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Minutes of the
South Dakota Emergency Response Commission Meeting
Joe Foss Building
March 31, 2026
10:00am Central Time

Audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=36>

State Emergency Response Commission (SERC) Members Present: David Ackerman, Andrew Canham, Jason Humphrey, Trish Kindt, Sean Kruger, Whitney Lutkemeier, Doug Hinkle, Tina Titze, Janae Tostenson, Dustin Willett

SERC Members Absent: None

Others Present: Kelsey Newling (South Dakota Department of Agricultural and Natural Resources (DANR), Sara Title III Coordinator), Erin Joyce (Emergency Planner, EPA Region 8), Michael Murphy (South Dakota Task Force One, South Dakota Department of Homeland Security), Stephanie Silbernagel (South Dakota Department of Agriculture and Natural Resources (DANR), Senior Secretary), Rhett Howard (Office of Emergency Management)

Federal Updates:

Erin Joyce gave federal updates for EPA Region 8. She reported that the Regional Contingency Plan and Area Contingency Plan are scheduled for updates this year. She noted that subarea contingency plans, organized by watershed within EPA Region 8, were revised and posted in October of last year. The link to these updates was shared in the chat for the meeting (response.epa.gov/R8RRT). She also announced that on May 27, EPA Region 8 will partner with EPA Region 7, South Dakota, and Nebraska for a joint exercise in Yankton, South Dakota.

Approval of December 16, 2025, SERC Meeting Minutes:

Chairperson Tina Titze asked for a motion to approve December 16, 2025, SERC meeting minutes. Motioned by Dustin Willett, seconded by Doug Hinkle. Motion carried 10-0.

LEPC Grant Applications – Kelsey Newling, DANR:

The LEPC grants were revisited due to the recent dissolution of Hughes and Stanley County LEPCs, which are now operating as individual committees. Because they were

previously approved as a single LEPC, and had not yet existed as separate, active LEPCs, the originally awarded grant funds could not be awarded to them. As a result, the grant amount intended for the combined Hughes–Stanley LEPC will be redistributed among the remaining LEPCs that were awarded grants. These LEPCs will retain their original award amounts and receive an additional distribution from the funds previously allocated to Hughes–Stanley LEPC. She asked if there are any questions regarding this funding adjustment.

Dustin Willett had a question about whether the LEPCs will remain active within Hughes and Stanley County. Kelsey explained that she spoke with Stanley County Emergency Manager and was able to obtain an active roster from them, which was included in the documents sent out this morning. It appears the group does have bylaws in place, and she is hopeful they will continue to meet, though she has not received confirmation that any recent meetings have occurred. Historically, Hughes County representatives have been the active part of the Hughes–Stanley County LEPC, and she still needs to speak with the Hughes County Emergency Manager to confirm whether they plan to continue operating an active LEPC moving forward. Tina Titze asked for a motion to distribute the money originally awarded to Stanley and Hughes County to the other LEPCs that qualify for the LEPC Grant. Motion was made by David Ackerman and seconded by Jason Humphrey. Doug Hinkle had to abstain from the vote for being on the LEPC Grant Committee. Motioned carried 9-0

South Dakota Office of Homeland Security:

Mike Murphy gave an update on South Dakota Office of Homeland Security. He reported that the four teams from Sioux Falls, Rapid City, Watertown, and Aberdeen continue to work together, with ongoing updates on equipment and capabilities. He also noted that team members will participate in a HAZMAT-focused exercise with the South Dakota Incident Management Assistance Team from May 12–14 in Elk Point. The Sioux Falls team, along with possible participation from Watertown and Aberdeen, will be involved in this upcoming training event.

LEPC Roster Review/Appointments – Kelsey Newling, DANR:

Kelsey Newling gave an update on the LEPC rosters. There are a total of 61 Local Emergency Planning Committees (LEPCs) designated in South Dakota. As of the most recent review, 15 LEPCs have not submitted updated rosters. These counties include:

Aurora, Beadle, Bennett, Bon Homme, Custer, Faulk, Gregory, Haakon, Hamlin, Hutchinson, Jackson, Jerauld, Oglala Lakota, Sanborn, and Union.

Most of the non-submitting counties are historically inactive, often due to low local interest and the inability to regularly hold meetings. Many were appointed last year to maintain minimal compliance.

