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Minutes of the
South Dakota Emergency Response Commission Meeting
Telephone Conference Call

April 20, 2020
10:00 a.m. Central Time

CALL TO ORDER AND ROLL CALL: Vice Chairman 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.

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

COMMISSION MEMBERS ABSENT: Andrew Canham and Jason Humphrey.

OTHERS PRESENT: Lori Reed and Bre Bockstahler, EPA Region 8, Dave Richards, Pipeline and Hazardous Materials Safety Administration (PHMSA), Fran Santagata and Jon Groen, Homeland Security, Jared Sandal, Office of Emergency Management, Trish Kindt, Kelsey Newling, and Lynda Fratzke.

APPROVAL OF MINUTES FROM DECEMBER 16, 2019, MEETING: Motion by Carter, seconded by Pitz, to approve the minutes from the December 16, 2019, State Emergency Response Commission meeting. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATES: Bre Bockstahler and Lori Reed, EPA Region 8, provided updates on the EPA activities. Ms. Bockstahler also discussed the Western States SERC meeting, which was held at the end of January 2020 and the EPA national meeting, which was held at the beginning of March.

Ms. Bockstahler announced that this is Lori Reed's last South Dakota meeting as she is retiring from the Region 8 group at the end of April 2020. Ms. Reed said she will miss working with South Dakota.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ROSTER

REVIEW/APPOINTMENTS: Kelsey Newling reported that there are 60 designated LEPCs in South Dakota, some of which are multi-county districts. She noted that some of the LEPCs are experiencing issues with holding meetings because of the Covid-19 situation. Some of the LEPCs have been in contact with DENR staff regarding options for holding meetings.

This year rosters were received from 54 LEPCs. The rosters were sent to the SERC members for review prior to the meeting. Ms. Newling recommended the rosters be approved.

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Haakon, Jackson, Lyman, Oglala Lakota, and Sanborn counties did not submit rosters this year. Ms. Newling requested that the SERC appoint the county commission, state's attorney, emergency manager, and county sheriff to serve as the LEPC for these five counties.

The department is still waiting for the Sully County roster. The LEPC was unable to submit the roster in time for the SERC meeting. Ms. Newling stated that the roster should be submitting by the June meeting.

Dustin Willett is the secretary/treasurer of the Pennington County LEPC, and Mike Carter and Becky Pitz are included on the rosters for Custer County LEPC and Davison County LEPC, respectively. Ms. Newling requested that the SERC vote on those four rosters separately from the other 51 rosters.

Motion by Willett, seconded by Carter, to approve the all of the LEPC rosters, with the exception of Custer, Davison, and Pennington LEPCs. A roll call vote was taken, and the motion carried with Carter, McIntosh, Pitz, Titze, Willett and Merriman voting aye.

Motion by Willett, seconded by Carter, to authorize Vice Chairman Merriman to send a letter appointing the county commission, state's attorney, emergency manager, and county sheriff, to serve as the LEPC for Haakon, Jackson, Lyman, 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 with Carter, McIntosh, Pitz, Titze, Willett, and Merriman voting aye.

Patrick Snyder joined the meeting at this time.

Motion by McIntosh, seconded by Titze, to approve the LEPC roster for Pennington County LEPC. A roll call vote was taken, and the motion carried with Carter, McIntosh, Pitz, Snyder, Titze, and Merriman voting aye. Willett abstained.

Motion by Willett, seconded by McIntosh, to approve the LEPC roster for Custer County LEPC. A roll call vote was taken, and the motion carried with McIntosh, Pitz, Snyder, Titze, Willett, and Merriman voting aye. Carter abstained.

Motion by Titze, seconded by McIntosh, to approve the LEPC roster for Davison County LEPC. A roll call vote was taken, and the motion carried with Carter, McIntosh, Snyder, Titze, Willett, and Merriman voting aye. Pitz abstained.

Motion by McIntosh, seconded by Willett, to defer review and approval of the Sully County LEPC roster until the June SERC meeting. A roll call vote was taken, and the motion carried with Carter, McIntosh, Pitz, Snyder, Titze, Willett, and Merriman voting aye.

HOMELAND SECURITY UPDATE: Fran Santagata, Federal Homeland Security, and Jon Groen, State Homeland Security, updated the SERC on Homeland Security activities.

EOC UPDATE: Tina Titze updated on the Covid-19 response activities being conducted from the Emergency Operations Center.

TIER II REPORT SUBMITTALS: Ms. Newling reported that Tier II reports are reports that facilities storing 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 ensure that planners, responders, and the general public know what is stored in the local community. The Tier II reporting deadline was March 1, 2020. The majority of the facilities submitted their reports by the deadline, but the department continues to receive reports submitted by late filers.

To date, 1,690 facilities have submitted reports, and there are still a number of facilities yet to submit their report. Staff will be contacting those facilities and reminding them to submit the report.

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

Ms. Newling stated that at the beginning of May 2020, the department will begin receiving the Toxic Release Inventory (TRI) reports. Ms. Newling will update on those reports at the June SERC meeting.

INDUSTRY WORKSHOPS: Ms. Newling stated that she had been in contact with EPA regarding holding the annual workshops. Due to Covid-19, it was decided that the workshops will not be held this year. The workshops will continue in 2021.

LEGISLATIVE UPDATE: Trish Kindt provided an update on 2020 legislation of interest to the SERC. All of the bills can be viewed on the Legislative Research Council's website at <https://sdlegislature.gov/>.

Ms. Kindt noted that Governor Noem has issued 13 Covid-19 Executive Orders since March 13, 2020. The Executive Orders are available on the Secretary of State's website at <https://sdsos.gov/general-information/executive-actions/executive-orders/search/Default.aspx>.

UPDATE – WESTERN SERC CONFERENCE: No update.

HMEP GRANTS TRAINING AND PLANNING REPORT: Jared Sandal, Office of Emergency Management, reported that the FFY 2016 through FFY 2018 HMEP grants have been closed.

The FFY 2019 grant was \$143,249 and to date \$9,100 has been spent on projects and \$133,588 is remaining. All but \$11,909 has been allocated to projects.

Due to the Covid-19 breakout several projects have been cancelled or postponed.

Mr. Sandal stated that previously counties or fire departments could only use HMEP grant dollars to purchase training-related products, and these products could not be used for any sort of

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response. Pipeline and Hazardous Material Safety Administration (PHMSA) is now making some exceptions on a case by case basis.

The FFY 2020 HMEP grant application has been submitted. As of now, no money has been awarded, but the state is projected to receive \$168,092.

OTHER BUSINESS: Vice Chairman Merriman announced that Bob McGrath, SERC chairman has retired. Elections of officers will take place at the June SERC meeting.

Vice Chairman Merriman introduced John Bierre who has been appointed to the position of Homeland Security Director for the Department of Public Safety. Mr. Bierre was previously employed at DCI.


The next SERC meeting is June 29, 2020. Due to the Covid-19 virus situation, the department is exploring options for holding the meeting.


Ms. Newling reported that the department is working on recommending a replacement for Bob McGrath position on the SERC. Mr. McGrath represented the health sector.

Dave Richards, PHMSA said his team does outreach for various stakeholders, including SERCs, throughout the region. Due to the Covid-19 situation, PHMSA has changed its outreach style by delivering information through more webinars. An agricultural chemical webinar is being planned, but the date has not yet been determined.

PUBLIC COMMENT PERIOD: None.

ADJOURN: Motion by Pitz, seconded by McIntosh, to adjourn the meeting. Motion carried unanimously.


_____ 6/29/20
Chairman Date


_____ 6/29/20
Witness Date