

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

DENR, Matthew Training Center
Pierre

Rapid City/Pennington County Emergency Management
Rapid City

March 30, 2021
10:00 a.m. Central Time

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

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

COMMISSION MEMBERS PRESENT: Dustin Willett, Jason Humphrey, Becky Pitz, Aaron Leesch, Kim McIntosh, Tina Titze, Doug Hinkle filled in for Paul Merriman, Sean Kruger filled in for Patrick Snyder.

COMMISSION MEMBERS ABSENT: Mike Carter and Andrew Canham

OTHERS PRESENT: Kelsey Newling, Lynda Fratzke and Trish Kindt, DENR; Fran Santagata, Homeland Security; and Mark Quick and Bre Bockstahler, EPA.

APPROVAL OF MINUTES FROM December 21, 2020 MEETING: Motion by McIntosh, seconded by Leesch, to approve the minutes from the December 21, 2020, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

LEPC GRANT APPLICATIONS: Kelsey Newling stated that several of the counties had missed at least one of the quarter for their meeting dates. The executive order 2021-01 was signed by Governor Noem on January 7, 2021 allowing those that had missed their quarterly meetings to meet after. The executive order allowed these counties to still apply for the grant.

Thirty-five applications were received from LEPC's this year. Thirty-three counties were recommended for approval and denial for two. Aurora and Hanson county were the two recommended for denial because their new EM's were not aware of the requirement for meetings until the application packet was sent out.

Motion by Titze, seconded by McIntosh, to approve denial of Hanson and Aurora counties. A roll call vote was taken, and the motion carried unanimously.

Motion by Leesch, seconded by Titze, to approve all the other counties except Pennington and Davison counties. A roll call vote was taken, and the motion carried unanimously.

Motion by McIntosh, seconded by Hinkle, to approval of Davison County grant. A roll call vote was taken, and the motion carried unanimously. Pitz abstained.

Motion by Pitz, seconded by Hinkle, to approval of Pennington County grant. A roll call vote was taken, and the motion carried unanimously. Willett abstained.

LEPC ROSTER REVIEW/APPOINTMENTS: Kelsey Newling stated the rosters have been sent out. Gregory County is the only one received so far. There are sixty designated LEPC's in South Dakota. There were forty-nine submittals for LEPC's. Aurora, Faulk, Haakon, Jackson, Lyman, Oglala Lakota and Sanborn did not submit a roster.

Motion by McIntosh, seconded by Leesch, to approve, revise or deny the forty-nine LEPC membership submissions. A roll call vote was taken, and the motion carried unanimously.

Motion by Hinkle, seconded by Humphrey, to agree to wait until the June meeting for the roster review approval for Edmunds, Hyde, Kingsbury and Union counties. A roll call vote was taken, and the motion carried unanimously.

Motion by Pitz, seconded by Titze, to consider appointing individuals to serve as the LEPC for those counties that don't have approved rosters. That would include emergency manager, sheriff, states attorney and county commission to serve as their LEPC's. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATES: Bre Bockstahler gave an update on the outreach planning for the upcoming year and providing assistance to the LEPCs on ways to stay active after the pandemic. That includes tabletop exercises or any other activities they may need guidance on. The On Scene Coordinators are working on a contingency plans to meet with LEPCs, and working more with on team coordinators. Headquarters are working on an LEPC handbook to give local LEPCs a better way to write their own LEPC handbooks. They are also working on an EPCRA YouTube tutorial for new elected officials and explaining why EPCRA is important and what it means to have a LEPC and receive the funding for the LEPC. They had the Western States SERC/TERC Meeting at the end of January in a virtual setting. Next year EPA plans to have an in-person meeting for the Western SERC/TERC meeting in Region 10. Region 9 is holding a tribal training webinar that covers the basic emergency management planning and EPCRA resources. Kathie Atencio is retiring, and Steven Merrit is announced as her replacement.

Fran Santagata gave updates on inspections, top screens, voluntary program, chemical awareness training and other activities of Homeland Security.