County-specific updates:

- Beadle County is currently hiring a new Emergency Manager and wishes to continue maintaining an active LEPC. Their roster will be submitted by the June meeting.
- Custer County remains active but is undergoing internal restructuring and does not yet have a final roster.
- Bon Homme County recently hired a new Emergency Manager. Attempts to reach them are ongoing. If no roster is received by June, a recommendation will be made to appoint representative to their LEPC.

All remaining LEPCs have submitted their rosters for SERC review and approval. Kelsey made several general comments: Several rosters are missing one or two membership sectors. This is typically due to limited local interest or the absence of representatives from certain sectors, such as media representatives or regulated facilities. Despite this, committees demonstrate clear efforts to fill as many sectors as possible.

Kelsey asked for the SERC to vote on three items:

1. The SERC is asked to review the 46 LEPC rosters that were submitted and vote to either approve, revise, or deny each roster. Some SERC members will need to abstain from voting because they appear on those rosters.
2. The SERC will be asked to vote on waiting until the June meeting to approve or deny rosters from Beadle, Bon Homme, and Custer counties.
3. For the 12 counties that have reported they do not have active LEPCs, the SERC is asked to consider appointing individuals to serve as the LEPC. These appointments typically include:
 - The County Emergency Manager
 - The State's Attorney
 - The Sheriff
 - The County Commissioners with the chair of the county commission serving as the chair.

Chairperson Tina Titze asked for a motion to approve the 46 LEPC rosters that were submitted. Motioned by Whitney Lutkemeier, seconded by Trish Kindt. With David Ackerman, Doug Hinkle, Janae Tostenson and Dustin Willett abstaining because they are members of the LEPC counties. Motion carried 6-0.

Chairperson Tina Titze asked for a motion to wait to approve or deny the LEPC rosters for Beadle, Bon Homme, and Custer at the June SERC meeting. Motioned by Dustin Willett and seconded by Doug Hinkle. Motion carried 10-0.

Chairperson Tina Titze asked for a motion to approve the appointment of individuals to serve on the LEPC's that did not submit rosters. With the appointments include the following:

- The County Emergency Manager (EM);
- The State's Attorney;
- The Sheriff;

- The County Commission;
- With the Chair of the Commission serving as the Chair of the LEPC.

These appointments apply to the following counties:

Aurora, Bennett, Faulk, Gregory, Haakon, Hutchinson, Jerauld, Hamlin, Jackson, Sanborn, Oglala Lakota and Union counties.

Motioned by Trish Kindt and seconded by Sean Kruger. Motion carried 10-0.

HMEP Grants, Training, and Planning Report – OEM:

Rhett Howard gave an update on HMEP Grants, Training and Planning Report. Two activities are underway for the HMEP Grant with Codington County, covering reimbursement for first-year student training in both Awareness and Operations for 2025. Grant year 2026 is ongoing and they have until April 10 to get their grant on the WEB OEC. Only 3 grants have been received and will be sending the rest a reminder emails.

Tier II Report Submittals – Kelsey Newling, DANR:

Kelsey Newling gave and updated on Tier II Report Submittals. The Tier II reporting process for 2026 proceeded steadily from January through the March 1st deadline, with facilities submitting annual reports for hazardous substances stored above established thresholds to support emergency planners, responders, and public awareness. This year, 1,749 facilities submitted reports. The number of paper submissions continues to decline as more facilities transition to the preferred online reporting system. Several facilities have not submitted their reports; many of these may be storing chemicals below reporting threshold amounts. Follow-up outreach will be conducted to confirm their status and remind them that the deadline has passed. Summarized Tier II data is publicly accessible online, while detailed reports remain available to planners and first responders through a secure, password-protected site. In early May, Toxic Release Inventory (TRI) report submittals will begin. A full update will be provided at the June SERC meeting.

Legislative Update – Trish Kindt, DANR:

Trish Kindt gave update on the legislative session 2026 bills. If you'd like more information about any of the bills, please visit the 2026 Legislative Session webpage at "SouthDakotaLegislature.gov." During the 2026 legislative session, roughly 571 bills were introduced, with 326 House bills and 245 Senate bills.

South Dakota Senate Bill 36 (2026), which authorizes certain utilities to establish wildfire mitigation plans and associated liability limitations for wildfire damages. The bill established a process by which a utility can put together a wildfire mitigation plan. That plan gets reviewed and made available to the public. Then as long as the utility diligently follows the plan and submits annual reports, it seems it may limit to some extent the liability if the utility faces, should their equipment start a fire. The bill was

signed by the governor on March 12, 2026. Dustin Willett added utilities in West River region already maintain strong wildfire mitigation plans, regardless of whether they are publicly owned cooperatives or investor-owned companies. These plans are well-established, undergo required review by the Public Utilities Commission, and are publicly accessible online for anyone interested in their details.

