



Missouri Emergency Response Commission
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Missouri Emergency Response Commission Minutes
SEMA State Emergency Operations Center
2302 Militia Drive
Jefferson City, MO 65101
Conference Call Number: 573-526-4747

1:00 p.m.
March 2, 2023

Welcome/Introductions

Chairman Chris Berndt called the meeting to order at 1:00 p.m.

Commission members Present: Chris Berndt, Cory Jorgenson, Lisa Cardone, Jim Remillard, and Rep. Tim Taylor
Via Conference Call: Rep. Sean Pouche

Staff Present: Stephen McLane, Karla Marshall, Lisa Jobe, Lana Nelson, Sara Allen, and Karen Eagleson
Via Conference Call: Bobbi Kirkpatrick

Guests: Terry Cassil, Alan Cortvrient, Sean Counihan, Matt Loehr, Greg Landwehr, Bill Kidd, Jamie Kidd, Peter Martin, Justin Merritt, and Tammy Snodgrass
Via Conference Call: Nikol Enyart and Stephanie Norton

Minutes from previous meeting:

Cory Jorgensen asked for clarification on the second paragraph on the Emergency Management Director Exclusion Policy section. Karla Marshall clarified what was written. Chris Berndt asked if this needed changed. Cory stated he was satisfied with the explanation.

Lisa Cardone made a motion to accept the minutes for November 27, 2022 as written. Cory Jorgensen seconded. Motion carried.

Consent Agenda and Reports:

All agency reports were provided via email and in the meeting folders except for the Environmental Protection Agency report which was not received. Sara Allen spoke of the packets clipped together in the folders. The packets will be explained later in Old Business.

Cory Jorgensen made a motion to accept the consent agenda for March 2, 2023 and no additional changes to reports. Lisa Cardone seconded. Motion carried.

Old Business

MERC Budget Update

There is information in the meeting packets. There is no up-to-date information. The MERC received the legal interpretation as the million dollar cap refers to the money collected in the year. We generally average around \$890,000 collected annually.

Bill Kidd discussed the number of facilities, lowering fees and the \$1 million cap. Jim Remillard stated conversations are being initiated to increase the cap. Bill Kidd noted the cap needs to be tied to the consumer price index and differentiating between spending authority, increase appropriation spending versus collected. MERC has a 2024 sunset and SEMA will be having those conversations.

Cory Jorgensen made the motion to make a request to be sent to DPS Director Karsten to initiate the process internally to review and send up on the cap increase and spending authority. Lisa Cardone seconded. Motion carried.

Tier II Update

As per Karen, we have made it through the Tier II filing season. The system was glitching on Wednesday of last week but a reset took care of the issue. There are a few little issues. We are meeting with system's programming staff on March 15 for cleanup. There are no major changes. One issue in the system in on page 2 on the Tier II where the system is showing the fax number instead of the 24-hour emergency contact number.

Karen noted there are conflicting state regulations, state rules and federal regulations with regard to the March 1 deadline. The system is set to start adding late fees as of 12:01 a.m. on facilities who are yet to file. We will ask for a 24-hour leeway to 12:01 a.m. on March 2 to allow for those filing on March 1. This is an easy fix while awaiting for clarification from legal. We will push forward after the IT meeting.

As for access to local LEPC/Ds and fire departments, there was a glitch in the system as there were too many people in the system. For the locals, we ask they not attempt to access the system before March 1 or IT will need to increase system availability. Chris Berndt asked how they currently receive their information. Karen and Lana answered by excel spreadsheets or as a PDF on a thumb drive.

LEPD Designation

The designations are completed. As for Pulaski County, Meramec LEPD will be voting to absorb them. If the answer is no, they will be included with Texas, Shannon and Reynolds counties' LEPD.

Sara Allen described the items in her packet for the commissioners regarding the local emergency planning districts (LEPDs). Stephen McLane asked if we should put a

regulation site or commission decision on the items covered in the packet to reference why the documents are required, i.e. the hazmat plan template. Cory and Chris said that is a great idea. Jim Remillard said to make the change so the commissioners can see and decide on it. A reference location will be added. Sara will provide a binder of legislation and necessary items to be a successful LEPD.

