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**Missouri Emergency Response Commission**

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Missouri Emergency Response Commission Agenda

Missouri Emergency Response Conference Room/WebEx

2302 Militia Drive

Jefferson City, MO 65102

WebEx Conference Call Number: 650-479-3207

Meeting number (access code): 177 25 8938  
Meeting password: yFjdsxe4578

10:00 a.m.

July 22, 2021

**Welcome/Introductions**

Commission members Present: Bill Brinton, Brian Allen, Lisa Cardone, Chris Berndt and Jim Remillard, via WebEX: Rep. Sean Pouche

Staff Present: Mike Harris, Lana Nelson, Karen Eagleson, Lisa Jobe, Whitt Kellough, Sara Allen and Kiana Needy. Karla Marshall via WebEX

Guests: Aaron Schmidt, Brad Harris, Alan Cortvrient, Dave Hensley, and Keith Henke. Hannah Wichern on WebEX

**Minutes from previous meeting:**

Brian Allen made a motion to accept the May 27, 2021 minutes as written. Lisa Cardone seconded. Motion carried.

**Reports:**

**Environmental Protection Agency:**

Dave Hensley stated nothing to add to his report sent to the MERC and Commissioners except they are working on a fire from April, 2021.

**Department of Natural Resources:**

No additional information to the provided report, according to Brad Harris, except they continue working with the two high-profile incidents highlighted in their report.

**Division of Fire Safety:**

Fire Safety provided a written report which was sent to the Commissioners. They were unable to attend due to prior obligations.

**Department of Health and Senior Services**

Keith Henke noted that Governor Parson made two announcements. DHSS has a new director, Donald Kauerauf. Director Kauerauf hails from Illinois and has 30 years of state government experience. Also announced is the state incentive plan to increase the COVID 19 vaccination rate in Missouri. The site is [www.mostopcovid.com/win](http://www.mostopcovid.com/win).

**MERC Director Report**

Financials as of July 1, 2021: The report was provided to all Commissioner’s at the meeting. A synopsis is below:

**MERC**

Tier II Payments Received $ 785,893.00

Damage Funds Received $ 435.06

Interest Expenditures $ 3,205.15

Total MERC Funds $ 780,013.51

Carry over funds $ 44,277.39

Total MERC Cash Balance-1st Qtr. 2022 $ 833,811.98

**HMEP**

Year 2 funds $ 310,249.00

Expenses $ 259,209.32

HMEP balance $ 51,039.68

Total Remaining All Years: $ 279,058.94

**EPCRA/Tier II Section, Lana Nelson and Karen Eagleson:** The baseTier II system is working, but still has several problems with the system that is in need of being fixed prior to the next Tier II season. Late fees were reported to be fixed for next year’s reporting. Several other system shortfalls are being addressed and should be ready for the next season.

**Training and Exercise Section, Lisa Job and Whitt Kellough:** Training has been busy. From May 1 through July 22, 2021, the MERC has held 27 classes and trained 300 people. Training is being scheduled for October and November dates now. Whitt has taken over exercises and working with the LEPCs. HMEP applications will be sent out between August and September.

The HazMat Symposium is scheduled for May 4-6, 2022 at the Hilton Garden Inn in Columbia, Missouri. Details will come later.

The HazMat Team Advisory Group had their first meeting. Capability surveys have been sent and most responses have been received. We received updated contact information as in many incidences it was outdated. There was an issue in Johnson County with a tanker rollover at a roundabout with a fuel release. Whiteman AFB could not respond as their team was already working. Two other HazMat teams declined. Kansas City eventually responded but with a one-hour delay for travel. DNR also responded. MERC Director Harris stated that hazmat teams declining was disturbing. Lisa Jobe noted that staffing can be an issue for the teams. Director Harris said this is proof as to why we want to be more involved in assisting the hazmat teams.

Lisa said the MERC has a table at the Missouri State Fair as we are partnering with DNR on the grounds of the Women’s Building. Our instructors, many who are firefighters, will work our booth on August 14 as it is Firefighter/Law Enforcement Day and their family members can get in for $1.00. MERC staff will operate the booth on August 19 on the Governor and Legislators Day.

**LEPC/Planning Section, Sara Allen:** Sara provided packets of information to the Commission at the meeting. She went over all the documents in her packets. She is working with counties who’ve reached out after the passing of the deadline for submission and its extension. Sara noted that in approximately 98% of the applications received have an issue. Brian Allen asked for clarification. Sara gave examples of missing items, wrong signatures, spending on non-LEPC related. There are common issues throughout and many of the issues have been resolved.

