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Minutes of the
South Dakota Emergency Response Commission Meeting
Conducted via the Digital Dakota Network

Joe Foss Building, Matthew Training Center
Pierre

Rapid City/Pennington County Emergency Management
Rapid City

March 29, 2022
10:00 a.m. Central Time

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

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

COMMISSION MEMBERS PRESENT: Dave Ackerman, Becky Pitz, Kim McIntosh, Jason Bauder, Paul Merriman, Sean Kruger, Andrew Canham, and Dustin Willett.

COMMISSION MEMBERS ABSENT: Jason Humphrey, Jessica Mundahl and Tina Titze

OTHERS PRESENT: Kelsey Newling, Lynda Fratzke, Trish Kindt, DANR; Fran Santagata, CISA Homeland Security; Jon Groen, Homeland Security; Bre Bockstahler, EPA; Rhett Howard, OEM; Dan Richards, PHMSA; Craig Conway, US Homeland Security

APPROVAL OF MINUTES FROM December 21, 2021 MEETING: Chairman Willet pointed out that the title of the agenda item in the second paragraph on page 2, was changed to “LEPC Grant Applications.”

Motion by McIntosh, seconded by Pitz, to approve the minutes from the December 21, 2021, State Emergency Response Commission meeting, as amended. A roll call vote was taken, and the motion carried unanimously.

LEPC ROSTER REVIEW/APPOINTMENTS: Kelsey Newling stated South Dakota has 60 designated LEPC’s in the state. Fifty-two rosters have been submitted by the LEPC’s. Aurora, Gregory, Haakon, Jackson, Jerauld, Oglala Lakota, Sanborn, and Todd have not submitted rosters and are not very active.

Motion by Pitz, seconded by McIntosh, to approve the fifty-two rosters that were submitted. A roll call vote was taken, and the motion carried unanimously.

Motion by Ackerman, seconded by Kruger, to appoint individuals to serve as the LEPC for those eight counties that did not submit rosters. A roll call vote was taken, and the motion carried unanimously.

FEDERAL UPDATES: Fran Santagata gave updates from CISA on a brand-new cyber security grant that was allocated in the 2021 infrastructure bill. Expect the notice of funding to hit the streets in the summer. The next topic is the escalating GO political tensions in the homeland, specifically the cyber-attacks. There have been escalations in the number of attacks. Thresholds for reporting suspicious activities have been lowered. Volunteer programs Chemlock and Operation Flashpoint are up and running. Fran also stated she will be retiring in June and Craig Conway will be her replacement.

Bre Bockstahler stated they had their Western Regions webinars on January 25th and 26th. They've had updates of the LEPC/TEPC handbooks, a resource compiled by the EPA headquarters. Headquarters is looking to open up the RMP rule again. They are trying to implement Clean Water Hazardous Substance Worst Case Discharge Planning Regulations for chemical releases to water. It is currently in an open comment period. Emergency Management Preparedness branch is updating the Subarea Contingency Plan where On Scene Coordinators divided the regions by watershed districts and may reach out for training that may be needed.

REGIONAL HAZ MAT TEAM UPDATE: Jon Groen gave a brief update regarding training and new equipment. Homeland grant allocation meetings are wrapping up this week.

HMEP GRANTS, TRAINING AND PLANNING REPORT: Rhett Howard gave an update on the HMEP Grants. See attached report.

TIER II REPORT SUBMITTALS: Kelsey Newling stated the Tier II reports were due March 1, 2022. They are looking to switch reports to online. Beginning of May, we will begin receiving the toxic release inventory reports.

LEGISLATIVE UPDATE: Trish Kindt gave a brief overview on several bills that were passed during the 2022 legislative session. See attached.

PUBLIC COMMENT PERIOD: There was no public comment.

OTHER BUSINESS: Kim McIntosh stated she will be retiring on June 8, 2022.

The next SERC meeting is set for June 28, 2022, at 10:00 a.m. Central Time.

ADJOURN: Motion by Ackerman, seconded by McIntosh, to adjourn the meeting.

Chairman _____ Date _____

SD Office of Emergency Management

Memorandum:

To: South Dakota State Emergency Response Commission (SERC)
From: Rhett Howard, HMEP Grant Administrator
Date: March 21, 2022
Re: Quarterly FFY2019 / FFY2020 / FFT2021 HMEP Grant Report

FFY 2019 HMEP Grant Awarded to South Dakota: \$143,249.00

Amounts Spent:

- Federal Share: \$109,518.92
- Non-Federal Share (Match): \$27,379.74
- Total: \$136,898.66

