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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

March 26, 2018
10:00 a.m. CT

COMMISSION MEMBERS PRESENT: John Forman, Paul Merriman, Becky Pitz, Patrick Snyder, Tina Titze, Mike Carter, Dustin Willett, and Kim McIntosh.

COMMISSION MEMBERS ABSENT: Robert McGrath and Andrew Canham.

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

OTHERS PRESENT: See attached attendance sheets.

INTRODUCTIONS: Participants at the DDN sites introduced themselves.

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

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

APPROVAL OF MINUTES FROM DECEMBER 18, 2017, MEETING: Motion by Titze, seconded by McIntosh, to approve the minutes from the December 18, 2017, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATES: Lori Reed discussed recent activities of EPA Region VIII, and Jim Williams, U.S. Department of Homeland Security (DHS), discussed recent DHS activities.

AMHERST PIPELINE SPILL: Brian Walsh, DENR Groundwater Quality Program, provided an update on the Trans Canada Keystone pipeline spill that occurred in the fall of 2017 near Amherst, South Dakota.

STATUS – EMISSIONS REPORTING FOR LIVESTOCK PRODUCERS: Trish Kindt provided an update on the status of the requirement for livestock producers to report emissions of ammonia and hydrogen sulfide released from manure.

In 2008, EPA issued a rule exempting all farms from reporting manure emissions under the CERCLA law. The rule also exempted small farms from reporting manure emissions under the Emergency Planning and Community Right-to-Know Act (EPCRA). Large farms were still required to report air emissions under EPCRA.

Citizen groups challenged the validity of the exemption in the U.S. Court of Appeals for the District of Columbia. On April 11, 2017, the court struck down the rule and eliminated the reporting exemptions. In response, the federal EPA sought a number of extensions, so the reporting dates have been set and the moved back at least three times.

On March 23, 2018, the federal Omnibus Appropriations Bill was signed. Title XI of that bill was the Fair Agricultural Reporting Method (FARM) Act. The FARM Act exempted air emissions from animal waste from being reported under CERCLA Section 103.

The D.C. Circuit Court of Appeals is still expected to issue a mandate regarding the 2008 final rule, possibly as soon as May 1, 2018. So, for now, we know farms will be exempt from the CERCLA reporting requirements as a result of the federal Omnibus Bill.

Ms. Kindt said she is hopeful that there will not be any reporting requirement under EPCRA, but it will not be certain until that mandate is issued by the court. No reporting will be required under the CERCLA law and that no farms will be required to do any reporting until the court issues an order or mandate enforcing the April 11, 2017, decision.

TIER II REPORT SUBMITTALS: Ms. Kindt reported that Tier II reports are reports that facilities that store hazardous substances are required to file on an annual basis. The reporting threshold for most substances is 10,000 pounds, but the threshold is lower for certain extremely hazardous substances. The reason for reporting is to insure that planners, responders, and the general public know what is stored in the local community. The Tier II reporting deadline was March 1, 2018. The majority of the facilities submit their reports on or close to the deadline, but the department continues to receive reports submitted by late filers.

To date, 1,685 facilities have submitted reports, and there are still a number of facilities yet to submit their report. Staff is in the process of contacting those facilities and reminding them to submit their report.

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

INDUSTRY WORKSHOPS: Ms. Kindt stated that she has been working with EPA to hold industry workshops in South Dakota. These workshops, which were very well attended, were last held in 2016 in cities across South Dakota.

Eight chemical and oil industry safety and compliance workshops have been scheduled in August 2018. The four morning workshop 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, and OSHA worker safety topics. The intended audience for the morning workshops is any facility that uses and stores hazardous substances, including petroleum.

Topics for the afternoon workshops will include EPA Spill Prevention Control and Countermeasure (SPCC) Requirements, Facility Response Plan (FRP) Requirements, Oil Inspection Procedures, and EPA Spill Response Authority and Case Study. The intended audience for the afternoon workshops is any facility that uses and stores oil substances.

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

The workshops 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.

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.

Ms. Kindt intends to send emails and flyers advertising the workshops to the Agriculture Retailers Association, Petroleum and Propane Marketers Association, Tier II facilities, RCRA facilities, TRI facilities, emergency managers, and others.

LEPC ROSTER APPROVALS/APPOINTMENTS: Ms. Kindt reported that in South Dakota there are 60 designated LEPCs, some of which are multi-county districts. This year rosters were received from 53 LEPCs.

Ms. Kindt noted that she had emailed all of the rosters to the SERC members for review prior to the meeting.

Edmunds, Meade, Todd, Haakon, Oglala Lakota, Jackson, and Sanborn did not submit rosters.

Ms. Kindt stated that the Edmunds and Todd County LEPCs intend to submit rosters next month following the LEPCs' election of officers. The rosters will be presented to the SERC for consideration at the June SERC meeting.

