEPC workshops in South Dakota. The workshops will be aimed specifically at LEPC members and emergency managers. Four workshops have been scheduled for this spring: March 28 in Mitchell, March 29 in Aberdeen, March 30 in Pierre, and March 31 in Rapid City. Registration information will be emailed to LEPCs, emergency managers, and the SERC members. Speakers will include representatives from EPA, DENR, and OEM.

Chairman McGrath encouraged the SERC members to attend these workshops.

Ms. Kindt highlighted some of the topics that will be covered during the workshops.

WESTERN STATES SERC MEETING: At the September 13, 2016, SERC meeting Lori Reed, EPA Region VIII, reported that EPA is holding a Western States State Emergency Response Commission meeting in Denver on January 31 and February 1, 2017. Topics cover will be Tier II reporting problems and solutions, strategies for energizing LEPCs, upcoming federal rule and policy changes, and other topics of interest to the SERCs.

Ms. Kindt noted that she plans to attend the meeting and SERC member Dustin Willett has expressed an interest in attending.

Autumn Stout stated that an HMEP grant would cover 80 percent of the cost of attending the meeting and the other 20 percent would be provided using up to \$200 in LEPC grant funds, if approved by the SERC.

Motion by Carter, seconded by McIntosh, to approve up to \$200 in SARA fees to provide 20 percent of the cost of Dustin Willett's attendance of the Western States SERC meeting in Denver, CO. A roll call vote was taken, and the motion carried with McIntosh, Forman, Merriman, Titze, Snyder, Carter, Canham, Pitz, and McGrath voting aye. Willett abstained from voting.

Chairman McGrath requested that at the March SERC meeting Mr. Willett provide a summary of the Western States SERC meeting.

HMEP GRANTS TRAINING AND PLANNING REPORT: Autumn Stout reported that for the FFY 2015 grant, the period of performance was originally supposed to end on September 30, 2016, but OEM had requested and was granted an extension, so the new period of performance ends March 31, 2017.

Work on all projects must be complete by this time. The extension was requested due to the state receiving feedback from three sub recipients who were unable to make the original September 30 deadline. This extension has allowed for the use of the remaining funding to two projects – the Task Force training and the Western States SERC conference.

All of the planning projects have been completed and reimbursement requests have been submitted. Three of the reimbursements are pending and awaiting final payment from the Department of Public Safety.

There are a total of 24 training projects of which 21 have been completed. One training project that was scheduled to be held during the state fire school was cancelled, and one is the training for the Task Force 1 team that will be held in March 2017, and the third is Mr. Willett's attendance at the conference in Denver January 31 through February 1, 2017.

Ms. Stout noted that approximately \$2,300 is remaining in the FFY 2015 grant.

The FFY 2016 federal share of the grant award is \$144,617 and the non-federal share is \$36,154. To date approximately \$1,500 has been used on projects and \$3,800 on personnel, operating, supply, and indirect costs. The remaining \$139,284 is 100 percent allocated for the upcoming grant year.

One project has already been completed using FFY 2016 grant funds: a hazmat awareness course in Codington County. This project trained 13 students.

REGIONAL HAZMAT TEAM UPDATE: Stefan Pluta reported on the building collapse in Sioux Falls. The Rapid City, Aberdeen, and Watertown fire departments responded to the building collapse. Minnehaha County was able to secure an aircraft from Avera to pick up Cisco, a search and rescue dog, in Rapid City.

Mr. Pluta stated that the Homeland Security grant program will be open for applicants January 1 through February 17, 2017.

OTHER BUSINESS: The next SERC meeting will be March 27, 2017, via the DDN at 10:00 a.m. Central Time.

Ms. McIntosh stated that a notification was sent to the SERC concerning BNSF Railway's operation of Baaken rail cars in South Dakota. This information is available of DENR's website.

Ms. McIntosh noted that she intends to send the SERC members information on a Regional Response Team meeting that was held in November. She stated that the state of Colorado is being sued and may be suing EPA as a result of the Gold King Mine release. The Navajo Nation is suing EPA and Colorado and Utah may sue Colorado. There were a number of gold mines that operated in Colorado for a very long time and have since closed down. EPA, for a number of years, has been trying to encourage the state of Colorado to list these mine sites as Superfund sites so they could get additional federal funding for cleanup and response activities. EPA was onsite with contractors trying to take measures to stop releases and to secure some of the mine adits when a wall of water rushed down into the creek. Ms. McIntosh stated that this will be an ongoing, long-term issue, which does put pressure on other states to consider

that if they don't want to list Superfund sites, in the end they could be held liable in some fashion for releases that leave the property boundaries into neighboring sites.

Mr. Willett stated that a group of Region 4 emergency managers that may potentially find their counties in the cross hairs regarding pipeline construction. This group will be meeting to discuss some of those issues and pre-plan and pre-identify resources on any potential pipeline issues throughout western South Dakota.