FFY 2019 Total Remaining To-Date: \$6,350.34

HMEP19 Grant Year

- There are 9 participants in the HMEP19 Grant Year, 6 participants have depleted their HMEP19 Grant monies.
- Sioux Falls Fire & Rescue: Swiftwater Spill Tech, Hazmat Transport Spec. Training (converted to PPE), IAFC Conference (converted to PPE), Sioux Falls Fire Rescue depleted their remaining HMEP19 grant money (\$1,229.00) by purchasing PPE. (HMEP19 completed)
- Aberdeen Fire & Rescue: HazMat IQ, ARFF Fall Burn, ARFF Spring Burn, Cold Zone Conference (converted to PPE), Int. Hazmat Res. Team (converted to PPE). (HMEP19 completed)
- Watertown Fire & Rescue: ARFF Live Burn Class, Hazmat Trans. Spec. Training (converted to PPE), Cold Zone Conference (converted to PPE), Cont. Challenges Conf. (converted to PPE). (HMEP19 completed)
- Rapid City Fire & Rescue: HazMat Transportation Specialist, Cargo Tank Specialist (converted to PPE). RCFR will be submitting 5 reimbursement requests late December 2021, this should complete their HMEP19 and HMEP20 Grant years. 01/13/2022 Submitted reimbursement request of \$14,227.20 for the purchase of 10 Level A HazMat Suits.
- Codington County: 2 separate HazMat Operations courses. (HMEP19 completed)
- Edmunds County: Awareness Level Course, Awareness Course, HazMat Re-Write. PPE - Purchased

5 Level A HazMat Suits 11/19/2021. 02/02/2022 - Edmunds County submitted a request for reimbursement for the purchase of PPE - \$3,802.12 – 5 Level A HazMat Suits. (HMEP19 completed)

- Grant County: Hazmat Transportation (converted to PPE - 3 Level A Hazmat Suits (HMEP19 completed)
- Potter County: Hazmat Plan Re-write. (HMEP19 completed)
- Roberts County - HazMat Plan Re-Write is reportedly near completion, I am waiting for the reimbursement request.

FFY 2020 HMEP Grant Awarded to South Dakota: \$ 150,153.00 Amounts Spent:

- Federal Share: \$82,975.64
- Non-Federal Share (Match): \$20,971.58
- Total: \$103,947.22

FFY 2020 Total Remaining To-Date: \$46,205.78

HMEP20 Grant Year

- The grant award for FY 2020 was issued by the U.S. Department of Transportation/Pipeline and Hazardous Material Safety Administration (DOT/PHMSA), effective October 1st, 2020. The total federal award amount is \$150,153.00. The seven sub-grantees participating in HMEP20 will be Aberdeen Fire & Rescue, Rapid City Fire & Rescue, Sioux Falls Fire & Rescue, Watertown Fire & Rescue, Codington County, Deuel County, and Edmunds County. There are 24 grants for training and there are 2 grants for planning in HMEP20.
- Aberdeen Fire Rescue has attained an additional \$864.00 through an Activity Request to PHMSA for their Decon-Tect Train the Trainer class that had been cancelled and re-offered as a two-day class vs the original one-day class. The original one-week class grant was \$1,862.00 and is now a two-week class. Submitted a request for reimbursement 08/06/2021 for \$2,532.03.
- Aberdeen Fire Rescue, through an Activity Request to PHMSA, has moved their HMEP20 grant for the IAFC HazMat Conference (\$4,209.00) in order to host a Homemade Explosives (HME-IQ) class to be held in Aberdeen for 30 first responders. AFR also depleted their remaining HMEP19 grant money, \$830.40, to help fund the HME-IQ class. Aberdeen Fire Rescue requested reimbursement for \$5,039.40 to host and attend a HazMat IQ Homemade Explosives Class that 29 first responders attended.
- Aberdeen Fire Rescue submitted a request for reimbursement on 6/15/21 for their ARFF Spring Live Burn training. The HMEP grant obtained for this training is \$4,950.00. 19 first responders attended this training that was held in Aberdeen.
- Aberdeen Fire Rescue requested reimbursement for their ARFF Fall Live Burn exercise on 10/14/2021 for \$4,950.00. 17 first responders attended this training.

- Aberdeen Fire Rescue requested reimbursement for the Cold Zone Training for the amount of \$3,620.80 that 4 first responders attended in September 2021.

Aberdeen Fire Rescue requested reimbursement for \$14,199.00 their Cargo Tank Specialist Emergency Response Workshop that 6 first responders attended in September 2021. (HMEP20 completed)

