

**MICHIGAN EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW COMMISSION**

**MEETING MINUTES**

**Presentation Room  
Michigan State Police  
4000 Collins Road  
Lansing, Michigan 48910**

**January 9, 2007**

**Approved at 4/10/07 SERC Meeting**

**COMMISSIONERS PRESENT**

Capt. Eddie L. Washington, Jr., Chair  
Brad Deacon  
Burton Eichler  
Kenneth Gembel  
Christopher Johnson  
Tom Martin  
Kenneth Murray  
Ron Nelson  
Gail Novak  
Grace Ranger  
Ida Shelly  
Martha Stanbury  
Arthur Tanis

**COMMISSIONERS EXCUSED ABSENCE**

Amy Butler, Vice Chair  
Gregory Kirt  
Dawn Mills

**OTHERS PRESENT**

Susan Parker, DEQ  
Jim Breuker, MSP/EMHSD  
Sandy Glazier, MSP/EMHSD  
Jackie Hampton, MSP/EMHSD  
Mark Wesley, MSP/EMHSD  
Diane Laban, MSP/EMHSD

- 1. Call Meeting to Order.** Chair Washington wished everyone a Happy New Year and thanked them for coming. The meeting was called to order at 1:40 p.m. by Chair Washington and roll call was taken.
- 2. Approve Agenda.** Chair Washington referred Commissioners to the revised agenda in their information packets and gave them an opportunity to review it. A motion was made by Commissioner Eichler, supported by Commissioner Tanis, to approve the agenda as submitted. Unanimous approval.
- 3. Approve Meeting Minutes.** Chair Washington asked for a motion to approve the October 9, 2006, meeting minutes. A motion was made by Commissioner Deacon, seconded by Commissioner Novak, to approve the minutes. Unanimous approval.
- 4.** Chair Washington directed Commissioners to three hand-outs in their information packets: They included: 1) An updated SERC membership roster containing addresses and phones numbers; 2) a SERC commissioner cell phone list which is confidential; and 3) an LEPC 2007 meeting schedule. Commissioners took this opportunity to make changes on the membership roster and cell phone list. Corrections will be made, and Commissioners will receive the updated versions via e-mail.

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5. **SERC 2007 Meeting Dates:** Chair Washington indicated that in the past, SERC Commission meetings have been scheduled quarterly on the second Tuesday of the month; however, the July quarterly meeting had been eliminated for the past couple of years. The proposed 2007 meeting dates are as follows: April 10; July 10; and during the Fall Summit in October 2007. Chair Washington asked for a motion to approve these dates. Motion was made by Commissioner Eichler, seconded by Commissioner Martin. Unanimous approval.
6. **Acceptance of 302 Site Plans.** Chair Washington referred Commissioners to the list of 302 Site Plans in their information packets. He asked for a motion to adopt the staff's recommendations on the 302 Site Plans that were accepted and paid during the 2005-06 grant year. Motion was made by Commissioner Tanis, supported by Commissioner Eichler, to accept these plans as submitted. Unanimous approval.
7. **MSP/EMHSD Activity Report.**

Ms. Sandy Glazier reported that there were two SARA Title III reporting/planning workshops held at the 2006 Fall Summit. Both workshops were well attended, and feedback was positive regarding their content.

Prior to her retirement, Ms. Bonnie Fighter completed the year-end Activity Report for the 2005-06 HMEP Grant and the Congressional Report of the accomplishments of the Hazardous Materials Emergency Preparedness (HMEP) Grant program for the thirteenth budget period (9/2005 – 9/2006).

The 2005-06 HMEP payments were processed in November 2006. All eligible programs have been paid with the exception of Wayne County. Ms. Glazier reported that she is currently working with the Wayne County Emergency Management Office to obtain a revised grant agreement approved through their Executive Office. Approximately 92 percent (\$96,026) of the planning portion of the HMEP Grant was passed on to the LEPCs from the 2005/06 Grant. This funding provides assistance for the development of plans and other LEPC activities.

Ms. Glazier indicated that Jim Breuker of the MSP/EMHSD Planning Section attended the Fall National Association of SARA Title III Planning Officials (NASTTPO) Conference in Las Vegas, Nevada, November 13–15, 2006. The following information was obtained at the conference:

- The Department of Homeland Security is working on regulation of chemical site security.
- Risk Management Planning for chemical sites (primarily manufacturers) will continue.
- Animal waste operations guidelines are being developed, but these may or may not be regulatory in nature.
- EPA is planning to conduct an LEPC survey some time in the next year.
- EPA is working to remove sand, rock, and other similar materials from the list of substances that Sections 311 and 312 of SARA require for reporting.
- The USDOT is exploring ways to increase the Hazardous Materials Emergency Preparedness (HMEP) Grant funding. It may involve an increase in the fees collected from hazardous materials transporters, but the issue is still in the process.

