

AGENDA

South Dakota State Emergency Response Commission

Tuesday, September 12, 2017

5:00 pm Mountain Time

- 1. Introductions**
- 2. Call to Order and Roll Call**
- 3. Approval of June 26, 2017, SERC Meeting Minutes**
- 4. Chemical Facility Anti-Terrorism Standards
(CFATS) program overview –Thad Fitch & Jack McDonald**
- 5. EPA update, table top exercise, CAMEO training – Lori Reed**
- 6. LEPC Grant application package- DENR**
- 7. HMEP Grants, Training, and Planning Report – OEM**
- 8. Regional Haz Mat Team Update – HLS**
- 9. Other Business**
- 10. Adjourn**

The SERC meeting is being held in conjunction with the South Dakota Emergency Management Association 2017 Fall Conference.

**Holiday Inn Express
22 Lee Street
Deadwood, SD 57732
605-578-3330**

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.

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 26, 2017
10:00 a.m. CT

CALL TO ORDER AND ROLL CALL: Chairman Bob McGrath called the meeting to order at 10:00 a.m. Central Time. The roll was called and a quorum was present.

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

COMMISSION MEMBERS PRESENT: Robert McGrath, Becky Pitz, Paul Merriman, Mike Carter, John Forman, Tina Titze, and Kim McIntosh.

COMMISSION MEMBER ABSENT: Andrew Canham, Patrick Snyder, and Dustin Willett.

PRESENT VIA TELEPHONE CONFERENCE CALL: Lori Reed, EPA Region 8, and Jim Williams, Department of Homeland Security.

OTHERS PRESENT: See attached attendance sheets.

INTRODUCTIONS: Participants introduced themselves.

APPROVAL OF MINUTES FROM MARCH 27, 2017: Motion by McIntosh, seconded by Forman, to approve the minutes from the March 27, 2017, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATE: Jim Williams, Department of Homeland Security, introduced himself and noted that he is looking forward to establishing relationships in South Dakota to provide information about the Chemical Facility Anti-Terrorism Standards (CFATS) program.

Lori Reed, EPA Region 8, reported that regarding Concentrated Animal Feeding Operations (CAFO), EPA was sued by several organizations and EPA lost in district court. The court ruled that EPA needed to require that CAFOs report on their hazardous air emissions. EPA is now working to determine how CAFOs can calculate their emissions.

Ms. Reed stated that the SPCC regulations, which in the past EPA has interpreted them as only being for oil for spill prevention and control. EPA also lost in court on this matter with the court ruling that EPA needed to include hazardous chemicals in that the spill prevention planning and control. EPA is working on those regulations to determine how that should be implemented.

Ms. Reed noted that it is interesting that in an era where regulations are being reduced, the two things EPA is currently working on changing are increasing the regulations. She stated that EPA will keep the State Emergency Response Commission on the progress of these two matters.

Ms. Reed also reported that EPA is providing free Cameo training. If there is any interest in this training in South Dakota, please let Ms. Reed know. EPA also has a table top exercise for hazardous materials in relation to emergency plans. For LEPCs that have emergency plans and they want to evaluate these plans, this table top exercise is designed for that. It is a two-hour process, and if there is an interest in this exercise, EPA is willing help.

Ms. Reed noted that South Dakota has three EPA on-scene coordinators that would be involved in an oil spill in South Dakota: Paul Peronard, Martin McComb, and Shun-Ping Chau, who goes by the name Ping.

Ms. Reed answered questions from the SERC members.

LEPC ROSTER APPROVAL: At the March meeting, the SERC approved rosters for 53 LEPCs, and it was decided that four counties would have members appointed to serve as the LEPC.

At that time, Ms. Kindt indicated that she was expecting rosters from three counties in April or May.

Ms. Kindt reported that rosters for Day, Edmunds, and Sully LEPCs were submitted since the last SERC meeting. She requested approval of the rosters.

Motion by Titze, seconded by Merriman, to approve the LEPC rosters for Day, Edmunds, and Sully LEPCs. A roll call vote was taken, and the motion carried unanimously.

Ms. Kindt noted that since the March meeting, Bennett County has submitted a revised roster. She requested approval of the revised roster.