Ms. McIntosh asked Mr. Willet to contact Brian Walsh with the DENR Groundwater Quality Program regarding this matter.

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

Chairman McGrath declared the meeting adjourned at 10:40 a.m. Central Time.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Memorandum

**To:** South Dakota State Emergency Response Commission (SERC)  
**From:** Autumn Stout, HMEP Grant Administrator  
**Date:** March 27, 2017  
**Re:** Quarterly FFY2015/FFY2016 HMEP Grant Report

**FFY 2015 Grant Award Amounts:**

**Training Grant**

- Fed Share: **\$110,416.00**
- Non-Federal Share (Match): **\$27,604.00**
- Total: **\$138,020.00**

**Planning Grant**

- Fed Share: **\$61,196.00**
- Non-Federal Share (Match): **\$15,299.00**
- Total: **\$76,495.00**

**FFY 2015 Federal Share Allocated/Unallocated To-Date:**

**Training Grant**

- Allocated: **\$120,868.12**
- Unallocated: **-\$10,452.12** (extra from Planning can be moved over to cover Training expenses)

**Planning Grant**

- Allocated: **\$48,800.00**
- Unallocated: **\$12,396.00**

***Total Unallocated Remaining: \$1,943.88***

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**FFY 2016 Grant Award Amounts:**

- Fed Share: **\$144,617.00**
- Non-Federal Share (Match): **\$36,154.00**
- Total: **\$180,771.00**

**FFY 2016 Federal Share Allocated/Spent/Remaining To-Date:**

- Allocated: **\$144,617.00**
- Spent: **\$1,500.00** (projects) + **\$6,180.97** (personnel, operating, supply, and indirect costs) = **\$7,680.97**
- Remaining: **\$136,936.03**



## HMEP Grant Year 2015

### Planning:

- Agreements for a total of two hazmat exercises (Butte and Hughes/Stanley Counties), eight hazmat plan updates/revisions (Harding, Marshall, Hughes/Stanley, Hanson, Codington, Tripp, Fall River, and Yankton Counties), and one commodity flow study (Todd County) have been signed.
- All planning projects have been completed and reimbursement requests have been submitted and paid.

### Training:

- Agreements have been signed for a total of 24 hazmat courses/conferences (sub-recipients include Sioux Falls Fire and Rescue, Watertown Fire and Rescue, Aberdeen Fire and Rescue, Rapid City Fire and Rescue, Minnehaha County Emergency Management, Codington County Emergency Management, Todd County Emergency Management, and Pennington County Emergency Management).
- Twenty-two training projects have been completed and payment is in process or completed. A total of 218 people were trained through these projects.
- One training class scheduled to be held during the State Fire School in June 2016 was cancelled.
- The remaining two projects were for a Task Force 1 training held recently in Watertown. I should be receiving their reimbursement request paperwork soon.

The initial GY 2015 grant period of performance ended September 30<sup>th</sup>, but South Dakota was granted a period of performance extension of six months, making the new end date for the period of performance as March 31<sup>st</sup>, 2017. Work on all projects must be complete by this time. The extension was requested due to the State receiving feedback from 3 sub-recipients who were unable to make the original September 30<sup>th</sup> deadline. This extension also allowed us to use some remaining funding on two projects – the Task Force 1 training and the Western States SERC Conference.





## HMEP Grant Year 2016

- The HMEP grant has changed from having a one year period of performance to three years. Thus, the FY 2016 grant's period of performance runs from September 30<sup>th</sup>, 2016 to September 30<sup>th</sup>, 2019. There will also no longer be separate planning and training grants. No extensions will be granted for FY 2016 projects.
- In Years 2 and 3 of the grant, a continuing application will be submitted via email (these should be much shorter than the Year 1 application).
- The State has been granted an amount of \$141,617.00 (federal share) for each year of the 3-year grant cycle. It will only change due to sequestration or if we do not meet basic levels of progress. This award agreement has been issued and signed by both the State and U.S. DOT/PHMSA.
- Numerous applications were submitted by local emergency management and fire departments for grant funding, including:
  - Five county hazmat trainings
  - Three commodity flow studies
  - One hazmat exercise
  - Four hazmat plan revisions/updates
  - Numerous trainings/conferences requested from the Task Force 1 teams (Aberdeen, Sioux Falls, Rapid City, and Watertown fire departments)
- One project has already been completed (a hazmat awareness course in Codington County). This project trained 13 students.
- 100% of the funding for this grant year has been allocated. Personnel, fringe benefit, supply, equipment, and indirect costs for administering the grant will now be charged to the grant as well.
- In April, county emergency managers/LEPCs and the Task Force 1 fire departments will have the opportunity to apply for funding for FY 2017. Applications for projects will be due April 28<sup>th</sup>.