Ms. Glazier informed Commissioners that Tim London cancelled the Alcona County LEPC meeting scheduled for January 15, 2007, due to the Martin Luther King holiday. The next scheduled meeting is March 19, 2007, at 1:00 p.m.

Ms. Glazier indicated that the MSP/EMHSD received an e-mail requesting comment on the Department of Transportation's proposed rules for requiring railroads to perform a safety and security risk analysis to determine the most appropriate route for shipping hazardous materials. Ms. Glazier will provide additional details regarding this matter for those who request it.

Commissioner Eichler indicated that the Michigan Chemistry Council will likely hold meetings throughout the state in June and July 2007 whereby the railroads will be invited to interact with first responders.

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Commissioner Ranger indicated that she recently viewed an article in the *Flint Journal* regarding new legislation to lower the amount of chemicals which need to be reported, also known as the threshold on TRI (Toxic Release Inventory) reporting. Chair Washington asked Commissioner Granger to obtain the article for distribution to Commissioners for their review and comment. Commissioner Gembel offered to provide a briefing on this topic at the next SERC meeting. Following this, a determination will be made regarding any action required by the SERC Commission.

At this time, Ms. Susan Parker made a suggestion that the 2007 LEPC meeting schedule be posted on the MSP/EMHSD internet website for access by Commissioners and the general public. After some discussion, Chair Washington indicated that he would research the feasibility of this task with his staff and report on the status of this request at the next SERC meeting.

### **8. DEQ Activity Report.**

Ms. Parker distributed a manual titled, "Facilities' Guide to Sara Title III: Emergency Planning and Release Reporting" (December 2006), which is brand new and has been extensively updated. She reported that the new, on-line reporting program, *Tier II Manager*, is not yet loaded on the DEQ server but is expected to be functioning soon. She explained the new process for Tier Two, on-line reporting, and indicated that LEPCs and fire departments in designated counties will have access to the on-line database in their county and immediate surrounding counties. Chair Washington suggested that with the new regionalization concept, fire departments might require access to the entire state. District 6 is researching the possibility of bringing all counties in their district on-line using Homeland Security funding. Chair Washington offered that his staff will assist with this effort.

Ms. Parker reported that the SARA Title III Tier Two workshop on January 16 in Novi, Michigan, is full. There are still openings in the other workshops which include: January 18 in Grand Rapids; January 23 in Mt. Pleasant; and January 25 in Lansing.

Ms. Parker reported that she was unable to attend the Regional SERC Meeting in November 2006. She will obtain a summary report and distribute it to Commissioners at the next SERC -meeting.

### **9. SERC Goals and Objectives.**

Chair Washington reminded Commissioners that at the October 2006 meeting a decision was made to review the SERC Goals and Objectives to consolidate and format them in a way which would identify clear and measurable tasks as needed to be accomplished.

Toward this end, a meeting was held on November 17, 2006, which included Chair Washington, Ms. Jackie Hampton, Commissioner Gail Novak, and Commissioner Art Tanis. It was noted that there was an oversight in not involving Vice Chair Amy Butler in this meeting, as she had expressed interest in participating. Chair Washington indicated that since that time, however, Vice Chair Butler has reviewed the new Goals and Objectives and approved their contents.

Chair Washington directed Commissioners to their information packets which contained three drafts of the SERC Goals and Objectives. The first is the original draft; the second is the draft that was compiled by Commissioners Tanis and Novak; and the third is a proposed final product resulting from the November meeting. These drafts were also provided to Commissioners prior to this meeting to ensure that in the interest of full disclosure, they were aware of what had been consolidated and eliminated.

Commissioners Novak and Tanis thanked Chair Washington and his staff for their hard work in producing this final product. There was agreement on the Mission Statement for the Goals and Objectives, which had not been revised. At this point, Commissioner Tanis made a motion to approve the SERC Goals and Objectives as written. Motion was seconded by Commissioner Shelly. There was unanimous approval.

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Chair Washington indicated that the next step is to formulate committees and subcommittees to assist in addressing the three main goals and incorporate actionable activities under them. After some discussion, the following was decided:

**Goal 1: Provide Outreach and Educate Public Officials:** Commissioner Ken Gembel will chair this committee with the assistance of Commissioners Brad Deacon and Ida Shelly. Chair Washington asked Commissioner Gembel to refer to Commissioners Art Tanis and Chris Johnson as resources for the MML, MAC, and MTA.

**Goal 2: Develop or Update Policy and Procedures:** Commissioners Art Tanis, Gail Novak, and Vice Chair Amy Butler will co-chair this committee.

**Goal 3: Provide Support to Local Emergency Planning Committees (LEPCs):** Commissioners Ken Murray and Dawn Mills will co-chair this committee. Commissioners Ida Shelly and Martha Stanbury will participate as well.

Chair Washington offered assistance regarding the survey portion of this objective, indicating that Commissioners can forward any questions or ideas to Ms. Jackie Hampton, as she can assist with the administrative aspect.