Motion by Forman, seconded by McIntosh, to approved the revised roster submitted by Bennett County. A roll call vote was taken, and the motion carried unanimously.

MARCH 2017 LEPC WORKSHOP TURNOUT/RESPONSE: Ms. Kindt reported that March 28-31, 2017, the Department of Environment and Natural Resources (DENR) and the Office of Emergency Management (OEM) hosted four workshops in communities across the state. Thirty-four people attended the workshop in Mitchell, 25 attended in Aberdeen, 12 attended in Pierre, and 19 attended in Rapid City.

Staff from DENR, OEM, and the Environmental Protection Agency (EPA) presented information pertaining to the origin and purpose of Title III of the Superfund Amendments and Reauthorization Act (SARA). Other topics included tasks required of LEPC's and the State Emergency Response Commission (SERC), online resources, reimbursement programs, grants, rule updates, and strategies for energizing LEPC's.

Workshops were attended by SERC members and LEPC members representing law enforcement, fire departments, city and county governments, hospitals, chemical storage facilities, the Salvation Army, and other organizations from across the state.

Ms. Kindt stated that the overall response regarding the workshops was positive. Staff may have spent too much time discussing on-line databases, but the background information on why LEPCs are necessary was good. Attendees liked hearing strategies for how to keep LEPCs active. Ms. Kindt noted that in the future we need to expand on that part of the workshops.

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

HMEP Grant Year 2015

All projects are complete, all reimbursement requests have been received and paid, and the final narrative and financial reports to DOT/PHMSA have been submitted.

HMEP Grant Year 2016

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)

Ms. Titze noted that 100 percent of the funding for this grant year has been allocated. Personnel, fringe benefit, supply, equipment, and indirect costs for administering the grant are being charged to the grant as well.

State Emergency Response Commission
June 26, 2017, Meeting Minutes

In April county emergency managers/LEPCs and the Task Force 1 fire departments were given the opportunity to apply for funding for FY 2017. Applications for projects were due April 28th.

REGIONAL HAZMAT TEAM UPDATE: No report.

OTHER BUSINESS: The next meeting will be September 12, 2017, at 5:00 p.m. Mountain Time at the Holiday Inn Express in Deadwood. The meeting will be held during the SD Emergency Management Conference.

ADJOURN: Motion by Titze, seconded by Forman, that the meeting be adjourned. Motion carried.

Chairman

Date

Witness

Date

DENR

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK

MITCHELL TECHNICAL INSTITUTE
MITCHELL

JUNE 26, 2017

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Becky Pitz

Mitchell

POET

Mark Jennings

Mitchell

Davison Co EM

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK

DEPARTMENT OF TRANSPORTATION
BROOKINGS

JUNE 26, 2017

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Bob McGrath

White, SD

SERC

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK

RAPID CITY EMERGENCY OPERATIONS CENTER
RAPID CITY, SD

JUNE 26, 2017

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Mike Carter

Custer, SD

SE RC



STATE EMERGENCY RESPONSE COMMISSION - DENR

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

<http://www.state.sd.us/titleiii>

September 29, 2017

MEMO TO: Local Emergency Planning Committees

MEMO FROM: Trish Kindt

SUBJECT: LEPC Grants

I am contacting you regarding the Local Emergency Planning Committee (LEPC) grants. Active LEPCs in South Dakota are eligible for funding under the provisions of SDCL 1-50-10. An LEPC that does not meet the provisions of SDCL 1-50-10, is not considered "active" and is not eligible for grant funds.

There are four forms you may need to submit in order to apply for a grant.

1. **Certification of Eligibility** - The first step in applying for a grant is to provide information demonstrating that your LEPC is active. If your LEPC is not "active," you are not eligible for a grant;
2. **Activity and Expenditure Summary** – Any LEPC that has received past grant funds must submit this form to demonstrate funds were utilized responsibly;
3. **Request for LEPC Grant Carryover** – Any LEPC with a total outstanding/unspent LEPC Grant balance in excess of \$200.00 must submit this request for a grant extension; and
4. **LEPC Grant Application** – Indicate your plans for utilization of grant funds.

