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Minutes of the  
South Dakota Emergency Response Commission Meeting  
Conducted via Digital Dakota Network  
Matthews Training Center, Joe Foss Building, Pierre, SD

December 20, 2022  
10:00 AM Central Time

COMMISSION MEMBERS PRESENT: Chairman Dustin Willett, Vice Chairman Paul Merriman, Trish Kindt, Tina Titze, Sean Kruger, Becky Pitz, Andrew Canham, and Kaitlin Thomas

COMMISSION MEMBERS ABSENT: Jason Humphrey, David Ackerman

OTHERS PRESENT: Jon Groen, SD DHS, Kelsey Newling, SD DANR, Jackie McGuire, SD DANR, Bre Brockstahler, EPA Region 8, Craig Conway, CISA, Matt Mitravich, CISA, Ben Sharaf, EPA Region 8

INTRODUCTIONS: Participants introduced themselves

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

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

APPROVAL OF MINUTES FROM THE SEPTEMBER 13<sup>th</sup>, 2022, MEETING: Motion by Kaitlin Thomas, second from Paul Merriman, to approve the minutes from the September 13<sup>th</sup>, 2022, State Emergency Response Commission meeting. A roll call vote was taken and, and the motion carried unanimously.

MOTION TO MOVE AGENDA ITEM 6: Motion by Sean Kruger, second from Tina Titze to discuss the LEPC grants because Tina Titze could not stay. A roll call vote was taken, and the motion passed unanimously.

LEPC GRANT APPLICATIONS - DANR, Kelsey Newling: Kelsey Newling updated members that they received 30 LEPC grant requests. A majority of the counties met the requirements outlined in statute to receive the grant - Brookings County did not. Kelsey requested the opinion of the SERC members about whether or not to make an exception for Brookings County only having 3 LEPC meetings in the past year. One meeting was missed due to the derecho event.

Trish Kindt shared that Governor Noem had granted an exception in 2020 to counties specifically due to the limitations caused by the Covid-19 outbreak.

Chairman Dustin Willett argued that the derecho event was a presidentially declared disaster for the area and then opened the floor to further comments.

Trish Kindt provided comments that Brookings did not qualify based on state statute and that there were no executive orders to cover this either. She also recommended the SERC to not petition the governor's office for an exception for this event. Kaitlin Thomas asked if Brookings County had an opportunity to hold an LEPC meeting on a different day and still make the quarterly meeting requirement. Chairman Dustin Willett said that there is latitude for them to meet anytime within a 3-month time period but due to the open meeting law it must be a scheduled meeting. He added that it might be worthwhile revisiting the topic to see if statute should be adjusted for events such as the derecho.

Trish Kindt made a motion to deny the LEPC grant approval for Brookings County. It was seconded by Andrew Canham. A roll call vote was taken, and the motion passed unanimously.

Kelsey Newling continued the discussion of the remaining LEPC grant applications. Tina Titze made a motion to approve the rest of the grant applications for all counties except for Pennington, Davison, and Brookings. It was seconded by Andrew Canham. A roll call vote was taken, and the motion passed unanimously. Kaitlin Thomas made a motion to approve Pennington County and it was seconded by Vicechair Paul Merriman. A roll call vote was taken, and the motion passed unanimously. Chairman Dustin Willett recused himself from the vote. A motion was made by Sean Kruger to approve Davison County's grant application. Trish Kindt seconded the motion. A roll call vote was taken, and the motion passed unanimously. Becky Pitz recused herself from the vote.

#### FEDERAL UPDATES:

Bre Brockstahler with EPA gave an update regarding the National Association of SARA Title III Program Officials (NASTTPO) annual conference. It will be held in Salt Lake City in April 2023. The 2024 Western States SERC conference will be held in Las Vegas. EPA will be issuing their Region 8 quarterly newsletter at the end of the week. EPA is also planning on participating in person for the industry workshops. Ben Sharaf added that he is hoping to provide trainings to the LEPC's, possibly with the CAMEO software.

Craig Conway with CISA introduced Matt Mitravich as the new regulatory analyst. He updated the board on recent attacks that have occurred on power substations. CISA has a cascade tool to model which substations are most critical to cities and aid in resiliency planning. That tool is available to emergency managers and facilities. CFATS (Chemical Facility Anti-Terrorism) is continuing with proposed rulemaking for flammables adjustments. It is in the inter-agency comment stage and will put it out for public comment soon. CISA's regional director is planning on getting an in-person conference going for Region 8.

Chairman Dustin Willett opened the floor for questions for EPA or CISA. Trish Kindt asked Ben to email Kelsey Newling with information to pass on to the LEPC's for OSC and Response Training opportunities. Chairman Dustin Willett asked Kelsey Newling to include Brad Maskovich (Office of Emergency Management) with any information she receives from EPA regarding exercise opportunities.

Regional Haz Mat Team Update – HLS – Jon Groen:

Joe Groen reported the office has been doing hazmat training across the state. Chairman Dustin Willett added that the Rapid City Hazmat Team visited a home in Lead regarding a mercury release. Trish Kindt updated everyone regarding the actions taken by the state to request assistance from EPA to clean up mercury both in the home and in the Lead-Deadwood High School. Chairman Dustin Willett reminded the SERC that EPA can provide hazmat assistance and it should be remembered for future instances where cleanup work is beyond the scope of local emergency providers.

Chairman Dustin Willett opened the floor for questions for Jon Groen; no questions were asked.

HMEP Grants – DANR, Kelsey Newling:

Kelsey Newling spoke on behalf of Rhett Howard to provide a summary of his report on the HMEP Grants. 2022 is the last year of a three-year grant cycle. FFY 2021 grants totaled \$209,390. There were 20 training exercises, conference attending grants, three grants were for planning, and one of the grants was a hazmat tool request. The grants requests have all been completed.

Chairman Dustin Willett opened the floor for question regarding this update, no questions were asked.

PUBLIC COMMENT PERIOD:

Chairman Dustin Willett opened the floor for public comment. No comments were made.

OTHER BUSINESS:

Chairman Dustin Willett opened the floor to the SERC members for other business. He requested any information that might be valuable for South Dakota to share for the Western SERC to please get that to him and Kelsey Newling. He added that if anyone is interesting in attending the Western SERC or attending the NASTTPO conference to please contact him and Kelsey Newling.

Jackie McGuire introduced herself to the SERC as the primary representative of South Dakota for the Regional Response Team. She gave a brief overview of their most recent meeting back in October 2022. The next meeting will be in April of 2023.

Kelsey Newling stated that the next SERC meeting will be March 28<sup>th</sup>, 2023, at 10AM Central.

Dustin Willett entertained a motion to adjourn. Kaitlin Thomas made the motion, seconded by Paul Merriman. A roll call vote was taken, and the vote was unanimous.

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Chairman

Date