- **Current Stats:**
 - **National:**
 - > 100,500 Top Screens!
 - 3282 Tiered facilities
 - Region 8: 103 Tiered Facilities

- South Dakota:
 - 6 Tiered facilities
 - Tier 1=0
 - Tier 2=0
 - Tier 3=4
 - Tier 4=2
- From the SD Tier II database- 57 facilities identified, 23 Top Screens required & filed, 1 Tier 4 facility identified.
- **Advanced Notice of Proposed Rulemaking (ANPRM): Removal of Certain Explosive Chemicals from the CFATS Appendix A.**
 - January 6, 2021: As part of CISA's commitment to ongoing evaluation of the CFATS program, CISA published a notice in the Federal Register on January 6, 2021, soliciting public comment on an advance notice of proposed rulemaking (ANPRM) that considers removing 49 Class 1, Division 1.1 explosive chemicals from the list of regulated [chemicals of interest \(COI\) in Appendix A](#) of the CFATS regulation.
 - The [ANPRM on the Removal of Certain Explosive Chemicals from the Chemical Facility Anti-Terrorism Standards](#) was open for comment for 60 days to March 8, 2021.
 - Seeks input as to whether there is duplication of regulatory effort (DHS/ATF/EPA)
 - 80 Comments received
- **Voluntary Program**
 - January of 2020 OCS received \$10 million for voluntary activities
 - Considerations:
 - What is the future of the chemical security mission expanding beyond regulatory activities?
 - What stakeholders should we target?
 - Facilities that filed a TS but did not Tier in (~ 43,000)
 - Facilities that are exempted but pose a significant risk due to their chemical holdings
 - How can we motivate & facilitate facility security improvements in a voluntary program?
 - How can we leverage our expertise and resources to address this issue?
 - Can we incentivize good security through voluntary certification?
 - Five Work Groups for products:
 - Chemical Security Expert Assistance & On-Site Services
 - Best Practices, Guidance, and Tools
 - Chemical Security Exercises
 - Chemical Threat Awareness and Security Training
 - CISA Security Services Amplification
 - Incentivization program (Gold Standard)- long range project working with industry partners

- Potential industry recognition and other incentives
 - Potential “soft launch” for several products over the summer
- **Chemical Sector Security Awareness Training**
 - Web-based FREE voluntary foundational course for private sector stakeholders that provides knowledge of security awareness at a chemical facility.
 - Owners and operators are encouraged to include the Chemical Sector Security Awareness Training into their facility training plans
 - Primary target audience- facility staff
 - FEMA Center for Domestic Preparedness (CDP) learning management system at <https://cdp.dhs.gov/>
 - FEMA Student Identification Number (SID) to be able to access the course at <https://cdp.dhs.gov/femasid/register>
- **Recent Cyberattacks**
 - Uptick in Ransomware <https://www.cisa.gov/ransomware>
 - Water & Wastewater facilities
 - Healthcare and biotechnology
 - Chemical Facilities
 - Coors brewery
 - Solarwinds Orion hack <https://www.cisa.gov/supply-chain-compromise>
 - Solarwinds is a network monitoring software
 - Advanced persistent threat (APT)-
 - Infiltrated network management software
 - Russian Hack
 - Microsoft Exchange Server hack <https://www.cisa.gov/ed2102>
 - E-mail server
 - Hafnium suspected Chinese hack
 - Corporate chemical facilities impacted
- **Increased preoperational/surveillance activities in Louisiana targeting chemical Facilities over the last 2 years**
 - Includes 90 security breaches, 73 incidents involving photography, and 53 UAS sightings
 - Assess these incidents to continue or increase

REGIONAL HAZ MAT TEAM UPDATE: Kelsey Newling gave the updates on the HazMat Training. SD-TF1 did not respond to any HazMat or USAR emergent events since the last SERC meeting. The hazmat training trailer is currently in Sioux Falls. Training is slowly starting to return to normal. We will bring all four departments together for a training exercise and standby during the Sturgis Rally again this year.

HMEP GRANTS, TRAINING AND PLANNING REPORT: Cari Leidholt gave a brief update on the HMEP grant years 2019 and 2020. Currently awaiting approval on the 2021 grant.

TIER II REPORT SUBMITTALS: Kelsey Newling gave an update on the Tier II report submittals. The Tier II reporting deadline was March 1, 2021. This year it seemed like it was pretty steady for reports coming in since the first of the year. As of today, we have received reports from 1,659 facilities. There are still a number of facilities that have not submitted their reports. We are in the process of contacting those facilities and reminding them to get their reports in as the reporting deadline has passed.

Summarized Tier II data is available to the general public online and detailed data, including copies of the reports is available to planners and first responders via a password protected website.

LEGISLATIVE UPDATE: Trish Kindt gave a brief update on legislative bills Senate Resolution 901, merger of Department of Agriculture and Department of Environment and Natural Resources, HB1029, HB1039, HB1064, HB1265, SB52 and SB99.

PUBLIC COMMENT PERIOD: None.

OTHER BUSINESS: None

The next SERC meeting is tentatively set for June 29, 2021 at 10:00 a.m. over DDN at the Capital or teleconference.

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

Chairman _____ Date _____