- Codington County submitted two requests for reimbursement from for Hazmat Awareness and Hazmat Operations training for the grant year HMEP20 of \$1,500.00 each for a total of \$3,000.00. Submitted request for reimbursement for their HazMat Plan Update - \$4,000.00. (HMEP20 completed)
- Deuel County completed their Commodity Flow Study and were reimbursed \$5,120.00. (HMEP20 completed)
- Rapid City Fire Rescue requested reimbursement for a virtual National HazMat Conference attended by 3 first responders. \$297.00
- Rapid City Fire Rescue requested reimbursement for a virtual National HazMat Conference attended by 6 first responders. \$600.00
- Rapid City Fire Rescue requested reimbursement for a Cold Zone Conference attended by 2 first responders. \$3,035.26
- Sioux Falls Fire Rescue had their 40-hour HazMat Emergency Response Tech class cancelled (\$3,160.00). Through an Activity Request to PHMSA, this grant money was moved to SFFR's Flammable Liquid Bulk Storage class (\$3,585.00), this grant total is now \$6745.00.
- Sioux Falls Fire Rescue chose to not attend their IAFC HazMat Conference (\$4,180.00), which has been moved to a virtual conference format. Through an Activity Request to PHMSA, this conference grant money has been moved to SFFR's WRI Swiftwater Spill Response grant (\$12,760.00). Total grant money for this WRI Swiftwater Spill Response grant total is now \$16,940.00.
- Sioux Falls Fire Rescue requested reimbursement for 5 first responders to attend the WRI Swiftwater Spill Response training. \$14,368.54
- Watertown Fire Rescue, through an Activity Request to PHMSA, have removed \$1,333.00 from their HMEP20 Cold Zone Conference grant (\$3,340.00) in order to send 3 personnel to Aberdeen for the Cargo Tank Emergency Response Specialist workshop hosted by Aberdeen Fire Rescue. The remaining balance of the HMEP20 Cold Zone Conference grant is now \$2,007.00.
- Watertown Fire Rescue completed their ARFF Live Spring Burn and were reimbursed \$8,998.30.
- Watertown Fire Rescue submitted a request for reimbursement for 11 first responders to attend a HazCat Class. \$8,265.31
- DOT/PHMSA are continuing to allow Personal Protective Equipment (PPE) to be purchased in lieu of the missed training opportunities that continue to be experienced in 2021 due to the Covid-19 issues. This opportunity has never been offered in the time since the HMEP grant inception. The State of South Dakota and the participating subgrantees are very

appreciative of having the opportunity to re-allocate grant monies previously intended for training and planning.

FFY 2021 HMEP Grant Awarded to South Dakota: \$ 167,512.00

Amounts Spent:

- Federal Share: \$9,000.00
- Non-Federal Share (Match): \$1,950.00
- Total: \$10,950.00

FFY 2021 Total Remaining To-Date: \$156,562.00

HMEP21 Grant Year

- There are 10 participants in the HMEP21 grant year, the grant was awarded on September 29th, 2021. Aberdeen Fire Rescue, Rapid City Fire Rescue, Sioux Falls Fire Rescue, Watertown Fire Rescue, Beadle County, Codington County, Davison County, Fall River County, Lake County, Tripp County.
- There are 20 training exercises/conference attending grants, there are 3 planning grants and there is 1 HazMat Specific tool purchase grant.
- HMEP21 is the last year in this 3-year HMEP Grant cycle.
- Codington County submitted 2 requests for reimbursement for the 2 different HazMat Awareness/Operations classes they hosted. 22 students attended these classes. Reimbursement amount is \$3,000.00. (HMEP21 complete)
- Tripp County requested reimbursement for their HazMat Plan that was updated. \$6,000.00 (HMEP21 complete)

Legislative update

SB 50 which was a bill to make an appropriation for water, wastewater, and storm water projects throughout state government, and to declare an emergency.

This bill provided \$60 million in ARPA funds for infrastructure upgrades at state owned facilities.

This Bill was signed by the Governor on March 22, 2022

SB 62 make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects and to declare an emergency.

This bill provided \$600 million for water and sewer infrastructure investment from the American Recovery and Reinvestment Act (ARPA) funds. This Funding will be used to help provide quality drinking water and necessary sewer services to the citizens of South Dakota and will help protect our environment and natural resources. This is an important funding package that can have a long term impact on South Dakota.

This Bill was signed by the Governor on March 22, 2022

SB 64 make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes and to declare an emergency.

This was the DANR annual Omnibus Water Funding Bill, dedicating over \$16 M in funds for water, wastewater, solid waste projects, and environmental projects

This bill was signed by the governor on March 8, 2022

SB 58 make an appropriation for the construction of a new state public health laboratory and the renovation of the existing laboratory and to declare an emergency.

This bill was signed by the Governor on March 18, 2022

SB 201 revise provisions regarding industrial hemp and to declare an emergency.

This bill allowed for increased license types (research license) flexibility in sampling, change a few requirements for growers and processors.

This bill was signed by the Governor on March 18, 2022

HB 1016 make an appropriation for costs related to disasters in the state and to declare an emergency.

This bill appropriated from the general fund the sum of \$2,946,882 to the special emergency and disaster special revenue fund for costs related to disasters in the state.

This bill was signed by the Governor March 9, 2022

HB 1017 An Act to make an appropriation for costs related to suppression of wildfires in the state and to declare an emergency.

This bill appropriated from the general fund the sum of \$1,059,318 to the state fire suppression special revenue fund for costs related to the suppression of wildfires in the state.

This bill was signed by the Governor March 9, 2022

Finally I want to mention HB 1281

HB 1281 An Act to clarify the contents of the general appropriations act for fiscal year 2023, pertaining to certain federal moneys and to declare an emergency.

This bill stated that a department or state agency could not expend federal money for a new program or for a current program, until a special legislative committee, releases the appropriated money for the new program or the change in policy for the current program.

This bill was vetoed by the Governor on March 28, 2022