Sara noted a few serious concerns such as LEPCs accepting CARES funds and Act, spending on non-LEPC items and also LEPCs being used at a middle man with funds funneled through for other projects. There will be more stringent guidelines forward with regard to spending. After a purchase is approved, the LEPC/D will send in a proposal to the Executive Director of the MERC who will have the authority to either approve or decline the purchase by the LEPC/D.

LEPC/LEPD Issues Update: All LEPD’s are operating according to Federal and State Statutes, State Regulations and MERC Policies.

We are currently still assisting the LEPCs to reorganize and operate according to the laws, regulations and MERC policies. As FY2021 CEPF applications continue to be reviewed, the MERC is guiding the LEPCs to watch their spending and ensure that it follows the laws, regulations and policies. This is still going to be a long process to ensure that all LEPCs are operating correctly. We are continuing to use this time to educate, assist and guide the LEPCs into compliance.

With regard to the Planning Section, Sara will be sending out an email on Monday to request the latest approved Hazardous Material Plan. She will use these to review instead of waiting on plans. This will be utilized to help the counties remain compliant.

Sara will discuss the LEPC/D surveys in Old Business.

**Old Business**

**Hazardous Materials Regional Response Team(s) Update**

The Hazardous Materials Response Teams Support Program is moving forward as planned at this time. The MERC has completed the current active team surveys and we are getting some great information. The MERC is working with members of the Advisory Committee to start developing criteria for the Grant application process and requirements needed for grant approval. The MERC Executive Director is working with SEMA and DPS officials on appropriations for the initial amount of funds that will be available for the teams to apply for. At this time, the Hazmat Response Teams Support Program is estimated to begin providing support during FY2024.

The advisory committee has another meeting on September 20, 2021. The surveys Lisa Jobe sent out have been returned minus two or three. At the next meeting there should be a full committee. The program is coming along.

**MERC By Laws Review and Approval**

Lisa Cardone moved to approve the MERC By-Laws as rewritten by Brian Allen, with the change of fiscal year to follow the state fiscal year (July 1 – June 30), with proper citation and nomenclature, and grammatical changes. Chris Berndt seconded. Motion carried.

**LEPD County Service and LEPD Designations**

Sara Allen, LEPC/LEPD/Planning Coordinator presented information for the county surveys on LEPD designation for those counties who do not have enough support to have a quorum or enough required members for an actual active LEPC. Sara stated there are concerns for rural and small counties. Everyone wants to make sure they are represented by a LEPD if they join.

Current LEPDs in Missouri are strong and moving forward (i.e., MARC and Bootheel). In the original 1986 EPCRA the Governor appoints the MERC. The MERC then designates the LEPDs and appoints LEPCs. Per Mike, the closest LEPC and LEPD programs to Missouri’s is California with 6 LEPCs. Florida as 10 LEPCs. In Illinois all counties have a LEPC/D. New Hampshire has 1 LEPC for the entire state. Mike doesn’t want to take away strong LEPCs. He asked, “Do we take small counties and group with each other or take by region?” After a lengthy discussion the Commission voted and approved a measure for the Executive Director to establish Local Emergency Planning Districts (LEPD) according to current SEMA Response Regions. All active and inactive LEPCs will have the option to join the LEPD but it will not be mandatory.

Chris Berndt motioned to form LEPDs by region and leave the current LEPDs as is. Lisa Cardone seconded. Motion carried.

**Revisiting the EMD exclusion policy**

Chairman Brinton mentioned that the MoEMA Board has lots of questions about this policy. If the MERC Commission reinstates EMDS then MERC will need to do watch the LEPCs and LEPDs more closely through compliance checks and audits. From a county perspective, Chris Berndt noted more direction is needed from the MERC. Executive Director Harris said the new LEPC 101 class that has been developed will help and he will be presenting it himself. Chairman Brinton said that in his region, the EMDs set the meetings, do the minutes, etc.

Lisa Cardone motioned to allow EMDs to fill any position in the LEPC/LEPD. Chris Berndt seconded. Motion carried.

The MERC needs to supervise the LEPCs and LEPDs more closely.

The EMD Exclusion policy will not be officially repealed until this decision has been reviewed by the Director of the Department of Public Safety (DPS). The DPS Director must approve of the Commission’s decision to repeal the policy, or disapprove the repeal of the policy with an explanation for the disapproval. Until the Commission decision to repeal the EMD Exclusion policy is approved by the Director of DPS, the policy will still be in effect and enforced, as it is currently listed. As soon as the MERC receives the DPS Director’s review decision, it will be announced.

