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Minutes of the
South Dakota Emergency Response Commission Meeting
Joe Foss Building
December 16, 2025
10:00am Central Time

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

Tina Titze called the meeting to order. Attendees introduced themselves and the roll was called. A quorum was present.

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

SERC Members Absent: David Ackerman, Jason Humphrey

Others Present: Steven Blair (General Council for South Dakota Department of Agriculture and Natural Resources), Richard Miller (Department of Homeland Security, Cybersecurity and Infrastructure Security Agency), Mike Murphy (South Dakota Task Force One, South Dakota Department of Homeland Security), Brad Eggers (Department of Homeland Security, Cybersecurity and Infrastructure Security Agency), Kelsey Newling (South Dakota Department of Agriculture and Natural Resources (DANR), Sara Title III Coordinator), Stephanie Silbernagel (South Dakota Department of Agriculture and Natural Resources (DANR), Senior Secretary)

Approval of September 9, 2025, SERC Meeting Minutes:

One correction was noted and made regarding the spelling of a name. No further corrections were identified.

Chairperson Tina Titze asked for a motion to approve the September 9, 2025, SERC meeting minutes. Motion by Sean Kruger, seconded by Dustin Willett. A roll call vote was taken. Motion carried 8-0.

Federal Updates:

Kelsey Newling gave an update since Erin Joyce was not able attend due to a scheduling conflict. The EPA Region 8 Sub-Area Contingency Plans (SACP's) are now finalized and publicly available on the EPA web page. These plans serve as addendums to the Regional Area Contingency Plan (ACP) and focus specifically on oil spill response actions tailored to distinct geographic areas. You can access the finalized

SACPs and related documents directly through the EPA's website:

<https://response.epa.gov/R8RRT>

Brad Eggers gave the update for CISA. The Chemical security inspection program is no longer active so chemical security advisors are no longer with CISA. The program is reorganizing and will refill positions at some point for now. Jim Edman who is based out of Pierre, works on the cyber security side while Rick and Brad work on the physical security side.

LEPC Grant applications – Kelsey Newling DANR:

A summary of the 2025 LEPC grant applications was distributed to all SERC members prior to the meeting. This year, a total of \$81,711.32 was available for distribution. Applications were received from 27 Local Emergency Planning Committees (LEPCs). The applications were reviewed for completeness and accuracy. In cases where information was missing or appeared incorrect, follow-up was conducted with the respective LEPCs to obtain the necessary details. Based on the review, all 27 LEPCs are recommended for approval.

It was noted that a couple LEPCs held four meetings during the year, though not strictly on a quarterly basis. Justifications were provided explaining the deviation.

Dustin Willett had a question about awarding grants to counties that did not have their meetings on a quarterly basis. Steven Blair discussed his legal interpretation of the statutory requirement under SDCL 1-50-10, Subsection 1, Subsection c, requires the Local Emergency Planning Committees (LEPCs) to address the minimum requirements of the program. One requirement is that LEPC's meet once per quarter. Mr. Blair emphasized that statute does not say LEPC's "meet," "satisfy," or "comply with" the requirements. Instead it says "address the minimum requirements." . In his legal opinion, as long as an entity makes a reasonable and legitimate effort to hold quarterly meetings and conducts four meetings in total, it qualifies under the statute.

Dustin Willett expressed concern about that interpretation of the statutory requirements, suggesting that simply "addressing" rather than "meeting" the statute could lead to a slippery slope and open the door to problematic interpretations of all the various requirements. Mr. Willett acknowledged he will be abstaining from voting as he is a member of one of the LEPC's that has applied and is under consideration for a grant. Willett emphasized the need to revisit the idea of updating the statute, noting that previous efforts in 2020 were hindered by a busy legislative schedule. Despite abstaining, he reiterated the importance of addressing the statute to ensure it reflects current needs and expectations.

Chairperson Tina Titze asked for a motion to approve awarding the 27 LEPC Grants. Motioned was made by Andrew Canham and seconded by Trish Kindt with three (Willett, Tostenson, Hinkle) abstaining. The motion passed with 5-0.

Regional Haz Mat Team Update – HLS:

Mike Murphy gave the report. He started in this role in late October/early November and is working with South Dakota Task Force participating agencies. He has also connected with the 82nd Civil Support Team out of Rapid City, a federal resource that

provides extensive training to regional teams. Currently, Mike is leading a revitalization phase aimed at bringing the four teams together to streamline training and equipment requests. In the coming months, Mike plans to conduct site visits to each team to assess their current status and determine how best to support them moving forward, with a focus on improving efficiency.

HMEP Grants, Training and Planning Report:

Rhett Howard from the DPS Office of Emergency Management provided an update on the HMEP 25 grant cycle, which began October 1. Eight subgrantees applied: for 15 training grants, three planning grants, and one equipment purchase. Due to funds of \$20,000 reduction in funding (from \$145,000 to approximately \$125,000), the last three subgrantees—Custer, Hughes Stanley, and Hyde—were deferred and will be prioritized for the next grant cycle in early 2026. Rhett also shared closeout figures for the previous three-year grant period (2022–2024), noting a total of just over \$14,000 in unspent funds from nearly \$350,000. All planned activities were completed, and additional requests were made to help utilize remaining funds. Some previous grants for HMEP 2022–2024 were tapped to further reduce unspent balances. The new three-year grant cycle HMEP 25–27 is now underway, with expectations for another successful run.

Foam Collection Update – Trish Kindt DANR:

Trish gave an update on foam collections throughout the state. The concern surrounding firefighting foam stems from its inclusion of PFAS (per- and polyfluoroalkyl substances), commonly known as "forever chemicals" due to their strong carbon-fluorine bonds that resist breakdown for thousands of years. PFAS are found in many consumer products, including nonstick cookware, waterproof clothing, fast food packaging, and Class B firefighting foam.

The state has been actively collecting Class B foam, prioritizing older formulations with long-chain PFAS due to their higher toxicity. In 2025, 337 entities were contacted and 32 signed foam up for collection. We ultimately collected 2,344 gallons of foam, bringing the total to 6,927 gallons since 2020. The foam was transported by GFL Environmental and incinerated in Ohio. A final report from Antea Group is pending to confirm disposal details. Plans for a third collection round are underway, pending funding, with a focus on airport foam stocks. Additionally, PFAS sampling in water systems will continue. The state is also promoting PFAS-free alternatives, including soy-based foam provided by the South Dakota Soybean Council to participating fire departments.

Public Comment Period:

Other Business:

The next SERC meeting is March 31, 2026, and 10:00 am central time.

Adjourn:

Chairperson Tina Titze asked for a motion to adjourn. Motioned was made by Sean Kruger and seconded by Andrew Canham. A voice vote was requested. Motion carried 8-0.

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