EMD Exclusion Policy Repeal Update

Chris requested we keep a close eye on it. MERC will deal with it by having procedures to curtail any negative actions. Sara will develop a letter to explain the situation and the history. Jim wants to review the letter before sending out to the LEPC/LEPDs. A discussion ensued. MERC will look to gain compliance. Sara noted that everything will remain the same until the letter is released.

Region H Contract Issue

Sara noted that some of the counties in Region H are paying more to Buchanan County for the HazMat team than they receive annually through CEPF funds. It appears the contract does not benefit the LEPCs. Region H is not responsible for the hazmat plan. Counties or LEPDs have their own plans. Region H exercise is utilizing the LEOP not the hazmat plan.

Per Director Remillard, this is an educational opportunity on compliance issues in order to receive MERC funding. Chris said to explain what is needed in order to comply and receive funding. Each LEPC/D will need to complete their own hazmat plan.

Stephen McLane will be meeting with Bill Brinton to discuss the issues. They will discuss that each county have their own hazmat plan and compliance requirements. Stephen said they are the last of the Homeland Security Response Team A types. Cost recovery would be local fire departments not hazmat teams. He will use this as an educational opportunity.

2023 Central States HazMat Preparedness and Planning Conference Update

We're having it. The breakout trainers are finalized. All but one instructor is in place. The post conference is in place. We are waiting on bios from instructors. The conference attendee numbers are going up. We are pushing it more. It is a nine state conference including Tribal Emergency Response Commissions. The agenda is finalized. Keynotes are in place. Several from Pipeline and Hazardous Materials Safety Administration, Transcaer, Environmental Protection Agency speakers, Washington DC, Regional Coordinator for Brownfield (tribal too). Pre conference is June 6. Conference is June 7-9, Post conference is in the afternoon/evening of June 9. Other participants noted include: Owner-Operator Independent Drivers Association, Federal Bureau of Investigations, Cybersecurity and Infrastructure Security Agency, Pipelines, Railroads, Ethanol, Lithium Batteries, and assistance with spiller pay.

MERC Logo Update

We will work on this after the meeting.

New Business

Emails from the Executive Director will be sent to all commissioners containing updated information on an as needed basis.

Chris had a question regarding the Division of Fire Safety and the 10% collected by the MERC being sent to DFS. How is this utilized? Greg Landwehr started for training course, certification (as part of training). A lengthy discussion ensued regarding certification as part of training and if the money is being spent correctly. It was noted that HMEP could pay for certification and CEPF for training. Lisa Jobe stated if HMEP pays for certification, less classes would be provided throughout the year. Stephen noted that training is our gig and entities should pay for their peoples' certifications. This issue is being tabled until the June 6, 2023 meeting at the conference.

Chris asked about flow studies and how to make them work. Suggestions were made for contractors, civil organizations, off duty staff. A safe location must be chosen. There was discussion of how and the process. It was also stated that what good is it when some shippers know the laws and ship at a rate less than the required placarded amount. If there are any questions on flow studies, contact Karla Marshall, Karen Eagleson or Sara Allen.

Nikol Enyart from SEMA's Fiscal unit talked about new competitive grant funding for LEPCs/LEPDs. It is a grant for \$1 million in from \$10,000 to \$100,000 increments to make safe communities. Applications went out the last week of February. They are due back March 15th by 4 pm. Awards will take place April 1st. All documentation must be received back by May 15th as the system will shut down

This is a short timeframe, we are aware. The next round will begin in July. There are currently eight pending applications (none complete yet). There is \$1 million for counties in a non-declared disaster.

Disallowed items (on MERC website) are drones, uniforms, food, vehicles. Sara and Stephen have taken a lot of calls. There is discussion of timelines and thanks to the legislature.

Stephen noted for LEPC/LEPDs, only the Chair and Vice Chair have financial authority. What does the policy say? Sara said different LEPCs list various people as signers. Jim requested MERC write recommendations to SEMA to be reviewed and sent the DPS and legal reviews.

The next MERC Commission meeting will be June 6, 2023 at 1 p.m. at the conference. We will cater in food and Karen has a room secured at the conference.

Lisa Cardone motion to adjourn the meeting, Cory Jorgensen seconded. Motion carried.

Meeting adjourned 2:54 p.m.

Respectfully submitted,

Karla Marshall

Chris Berndt, Chairman

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Cory Jorgensen, Vice-Chairman