**New Business**

**Elect Commission Chairperson and Vice Chairperson**

Vice Chairman Brian Allen called for nominations for Chairperson of the MERC for one year. Lisa Cardone nominated Bill Brinton. Bill accepted the nominations. With no other nominations, Chris Berndt seconded the nomination. With no further discussion, Bill Brinton was elected as the MERC Chairman.

Chairman Brinton then called for nominations for Vice Chairperson of the MERC for one year. Chris Berndt was nominated for Vice Chair by Lisa Cardone. Brian Allen seconded. With no further discussion, Chris Berndt was elected as the MERC Vice Chairman.

**MERC Leadership Manuals**

MERC Leadership Manuals have been distributed to all Commissioners. This is a book for all things MERC and is provided as a benefit to all with all the laws, regulations and policies pertaining to the MERC.

**Chairman’s email**

Per Chairman Brinton postponed this allowing all to read through the concerns and discuss at the next MERC meeting.

**New Legislation**

The MERC Executive Director has been working with DPS Legal and the Legislative Liaison to get new legislation written into the statutes. The new legislation will:

1. Clarify the rolls and responsibilities of the MERC, MERC Administrative Staff, the LEPDs and the LEPCs.
2. Raise the $1,000,000.00 fee cap to $3,000,000.00 and adds language giving the ability for the Commission to review both the fees and the cap during legislative review, or every 6 years, and gives the Commission the ability to review the cap during economic hardships or inflation and during declared state and national emergencies such as the current pandemic.
3. Enact an amendment giving the LEPCs and LEPDs Expanded Capabilities for all hazards issues as long as the LEPCs or LEPDs ensure that the first priority is to the EPCRA and must carry out their responsibilities to the Federal and State acts before going into an All Hazards session.
4. Expanded Capabilities Grant, gives an incentive for LEPCs and LEPDs to ensure compliance to the State and Federal EPCRA by granting an award to compliant programs to expend funds on All Hazards issues the CEPF does not allow.

**LEPC/LEPD Leadership Term Limits**

Mike stated this was brought to him by members of several LEPCs. There are people who would like to serve as the Chair however the same person always gets reelected. Discussion on enacting term limits for the Chair and Vice Chair occurred. Lisa Cardone didn’t think it was a good idea as some like going to the meeting but don’t wish to run them. Bill Brinton stated he’s not had this issue come up in Region H. After the discussion, there was no motion, therefore moving on.

**Discussed during Old Business.**

The Commission voted to allow the MERC Executive Director to form a LEPC/LEPD Advisory Committee. This committee will be comprised of One Member and One Alternate from each SEMA Region. This Advisory Committee would bring issues, concerns, topics and advice to the MERC Executive Director, who will in turn report those discussions to the Commission. This will give a voice to the LEPCs and LEPDs they did not have before and will allow them to get issues before the Commission without having to go through the process of requesting to be put on the agenda and then attending a meeting. The Advisory Committee Members will be voted in to serve a two year term during the MERC LEPC/HAZMAT Conference. The next Conference will be in May of 2022. Their term will commence on July 1, 2022.

Lisa Cardone made a motion to form the LEPC/LEPD Advisory Committee. Brian Allen seconded. Motion carried

**Agenda and Documents approval**

For this and future meetings, the MERC will send out all report and the agenda to the Commission for prior review and approval. This is to help streamline the meetings and allowing our agency partners to provide updates in lieu of the entire report provided.

**MERC LEPC Conference**

The MERC will host a LEPC/HAZMAT Conference on May 4th, 5th, and 6th of 2022. It will be held at the Hilton Garden Inn in Columbia, MO. The MERC Administrative Staff is currently working to finalize the venue, guests and speakers, as well as demonstrations by the 7th WMD CST and displays by various HAZMAT Response Teams across the state. The MERC is also working on Vendors and sponsors as well.

Brian Allen motioned to approve the conference. Lisa Cardone seconded. Motion carried

Mike stated that Brian Allen is leaving the Commission. His efforts are greatly appreciated. A certificate of appreciation was presented to Brian for his six years and 10 months of service to the Commission. Brian said to keep doing what you’re doing. He introduced Aaron Schmidt as the person taking over his slot for DNR. Welcome Aaron to Commission.

Lunch was provided. A video from EPA, ”Protecting Communities from Chemical Accidents – Emergency Planning and Community Right to Know” was viewed.

The next MERC meeting will be the fourth Thursday in October, October 22, 2021 at 10 a.m. on the SEOC Floor at SEMA.

Lisa Cardone motioned to adjourn the meeting. Brian Allen seconded. Motion carried. Meeting adjourned at 1:05 pm.

Respectfully Submitted,

Karla Marshall