The complete grant application package must be postmarked, received, or hand-delivered by November 30, 2017.

Applications postmarked, received, or hand-delivered after the November 30, 2017, deadline WILL NOT be accepted. You may wish to consider submitting your application via certified or registered mail for the purpose of documenting and confirming the delivery date.

The information you provide in the application package will be reviewed for completeness. If your LEPC meets the provisions of SDCL 1-50-10, and if you can demonstrate past LEPC grant funds were utilized in a responsible manner, you will be contacted regarding the grant.

Please be aware that some LEPCs may receive more than one copy of this application package. Only one application should be submitted per LEPC.

If you have any questions about the grant process, please contact Trish Kindt via e-mail at Trish.Kindt@state.sd.us or by calling 800-433-2288.

APPLICATION GUIDE FOR LEPC GRANTS

Program Intent

The intent of this program is to provide local emergency planning committees (LEPCs) with funding to support Emergency Planning and Community Right to Know activities at the local level. It also gives LEPCs the option of using the funds to provide Title I training for first responders. This is designed to be a streamlined grant program with simplified application and summary reporting processes. Every attempt has been made to keep forms short and concise, and to reduce paperwork requirements.

Compliance and Eligibility (Certification of Eligibility for LEPC Grant form)

"Active" LEPCs in South Dakota are eligible for funding under the provisions of SDCL 1-50-10. To qualify for funding, a statement of compliance with the criteria for an "Active" LEPC must be submitted. An LEPC must also certify that they have a mechanism to receive, expend, and track funds.

Eligible Uses for Funds

SDCL 1-50-10 states that the funds will be distributed as grants to be "Expended by the LEPCs to defray the expenses of operating the SARA Title III program and for related Title I activities." *Remember that Title I outlines the five levels of training for response to a hazardous materials incident.* This can incorporate a wide variety of activities including, but not limited to:

- ⇒ General office expenses needed to operate the program - postage, copying, printing, paper, meeting room rental, other meeting expenses, advertising costs, office expenses, etc.;
- ⇒ Salaries for personnel hired to do data entry, risk assessment, hazards analysis, commodity flow studies, or other special projects;
- ⇒ Expenses associated with updating the emergency response plan;
- ⇒ Expenses related to holding hazardous materials response exercises;
- ⇒ Training of local emergency response personnel and first responders;
- ⇒ Hazardous Materials Incident response equipment; and
- ⇒ Computer hardware and/or software to be used for Title III data management, responding to information requests, hazardous materials emergency response, and/or hazardous materials response planning activities.

Application and Signatures (LEPC Grant Application form)

Current bylaws and membership rosters must be on file with the state or included with the application. If bylaws are revised, they must be resubmitted. Information management procedures and meeting schedules must be identified if they are not contained in the bylaws.

Grant Amounts

Individual grant amounts will be determined by the distribution formula contained in SDCL 1-50-10. The first \$16,500 will be divided evenly among LEPCs that qualify for and have applied for the grant. The remaining amount will be divided among the qualifying LEPCs, based upon the number of facilities that paid Tier II fees for the reporting year from which the grant is funded. Increasing facility compliance in your planning district can result in an increase in your portion of grants for future years.

Carryover of Funds

Under certain circumstances a small amount of unspent grant funds may be carried over to the next fiscal year. However, the LEPC must continue to track and document use of these funds.

Tracking (Activity and Expenditure Summary form)

Failure to submit the required summary documentation will affect future eligibility for grant funds.

Questions

If you have questions or require assistance, please contact Trish Kindt via e-mail at Trish.Kindt@state.sd.us or by calling toll free (800)-433-2288.