The Meade County LEPC has been submitting rosters, but has not been very active. This month the emergency manager resigned and a replacement was hired. The new emergency manager is Doug Huntrods, who was the Lake County emergency manager. Mr. Huntrods intends for the

LEPC to be more active than it has been in the past. Ms. Kindt noted that she expects the new roster to be submitted during the next two months, and should be available for consideration by the SERC at its June meeting.

Haakon, Jackson, Oglala Lakota, and Sanborn LEPCs are not active and have not submitted rosters.

All of the other LEPCs have submitted rosters for SERC review and approval. This includes the Lake County LEPC roster, which was submitted by the former emergency manager, Doug Huntrods, before he resigned and moved to Meade County. Ms. Kindt noted that Mr. Huntrods is listed on the roster, but he is not listed as an officer. She recommended the roster be approved.

Haakon, Oglala Lakota, Jackson and Sanborn LEPCs have not submitted rosters. Ms. Kindt stated that she reviewed the 53 rosters, and while some of the LEPCs need to work on certain sectors of representation on their rosters, she recommended approval of the rosters that were submitted. She requested that the SERC agree to wait until the June meeting for roster review and approval for Edmunds, Todd, and Meade Counties. Ms. Kindt also requested that the SERC appoint the county commission, state's attorney, emergency manager, and county sheriff to serve as the LEPC for Haakon, Oglala Lakota, Jackson, and Sanborn counties.

Motion by Willett, seconded by Titze, to approve the 53 LEPC rosters that were submitted. A roll call vote was taken, and the motion carried unanimously.

Motion by Forman, seconded by McIntosh, 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 Haakon, Jackson, Oglala Lakota, and Sanborn counties. The appointment is effective until such time as a roster has been submitted and accepted by the SERC. A roll call vote was taken, and the motion carried unanimously.

Vice Chairman Merriman requested that the June meeting agenda include consideration of rosters from Edmunds, Todd, and Meade county LEPCs.

LEGISLATIVE UPDATE: Ms. Kindt and Ms. Titze provided an update on 2018 legislation of interest to the SERC.

SERC CONFERENCE UPDATE: Dustin Willett reported on the 2018 Western States SERC conference he attended in Seattle, WA.

Mr. Willett noted that during the Western States SERC conference, the South Dakota SERC was invited to send a representative to the National Association of SARA Title III Program Officials (NASTPO) conference April 16-20, 2018.

Mr. Willett suggested that the SERC consider sending a member to the SERC conference and the NASTPO conference.

Autumn Stout, Office of Emergency Management, stated that she will be attending the NASTPO conference in April. She noted that NASTPO will also hold a conference in October.

REGIONAL HAZMAT TEAM UPDATE: Stefan Pluta, Director, South Dakota Office of Homeland Security, reported that the South Dakota Task Force 1 team is comprised of fire department team members in Aberdeen, Rapid City, Sioux Falls, and Watertown. Task Force 1 is currently working on a hazardous materials recertification training program for technicians, and intends to propose a more formalized training program within the state.

HMEP GRANTS TRAINING AND PLANNING REPORT: Autumn Stout reported that for the FFY 2016 HMEP grant, just under \$130,000 has been spent and approximately \$15,000 remains, with \$6,500 of that being rolled over to the current 2017 grant year due to a postponed project for 2016 and the remaining \$8,500 has been allocated to other projects. Twenty-seven projects were completed with 257 students being trained through the hazmat classes and ten personnel attending hazmat continuing education conferences.

For the FFY 2017 grant, approximately \$28,000 has been spent, and about \$115,000 remains with all except \$700 being allocated for projects. Six projects were completed, including three hazmat awareness/operations courses were held in Codington County. A total of 74 personnel were trained through the hazmat classes.

The FFY 2018 grant application was due to open February 1, but due to internal matters with the US Department of Transportation, it is still on hold. OEM is expecting approximately the same amount of funding as the last two years.

NATIONAL ADVISORY COUNCIL FOR FEMA: Tina Titze, OEM, reported that she participates in conference calls every other week with the FEMA National Advisory Council. Ms. Titze is on the insurance subcommittee. At this time, the Council is working to grasp what Administrator Long is expecting from each of the subcommittees.

OTHER BUSINESS: Mr. Pluta stated that OEM is sponsoring several Threat Hazard and Identification Risk Assessment (THIRA) courses through TEEEX in Sioux Falls, Rapid City, and Pierre. (Note: TEEEX later cancelled these courses.)

The next SERC meeting will be June 25, 2018, via the DDN at 10:00 a.m. Central Time.

ADJOURN: Motion by Titze, seconded by Snyder, to adjourn the meeting. Motion carried unanimously.

Chairman McGrath declared the meeting adjourned.

Robert B. McGrath 6/25/2018
Chairman Date

Robert B. Hill 6/25/2018
Witness Date

ATTENDANCE SHEET

STATE EMERGENCY RESPONSE COMMISSION MEETING

CONDUCTED VIA THE DIGITAL DAKOTA NETWORK

RAPID CITY EMERGENCY OPERATIONS CENTER

RAPID CITY, SD

MARCH 26, 2018

NAME (PLEASE PRINT)

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