Ms. Parker proposed that she and Ms. Sandy Glazier be invited to all subcommittee meetings to offer input and support. Chair Washington made note of this and indicated that both of their names will be added to each of the subcommittee rosters.

Chair Washington requested that committee chairs prioritize what they hope to accomplish and that a mid point date, prior to the April SERC meeting, be established to assist in staying on task. He indicated that his office would notify Commissioners, via e-mail, with a selected date. Committee chair reports will be an agenda item at the next SERC meeting.

Chair Washington thanked everyone for their participation, but especially for the feedback regarding the establishment of the SERC Goals and Objectives.

### 10. Commissioner Comments.

Commissioner Tanis inquired as to the status of SERC Commissioner appointments. Chair Washington indicated that it is his intention, as an objective under the Policy and Procedures portion of SERC Goals, to develop a strategy for completing this process. Chair Washington indicated that he will move forward with this endeavor and report on his progress at the next meeting.

Commissioner Deacon reported that there were overlapping interests yesterday for the SERC and the Michigan Agri-Business Association regarding chemicals and food processing plant security issues as it relates to both external and, more importantly, internal threats. They are interested in scheduling a particular consultant again who has years of experience ranging from hostage negotiation to hardening of soft targets, and assists human resource programs in recognizing and preventing these types of easy access threats.

Commissioner Murray inquired regarding the status of the situation between Detroit Homeland Security and Wayne County LEPC. Chair Washington offered the following background and update regarding this situation.

There is a discrepancy between the current Wayne County leadership in emergency management and the Wayne County LEPC. The Wayne County Department of Homeland Security and Emergency Management believes they should be part of the Wayne County LEPC structure, and Wayne County LEPC is selecting individuals they believe should be part of their roster. Chair Washington indicated that he met with the Wayne County LEPC, Mr. Steve Szekely, and advised that he would research the status of the appointing authority for LEPC rosters.

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At the October 2006 SERC meeting, Chair Washington advised that as part of the SERC's Goals and Objectives, the Commission would also research the issue to find any supporting documentation indicating the point in time when the state and the SERC Commission took over authority for verifying and certifying each LEPC roster. The position thus far at the state SERC level is that we approve each county's roster and require that rosters be signed off on by the County Executive. However, there is language to support both, so there is still work that needs to be done prior to taking a position on which policy the SERC will support.

Since last fall, Chair Washington has indicated to Mr. Szekely that the state would assist in any manner possible to facilitate agreement between the Wayne County Department of Homeland Security and Emergency Management and the Wayne County LEPC. He also suggested, however, that they involve the two MSP/EMHSD district coordinators, Lt. Walt Davis and Lt. Mike Martinez, to ensure that everyone is communicating properly. Since that time, there have been some misrepresentations which have recently been retracted. Chair Washington stated that it is his understanding that the Wayne County LEPC rejected the compromise proposal that Wayne County offered in this regard, and have therefore made the decision to disband.

In conclusion, Chair Washington offered that the state's position is as follows: 1) We would like the LEPC to remain intact; 2) We have e-mails and voice mails to support the fact that we have been nothing but supportive, so it is our hope that Wayne County LEPC is disbanding because they choose to and not because they believe the state is not being responsive; and most importantly 3) The state does not want to see the Wayne County LEPC disband and are hopeful that the issue can be resolved.

Commissioner Murray indicated that he would be attending a meeting tomorrow whereby the disbandment decision will either be made or postponed. He stated he would do what he could to act as liaison in this situation. Chair Washington noted that he is unable to attend this meeting and thanked Commissioner Murray for his assistance, asking him to pass on the information that was discussed at this meeting.

Commissioner Stanbury reported that it is a big year for exercises in the Department of Community Health. They continue to be perplexed regarding incident command and the whole structure as it applies to public health. She indicated that Mr. Tony Garcia, an MSP/EMHSD HazMat trainer, has been of great assistance with the incident command training.

Commissioner Novak reported that a luncheon/award ceremony is being planned in Livingston County on May 11, 2007, in honor of their 20 year anniversary. They will present the first annual Frank Wilke Excellence Award at this meeting, which is for recognition in community preparedness and continued support of the Oakland County LEPC.

Ms Jackie Hampton announced that the Homeland Security Conference will be held May 8-11, 2007, and the closing speaker this year will be Colin Powell. She advised that there was a request to secure funding for SERC Commissioners, which has been approved, so fees and lodging for the conference will be provided to SERC Commissioners needing this.

### **11. Public Comments.**

There were no public comments.

Chair Washington took this opportunity to introduce Mr. Jim Breuker from the Planning Section of the Michigan State Police, Emergency Management and Homeland Security Division. Mr. Breuker will be incurring Ms. Bonnie Fighter's responsibilities within the Local Planning Unit of the Division and will act as the MSP/EMHSD liaison for the SERC Commission.

### **12. Adjourn.**

Commissioner Tanis made a motion to adjourn the meeting, seconded by Commissioner Eichler. Unanimous approval. Meeting was adjourned at 3:35 p.m.