Trish Kindt
SD DENR – State Emergency Response Commission
523 East Capitol Avenue
Pierre, South Dakota 57501

ADDITIONAL INFORMATION PROVIDED TO LEPCs FOR INFORMATIONAL PURPOSES

SDCL 1-50

A link to the SDCL 1-50 website is available from <http://denr.sd.gov/titleiii>

1-50-10. SERC report--Contents--Appropriations--Distribution of grants. At the end of the budget year the SERC shall submit a report to the Legislature detailing any fees collected pursuant to § 1-50-8 which are in excess of the amount appropriated for these purposes and request a budget appropriation to remit this amount to the local emergency planning committees in the form of grants to support emergency planning and community right-to-know activities at the local level. Grants shall be distributed according to the following schedule:

- (1) An amount not to exceed sixteen thousand five hundred dollars shall be distributed equally to all active local emergency planning committees if the active committees have addressed the minimum requirements of the program including:
 - (a) Annually submit a membership roster which meets the requirements of this section to the SERC for approval;
 - (b) Elect officers and adopt bylaws;
 - (c) Hold regular meetings at least once per quarter;
 - (d) Develop a procedure to provide information to the public on request;
 - (e) Provide public notice of meetings and of the availability of right-to-know information;
 - (f) Submit a draft emergency response plan; and
 - (g) Exercise and update the plan as required.
- (2) Any additional excess funds shall be included in the next year's legislative budget to be appropriated to be divided by the total number of facilities reporting statewide and the funds shall be disbursed to the local emergency planning committees on a per-facility basis.

Grants distributed under this program shall be expended by the local emergency planning committees to defray the expenses of operating the SARA title III program and for related SARA title I activities.

Source: SL 1992, ch 254, § 65; SDCL, § 34A-12-23; SL 1993, ch 257, § 1.

SDCL 1-25 - MEETINGS OF PUBLIC AGENCIES – OPEN GOVERNMENT

- A Guide to South Dakotas Open Meeting Law:
http://atq.sd.gov/docs/Open_Meetings_brochure_text_2015.pdf (Read this!)
- FAQ Open Meeting Commission Procedures: <http://atq.sd.gov/legal/opengovernment/faqs.aspx>
- Attorney Generals Office Website: <http://atq.sd.gov/Legal/OpenGovernment/default.aspx>

Certification of Eligibility for LEPC Grants

Requirements

Your LEPC must be an “active” committee, as per South Dakota Codified Law 1-50-10.

Important: You must complete EVERY section or your grant application will be considered incomplete!

Date LEPC bylaws were adopted:	
Date LEPC officers were elected:	
Establish a meeting schedule (what is the meeting schedule?):	
Dates of the four quarterly meetings (Oct. 1, through Sept. 30)*:	Meeting #1: Meeting #2: Meeting #3: Meeting #4:
Do you have a procedure for providing information to the public?	
Are meetings held in compliance with public notice requirements of the open meeting law?:	
Date a written emergency response plan was finalized (plans should be submitted to the SERC for review):	
Date of your annual update of the written emergency response plan**:	
Date of your last Haz Mat exercise:	

**A newly formed committee may not have held four meetings and must include dates of future scheduled meetings. For all LEPCs, if postponement/rescheduling results in failure to meet quarterly, but there still were four meetings, provide the dates and explain the circumstances on the back of this form.*

***The annual update is not a plan rewrite. Rather, the update refers to an annual review and revisions made to ensure the plan remains current and up to date.*

Certification

The completed table shows the LEPC is an “active” committee and is eligible to apply for funds available through SDCL 1-50-10. The LEPC understands:

1. The amount awarded will depend on the formula in the law;
2. The committee will not receive a grant if it does not meet requirements outlined in SDCL 1-50-10;
3. Grant funds must be utilized to support the SARA Title III program or related SARA Title I activities;
 A completed application package must include the following:
 - “Certification of Eligibility” form (required);
 - “LEPC Grant Application” form (required);
 - “State of South Dakota Grant Recipient or Subrecipient Attestation” form (required);
 - “Activity and Expenditure Summary” form (if applicable); and
 - “Request for LEPC Grant Carryover” form (if applicable).
4. Failure to utilize funds for their intended purpose may result in ineligibility for future grants.

 Chairperson

 Local Emergency Planning Committee

Date _____



LEPC GRANT APPLICATION

APPLICANT INFORMATION

LEPC Name _____

Chairperson _____

Mailing Address _____

City _____ State _____ Zip _____

PROJECT INFORMATION

Grant funds will be utilized for: ☐ Title III Program Activities/Expenses ☐ Title I Activities
Provide a brief description of your proposed plans for the grant funds.

