



Missouri Emergency Response Commission
2302 Militia Drive PO Box 3133
Jefferson City, Missouri 65102
573-751-1700

Missouri Emergency Response Commission Meeting Minutes

Date and Time: 1:00 pm, April 16, 2026

Location:

SEMA Conference Room

WebEx Call In: (650) 479-3207

Meeting number (access code): 2865 560 7595

Meeting password: PmRfXUXq263

Welcome/Introductions

Pete Martin, Lisa Jobe, Kim Brundage, Sean Counihan, Cory Jorgensen, Alex Fisher, Karen Eagleson, Bruce Dewsberry, Glendale Briggs, Greg Landwehr, Teresa Crider, Cassie Hayes, Marcus Casady, Shea Lane, Leigh Kelley, Casidy Cardenas, Mackinley Kennedy, Travis Gregory, Cody Garner, Chief John Trower, Patrick Seamands, Teresa Crider, Jani Albright, Sara Russell, Matt Kennedy, David Holden, Travis Austin, Michelle Kidwell, Mike Cherry, Tim Taylor, Stephen McLane, Tara Swanigan, Kim Vandenberg, Gary Jungerman, Sam Gibson

Minutes from the previous meeting 1-15-26

Motion to Approve: Sean Counihan

Second: Patrick Seamands

Minutes Approved.

Approval of Consent Agenda

Motion to Approve: Sean Counihan

Second: Tim Taylor

Consent Agenda approved.

Old Business:

- **SEMA LEPC/D Grant Update-Pete Martin**

Pete has been working with Ese. Have a few that have not finalized it. Deadline is approaching quickly. Will continue to process applications and will be issuing payments. We have about \$500,000. Ese has done a very good job of getting that together.

- **Li/Ion Batteries Added to Tier II Filing-Karen**

Karen passed out packets at the last meeting. All legislation that was found has to do with hazardous waste. Three states have lowered their amount and put into legislation a reduced amount for EHS reporting at 500 lbs. One of these states listed with lithium being the product and the other two lowered their amount to 100 lbs. That's not changed from the last meeting. Pete Martin made the comment that it is hazardous waste, that it falls to DNR right now and we don't need to move forward at this time. Cory asked Karen if this topic needs to be pushed this to another meeting. Karen feels that we may need to look at it due to the data centers because of the amount for reportable quantities, but we would need to determine a specific amount for mixtures.

Cory Jorgensen, Chairman

Sean Counihan, Vice-Chairman

Sean noticed that some of these states are lumping it in with EHS, some list Li/Ion batteries specifically but not determining between the ones that are in use and the ones that are being saved for recycling. The fire at CMR was the origin of this discussion. That corporate owner had another fire in Illinois recently also. Fire Departments don't know about these facilities and what they have on site and what resources are required to deal with this type of operational situation. Our goal is to help fire departments and emergency management to plan better for these situations. The batteries that are being saved for recycling aren't considered hazardous waste because it's saved for recycling. DNR does not regulate recycling. If we kick it down the road, we might be putting folks at risk. We need to determine what consumer use or bulk is?

Karen indicated the federal regulation states that if it's a recyclable material that comes into a facility, and they are reclaiming it into bulk. They must report that on a Tier II to us as bulk, as it is not deemed hazardous waste when they are using it in another manner. The CMR folks did report to us after the fact. CMR should have filed but did not. If we need something specific, we can do that through legislation by stating that ALL lithium will be reported on Tier II. Maybe this falls on MERC staff to ensure it's being reported. As these data centers gear up, this might become a bigger issue. Cory stated we need to put together a subcommittee on this topic. Pete is tasked with putting together a subcommittee involving MERC staff, Karen agreed to be part of it. Sean or designee from DNR will be on the committee, and we will work on adding others. This subcommittee is being added to the agenda for the next meeting for a report.

New Business:

- **Tier II Filing Season-Pete**

There are still 85 pending payments, which have been filed but not paid. We had 75 who haven't filed. Our office is working towards sending notices and seeking payment from these facilities. Collection amount from the regular season and including late filers, from Jan 1 – April 1 is \$927,961 according to report from our Tier II program. Everything went well with this past season.

- **LEPC/D Procedural Change for Annual Review-Pete**

MERC Commission approved a new layout for new reporting in January meeting. Pete sent out draft copies and is getting feedback from it. He's going to remind everyone to send feedback. Part A, B & C are in one packet now. Pete embedded an excel document for financials. Hopefully it will be beneficial to LEPC/Ds and MERC staff. This will be emailed out in July. We are moving up our return deadline due date in attempt to send out funding sooner. New deadline date will be August 31, 2026. This may conflict with the LEPC/Ds meetings of not being held, during this timeframe. However, we send out notices that will allow LEPC/Ds to hold a special meeting to approve packet.

- **HMEP Meeting with PHMSA Rep**

Nikol is not here so Pete will report. We have been approved to go for year 2 on PHMSA HMEP grant. Pete is working with Nikol on our budget narrative. Everything from Year 2 looks like it will be moving forward and good to go. We had our closeout from the previous meeting with our PHMSA Rep, Ericc. We had spent all our HMEP money and received kudos from her.

- **Bylaws-Lisa Cardone (Sean spoke for her)**

They met as a subcommittee to go over the bylaws, in the packet are the recommended changes or additions to the packet.

