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Minutes of the  
South Dakota Emergency Response Commission Meeting  
Conducted via Digital Dakota Network  
Matthew Training Center, Joe Foss Building, Pierre, SD  
March 18, 2025  
2:30PM Central Time

The meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

Vice Chairman Dustin Willett called the meeting to order. Attendees introduced themselves and the roll was called. A quorum was present.

State Emergency Response Commission (SERC) Members Present: David Ackerman, Trish Kindt, Sean Kruger, Paul Merriman, Tina Titze, and Dustin Willett.

SERC Members Absent: Andrew Canham and Jason Humphrey.

Others Present: Kelsey Newling, South Dakota Department of Agriculture and Natural Resources (DANR) Sara Title III Coordinator; Rhett Howard, South Dakota Office of Emergency Management (OEM); Terry Florentz, DANR ICR Administrator; Stephanie Silbernagel, DANR Administrative Staff; Bre Bockstahler, United States Environmental Protection Agency (EPA) Region 8.

Dustin Willett announced that Kaitlin Sherer had taken a new position with the Department of Health and is no longer on the SERC board. The SERC has two vacant positions that will be filled by individuals to be appointed by the Governor.

### FEDERAL UPDATES

Bre Bockstahler, United States Environmental Protection Agency (EPA) Region 8. Had nothing new to update from the federal. Cyrus Western is the new regional administrator hired for Region 8. Mr. Western was a legislator from Wyoming. In other news, there have been a couple of retirements and new people being hired into the positions at EPA. Bre will be sending out the newsletter soon.

Vice Chairman Dustin Willett opened the floor for discussion on any questions for Bre. Trish Kindt had a question about which OSC's retired. The people who did retire are Todd DeGarmo and Dave Ramero. Hannah Trimble moved into a new position.

### APPROVAL OF MINUTES

Vice Chairman Dustin Willett asked for a motion to approve the December 17, 2024, minutes. Motion by David Ackerman, seconded by Trish Kindt to approve the minutes. A roll call vote was taken. The motion carried 6-0.

#### REGIONAL HAZ MAT TEAM UPDATE-SOUTH DAKOTA OFFICE OF HOMELAND SECURITY

Jon Groen was not present at the meeting and nothing new report. Vice Chairman Dustin Willett mentioned the Task Force 1, with assistance from a gentleman from Sioux Falls participated in an IMAT training in Oacoma, South Dakota.

#### LEPC ROSTER REVIEW/APPOINTMENTS

Kelsey Newling, DANR SARA Title III Coordinator, reported a total of 60 designated LEPC's in South Dakota.

Kelsey Newling reported that 14 of these LEPC's did not submit rosters. These counties include Aurora, Bon Homme, Faulk, Haakon, Hamlin, Hughes/Stanley, Hutchinson, Jackson, Jerauld, Oglala Lakota, Sanborn, Todd, and Union. These LEPC's did not submit rosters because they are not very active. Last year, the SERC appointed the LEPC's in most of these counties. Four counties, Bon Homme, Butte, Hughes/Stanley, and Todd will require more time to complete their rosters. Kelsey Newling reported Bon Homme is waiting for the hiring of new Law Enforcement, Butte is still making changes to their roster, Hughes and Stanley Counties have a new EM who is trying to get the LEPC started up again and Todd County has a new Emergency Manager who would like information about LEPCs as they have been inactive for several years. The rosters for these counties will need to be reviewed and approved by the SERC during the June meeting.

Kelsey Newling asked the SERC to consider appointing individuals to serve as the LEPC for those counties who do not plan to submit a roster. In the past the SERC has named the Emergency Manager, States Attorney, Sheriff, County Commission to serve as LEPC with the chair of the County Commission to become the chair of the LEPC.

The other 46 LEPCs have submitted rosters for SERC review and approval. In some cases, certain sectors such as media are not represented due to a lack of interest. This happens most often in rural counties. Kelsey Newling asked the SERC to review the 46 LEPC Rosters that were submitted and to approve, revise, or deny the rosters as submitted. Vice Chairman Dustin Willett and Dave Ackerman abstained from voting to approve the rosters for their counties.

Vice Chairman Dustin Willett entertained a motion for the 46 counties that submitted rosters including McPherson and Pennington. Motion by Tina Titze, seconded by Paul Merriman to approve the 46 counties. A roll call vote was taken. The motion carried 4-0.

Vice Chairman Dustin Willett entertained a motion that Bon Homme, Butte, Hughes/Stanley, and Todd Counties be discussed and voted on in the June meeting. Motion Dave Ackerman, seconded by Sean Kruger. A roll call vote was taken. The motion carried 6-0.

Vice Chairman Dustin Willett entertained a motion to appoint individuals for the counties not able to submit a roster. This roster will include the Emergency Manager, States Attorney, Sheriff, and County Commission. Motion by Trish Kindt, seconded by Tina Titze. A roll call vote was taken. The motion carried 6-0.