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information contained in this application and I agree, on behalf of the LEPC, to provide documentation of funds expended, and to abide by the terms of the agreement.

Chairperson _____

Local Emergency Planning Committee

Date _____

State of South Dakota Grant Recipient or Subrecipient Attestation

By completing this form, you, the recipient or subrecipient, attest to meeting the following requirements per SDCL 1-56-10:

- (1) A conflict of interest policy is enforced within the recipient's or subrecipient's organization;
- (2) The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the recipient's or subrecipient's website;
- (3) An effective internal control system is employed by the recipient's or subrecipient's organization; and
- (4) If applicable, the recipient or subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the recipient's or subrecipient's website.

If you, the recipient or subrecipient, have questions or concerns regarding the requirements listed above, please contact your state agency representative before signing this form.

Printed Name of Person Completing Form: _____

Printed Title of Person Completing Form: _____

Signature of Person Completing Form: _____ Date: _____

Request for
Local Emergency Planning Committee
Grant Carryover

The Local Emergency Planning Committee (LEPC) hereby acknowledges LEPC grant funds received during a prior grant year have not been utilized. Rather than return the funds, the LEPC formally requests the State Emergency Response Commission (SERC) consent to an extension.

Unspent/outstanding LEPC Grant balance: \$ _____

The LEPC will utilize unspent/outstanding funds for the following projects/purchases:

- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____

Note:

Original grant restrictions remain in effect.

The SERC may request grant funds be returned if they are not utilized within three years of the original grant award date.

Dated this _____ day of _____, 20_____.

(Signature – LEPC Chairperson)

* Please note that any LEPC with a total outstanding/unspent LEPC Grant balance in excess of \$200.00 must submit this request for a grant extension.

Memorandum

To: South Dakota State Emergency Response Commission (SERC)
From: Autumn Stout, HMEP Grant Administrator
Date: September 12, 2017
Re: Quarterly FFY2016/FFY2017 HMEP Grant Report

FFY 2016 Grant Award Amounts:

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

FFY 2016 Federal Share Spent/Remaining To-Date:

- Spent: **\$42,583.66** (projects) + **\$14,522.65** (personnel, operating, supply, and indirect costs) = **\$57,106.31**
- Remaining: **\$87,510.69**

FFY 2017 Grant Award Amounts:

- Federal Share: **\$143,519.00**
- Non-Federal Share (Match): **\$35,880.00**
- Total: **\$179,399.00**

FFY 2017 Federal Share Spent/Remaining To-Date:

- Spent: **\$0.00**
- Remaining: **\$143,519.00**



HMEP Grant Year 2016

- Fifteen projects have been completed (two hazmat courses in Codington County, a Hazmat IQ Decon training and ARFF Spring Live Burn training for Aberdeen Fire & Rescue, attendance at the IAFC conference for one member of Aberdeen Fire & Rescue, three hazmat courses in Edmunds County, a hazmat plan update/rewrite for Spink County, a commodity flow study for Hanson County, attendance at the FDIC and IAFC conferences for a total of three personnel from Sioux Falls Fire Rescue, attendance at the Cold Zone and FDIC conferences for a total of five personnel from Watertown Fire Rescue, and ARFF training for Watertown Fire Rescue). A total of 167 students were trained through the hazmat classes and a total of nine personnel attended hazmat continuing education conferences.
 - One training for Sioux Falls Fire Rescue (TEEX Pipeline Technician training at the Texas A&M facility in College Station, TX) was cancelled due to Hurricane Harvey. Approximately \$6,500 was allocated for this training. We are currently working with Sioux Falls Fire Rescue on re-allocating the funding; it will likely be rolled over to the 2017 grant year.
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HMEP Grant Year 2017

- The continuing application for FY 2017 funding has been submitted to DOT/PHMSA. The State is slated to be awarded \$143,519.00. This agreement should be issued by DOT/PHMSA this month.
- Numerous applications were submitted by local emergency management and fire departments for grant funding, including:
 - Five county hazmat trainings
 - One hazmat exercise
 - Six hazmat plan revisions/updates
 - Numerous trainings/conferences requested from the Task Force 1 teams