Article I - no changes

Article II spell out LEPC/LEPD for first usage

On RSMO-minor change should be all caps on Missouri

Article III - #5 List out 6 members appointed by Governor, and use of letter g

Article IV- no changes

Article V - #8 Meeting minutes- #a draft minutes should be distributed to MERC members with 3 weeks of next meeting. Added letter d. Final meeting minutes shall be posted on MERC website within 1 week of approval by the Commission meeting.

Subcommittee members did approve these changes. Changes are highlighted in yellow on packet.

Motion to vote on approval of these bylaws

Motion to approve: Tim Taylor

Second: Travis Gregory

Motion Approved

We will have a copy of those changes for the next meeting ready to be distributed. As soon as we have them updated, we can send them out to Cory for signature.

- **Vacant Commission Members- Pete**

Four vacant positions. Pete is working with our liaison here; it's just a matter of time until we should see some appointments for our commission. Governor has been making appointments; we are waiting for our turn.

- **Activation Meetings- Pete**

We have made progress from having inactive LEPCs/Ds to more active. We have 9 meetings coming up with LEPCs/Ds. We should get everyone that has been inactive active again hopefully within a year. Chariton, Randolph, Randolph, Barton, Gentry (forthcoming) have been activated. We will visit some counties in the next 2 days and more scheduled in June.

- **CEPF Funding for Foam Disposal-Pete**

Sean and Pete had a prior phone call regarding use of CEPF Funding for foam disposal. Pete has been telling LEPCs to hold off on spending money on foam disposal and spend their money on hazmat planning, training, etc. Hoping federal government will come up with some grant money in the future. Sean suggests that we shouldn't count on the federal budget to come up with any funding for this. EPA funding is being cut by 10 percent or more for all the other programs that they fund in DNR. It would be better to dispose of this foam sooner than later because as the containers age they may become compromised. PFAS is in its infancy of a regulated substance and there are ways to dispose of it now. As time goes on, it may become more expensive to dispose of, and options may be reduced. Right now, they can incinerate the material, that option might not be there in the future, as these incinerators have testing and filtering.

Tim Taylor-as sitting on the budget committee in the House, don't look for extra money from legislature. Prioritize the money you have and dispose of it as you can at this point.

Marcus Casady-We inquired with the State Fire Marshall's office about a year ago. At that time DNR and Fire Marshall were going to set up collection sites. Chief Tim Bean advised him a few months this was still in the works, and he has not heard, but keep it stored. Sean stated this was a pitfall that DNR has incurred. They have been working on this for the past few years. The money has fallen through for each of the past two years. DNR had been promoting that at the LEPC meetings, but the money has been falling through. At that time, when Director McClane was here, we talked about letting them use CEPF funds to dispose of and buy new foam to replace it. Travis Gregory- How many smaller LEPCs can afford the disposal, yet alone the replacement?

It costs about \$4 per gallon to destroy the foam. LEPCs can use the state hazardous waste disposal contract price. There are 4-5 vendors on that contract. There could be a cost share deal between LEPC and FD but that would be decided on local level. Every vendor will charge a mobilization fee. If multiple communities wanted to come together for a bulk collection site, they might get a deal with the vendors, etc.

AFFF foam is not a regulated substance yet, so no issues with transporting it at this point from a DOT standpoint.

Tim Taylor- at the capital they are inundated with folks who are concerned about PFAS and the environment. Has anyone considered seeking funding from environmental groups, grants through environmental groups.

Greg with DFS- has anyone looked into a class action lawsuit where states, cities, etc. have put in a class action suit for these PFAS approaching billions of dollars in settlements.

Marcus Casady-You cannot get an SDS sheet from 3M on this AFFF foam. If anyone has an SDS sheet for this, please share it with everyone. Casady has an SDS sheet for ARFFF foam, he will share, and Pete can push it out with his info sheet.

Pete will have something put together before the next meeting to push out.

They asked DNR to push out some information to the LEPCs about cost for disposal and vendor list.

- **NASTTPO Conference-Pete**

Pete, Lana and Leann will be heading out at the end of the month to the NASTTPO conference in Billings, MT.

- **GIS Map- Pete**

Lucius and Pete have been working on a LEPC/LEPD map that will be on our website in the next few weeks. Pete would like to use our website for more of an educational resource.

Partner Agency Reports

- DHSS-No changes
- DFS- We have overextended CEPF funding that was allocated for this year. However, we will use Fire Education funding to cover overextended amount for courses. Appreciate the support to DFS from MERC
- EPA
- MoDNR-No Changes
- 7th CST- No changes

MERC Staff reports

- CEPF- If not previously discussed
- HMEP- If not previously discussed

Director Items

- Attendance at LEPC/D Meetings
- Pete expressed kudos to MERC staff-work is being appreciated and positive comments are coming in to him via phone calls or emails.
- MERC Commission Direction- Pete has been here 7 months. Do you have feedback on direction or ways to move forward.

- Fiscal Report- if not previously discussed. We should have greater collection for this fiscal year than last year. CEPF distribution should be larger than the special collection distribution.

Update from Tim Taylor-Trying to get GIS advisory council established. They are close to getting that passed this year. That should help a great deal across the state for geospatial organizing.

Motion to end the meeting

Motion: Sean Counihan

Second: Tim Taylor

Meeting adjourned.

Next Meeting:

July 16, 2026, at SEMA

Time: 10:00 A.M. (Lunch provided)