### HMEP GRANTS, TRAINING AND PLANNING – OEM

Rhett Howard, OEM, had nothing new to report. There has been all but \$3,000.00 allocated to year 24 activities and he will be working with Fall River County on ways to spend it. Fiscal year 2023, \$5,000.00 was spent on a Pennington County full commodity study. The amount remaining is about \$9,052.00 for Fiscal Year 2023. HMEP Grant 2024 \$12,500.00 has been spent and a lot of events will be taking place in the next few months to spend more. Rhett Howard reported that they have 6 applicants for HMEP Grant 2025. Funding opportunity from PHMSA should be coming soon.

### TIER II REPORT SUBMITTALS

Kelsey Newling, DANR SARA Title III Coordinator, reported on Tier II report submittals. As a reminder, Tier II reports disclose storage information for hazardous substances and are filed on annual basis. The reason the reports are important is to ensure planners, first responders, and general public know what is stored in the local community. The Tier II reporting deadline was March 1, 2025. Every year there are less and less paper reporting, and more online reporting. Kelsey Newling reported there have been a total of 1,688. reports. There are still facilities that have not filed. The summary Tier II data is available to the general public. The detailed data with a copy of the report is online, available to planners and first responders via a password protected website.

In the beginning of May Toxic Release Inventory reports (TRI Reports) will begin to be submitted. These reports will be discussed further in the June meeting.

### LEGISLATIVE UPDATE

Trish Kindt, DANR, reported on the 2025 legislative session. Trish Kindt chooses to update the SERC about bills that are SERC related. The last day of session was March 31. That day is reserved for consideration of gubernatorial vetoes.

If you want more of a detail list, you can go to the 2025 legislative session webpage which is [sd.legislature.gov](https://sd.legislature.gov). Trish Kindt counted 489 bills introduced during the legislative session, 269 being house bills and 220 being senate bills.

Senate Bill 33 was an Act to make appropriations for water and environmental purposes and to declare an emergency. There is a version of this bill every year because this is how funds are appropriated for the numerous water project grants & loans awarded by the Board of Water and Natural Resources. This Bill was signed by the Governor on February 25, 2025

SB 34 Act to update the roles of the Department of Agriculture and Natural Resources and the Department of Public Safety regarding burning and burn permit issuing authority.

SDCL 34 used to read that a permit to start a fire in the Black Hills National Forest or to state a fire for range management required a permit of Department of Agriculture and Natural Resources. That has been revised to state the permit comes from Department of Public Safety. This change was necessary to reflect South Dakota 28:00 Wildland Fire functions being switched to the Department of Public Safety in 2021 when DENR and DOA were merged by Executive Order 2021-03. The bill was signed by the Governor on March 11, 2025.

HB 1014. An Act to modify provisions related to emergency medical services personnel. This was a name change from emergency medical service to advanced life support personnel. This was signed by the governor February 18, 2025.

HB 1033. Act to make an appropriation for costs related to emergencies and disasters impacting the state and to declare an emergency. There is appropriated \$ 4,951,260.00 from the general fund, to the special emergency and disaster special revenue fund, for costs related to any emergency or disaster, as defined in § 34-48A-1, impacting the state. The Department of Public Safety manages this fund. The bill was signed by the Governor on February 13, 2025.

HB 1034. An Act to make an appropriation for costs related to the suppression of wildfires impacting the state and to declare an emergency. There is appropriated \$2,602,081.00 from the general fund to the state fire suppression special revenue fund, for costs related to the suppression of wildfires impacting this state. The Department of Public Safety manages this fund. The bill was signed by the Governor on February 3, 2025.

For more information on this year's legislative session go to [sd.legislature.gov](https://sd.legislature.gov). Governor Rhoden's website also provides information and press releases about many bills the Governor has signed or vetoed. The website is [governor.sd.gov](https://governor.sd.gov)

Chairman Dustin Willett provided more clarification on the language change on House Bill 1014. The bill clarifies that medical director requirements are for advanced life support providers only, which removes the medical director requirement for local Fire Departments and EMTs.

#### PUBLIC COMMENT PERIOD

No public comments were made.

#### OTHER BUSSINESS

Chairman Dustin Willett reported they are working with the Governor's Office to fill positions in the SERC.

Kelsey & Bre are working on the workshops this summer. They will be trying a different approach by splitting up East and West River for different dates. Kelsey Newling is planning for the week of July 21<sup>st</sup>. The plan is to do Aberdeen, Huron, Sioux Falls, and then Rapid City at a later date. The plan for this year is to invite all the emergency managers along with the usual attendees.

Kelsey Newling reported the next SERC meeting is planned June 24, 2025. No time has been selected yet.

#### ADJOURN

Chairman Dustin Willett entertained a motion to adjourn. Motion by Dave Ackerman, seconded by Sean Kruger.

Approved June 24, 2025