Doug Hinkle was involved in legislation related to the issue. He indicated that based on the legislation, it would be more difficult to prove in court that a utility was liable for a fire.

Senate Bill 37 is An Act to make appropriations for water and environmental purposes. There is a version of this bill every year because this is how funds are appropriated for the numerous water project grants and loans awarded by the Department of Agriculture and Natural Resources and the Board of Water and Natural Resources. The 2026 version includes a notable new provision authorizing the department to use up to \$250,000 for statewide cleanup of waste tires and PFAS-related solid waste, including firefighting foam containing PFAS chemicals. This means the department will likely conduct another statewide PFAS foam collection effort. The bill was signed by the governor on March 24, 2026.

Senate Bill 89 was an Act to create a task force to study the provision of emergency medical services as an essential service and the funding thereof.

This bill established a Emergency Medical Services Funding Task Force to examine ways to fund emergency medical services as an essential service, seek input from stakeholders, report out their findings and recommendations. The bill also identified parties who would make up the task force.

The bill was signed by the governor on March 25, 2026.

Senate Bill 136 was an Act to make an appropriation for grants to support the purchase of personal protective equipment by volunteer fire departments.

This bill appropriated from the general fund, \$5,000,000 to the South Dakota Department of Public Safety. The purpose of the appropriation is to provide grants to fire departments for the purchase of personal protective equipment (PPE) to be used by firefighters in the course of their duties. To qualify for these grants, a fire department must have at least 70 percent of its firefighters serving in volunteer status. The Department of Public Safety is authorized to use these funds through June 2030. The bill was signed by the Governor on March 23, 2026.

House Bill 1188 was an Act to limit the liability of law enforcement officers and others when removing a disabled vehicle from a highway, a right of way, or public waters.

The bill had 2 sections that cover vehicles in public waterbodies and on highways, in a right of way, or vehicles that are an obstruction or hazard. If the driver or person in charge of a disabled motor vehicle can't arrange for timely removal of the vehicle or cargo, the Division of Highway Patrol, the Department of Transportation, a sheriff, or a peace officer may arrange for the removal of the vehicle and any spilled cargo. The

Vehicle owner remains strictly liable for all costs. The bill also limits liability for the Division of Highway Patrol, the Department of Transportation, a sheriff, a peace officer, and the removal company.

. The bill was signed by the Governor on March 9, 2026.

Public Comment Period:

Upcoming Exercises – DOH, DANR:

Whitney Lutkemeier, with the Department of Health, gave an update on their upcoming exercise. The Department of Health is conducting a two-phase, discussion-based chemical incident exercise in April as part of its CDC Public Health Emergency Preparedness cooperative agreement. The scenario centers on a chemical event at Glacial Lakes Energy in Aberdeen and focuses on public-health-related impacts, including coordination with first responders, environmental and chemical laboratory testing, and medical counter measures distribution. Phase 1 will be held April 8th in Aberdeen and will address local on-site response involving healthcare, EMS, and emergency management with emphasis on triage, mass casualty operations, and patient transport. Phase 2 will be held April 29th in Pierre, will emphasize statewide coordination among DOH, the Office of Emergency Management, and the Animal Industry Board, highlighting communication and support roles to assist local response. This is DOH's first chemical response-focused exercise, and partners are welcome to observe, participate, or review the after-action materials.

Kelsey Newling announced that the Department of Agriculture and Natural Resources, along with counterparts in the State of Nebraska and EPA Regions 7 and 8, will conduct a cross-regional tabletop exercise in Yankton on May 27, 2026. The scenario involves a tornado causing chemicals to spill into the Missouri River, activating a response effort from EPA Regions 7 and 8 and multiple state partners. County Emergency Managers, along with federal, state, local, tribal, and private sector stakeholders will be invited. The exercise will be offered both in person and virtually to maximize participation.

Other Business:

June 30, 2026, is the next SERC meeting at Matthew Training Center at 10:00am.

Trish Kindt announced this is her last SERC meeting. She will be retiring in early June.

Adjourn:

Chairperson Tina Titze asked for a motion to adjourn. Motioned by Jason Humphrey and seconded by Andrew Canham. Motion carried 10-0.