



Missouri Emergency Response Commission

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Jefferson City, Missouri 65102

573-526-9113

Date and Time: 1:00 p.m. September 21, 2023

Location:

Governor's Office Building

Room 470

200 Madison Street

Jefferson City MO

WebEx Call In: (650) 479-3207 Meeting #: 2633 372 0177 Password: MERC23

Attendees:

Karen Eagleson, Lana Nelson, Kelby Kornrumpf, Paige Lewis, Lynn Schmitz, Lisa Jobe, Sara Allen, Stephen McLane, Jim Remillard, Sean Counihan, Patrick Seamands, Aaron Schmidt, Chris Berndt, Cory Jorgensen, Matt Luetkemeyer, Cody Garner, Matt Loehr, Mark Kempker, Robert Bowen, Lisa Cardone

Online: Brandon Jenson, Pete Martin, Stephanie Norton, Stephen Pierce, Hector Silva, Bruce Dewsberry

Minutes:

Approval of Minutes

Motion: Cory Jorgensen

Second: Aaron Schmidt

Approval of Consent Agenda:

Motion: Lisa Cardone

Second: Patrick Seamands

Old Business:

MERC still has a staff opening for full time employee. Karla's position is still vacant. We will soon fill that position.

- Update on MERC Budget & Staffing: We have hired two new staff members. Paige Lewis is a contract employee who will assist with training. Kelby Kornrumpf is a part time employee. He has a degree in graphic design. He has been working on the tanks database.

- Budget: We collected somewhere near \$985,000. This is very near the million dollar cap. With Kelby's tank project and Karen's marina project, we may be near the million dollar cap. We are looking at maybe doing a credit on future Tier IIs if we do have to give a refund. This won't be sustainable for very long but might serve as a stopgap measure.
- Update on Tier II System Update: This system is still full of problems. There's a handout here that has the problems outlined. It's painful for the filers as well as the end users. It's painful in the middle for MERC staff also. We have spent almost \$200,000 on this system. We haven't given this list to IT yet to see what this list of 18 fixes will cost.

Chris Berndt asked if there are any other options out there for Tier II systems. Stephen and Karen indicated that there are some. There's a group out of TX that has E-Plan. It doesn't work perfectly for us. There is also the Tier II EPA system called Tier II Submit. They can customize the system to work with our Missouri fee structure. They couldn't tell us how much it would cost to make us a Missouri page. Non-officially Stephen was told that it would cost around \$25K to update the Tier II system to be compatible with Missouri's system.

Some pros of this system:

- It ties into CAMEO
- There are some mapping capabilities

Some Cons:

- We've spent \$200,000 plus on a system that doesn't work. However there are more than 25 other states using it and it works for them.

Patrick Seamands said he remembers that we were strong-armed into using OA ITSD for this system. Jim Remillard said we may be stuck with this system and we may not be stuck with this system. He said we need to sit down with OAITSD and see what it will cost to fix this system. Part of these 18 items might need to be fixed by OAITSD for nothing because they should have been fixed already.

Aaron Schmidt said at DNR we are seeing that there's a lot of infrastructure money coming in right now. If you go external, make sure you can get a definite timeline for completion because some of the state agencies are getting promises that can't be kept.

Jim Remillard suggested that we talk to some other states that are similar in size to Missouri as far as users to make sure they can fix it for \$25,000 or somewhere near that.

Stephen said we met with a filer recently who has been vocal about their problems with the system. This filer gave us a 1 inch notebook of emails between us, OA and the company. Karen is going through these emails to see if this is fixed for the company. It's frustrating for us, the filers and the response community who is trying to sort through and use the data.

In summary, it's still messed up but we are working on it.

- Update on LEPD Designation: After the 29th all compliance meetings will be completed. We have some additions and removals from LEPDs. This will probably be a perpetual agenda item. Just know we will have vetted that request before we bring it to the commission.

Patrick asked if there was a sequence of priority in setting up the compliance meetings. Sara said she went with whatever dates worked with the most people in that LEPD.

All Compliance meetings are done except for Gentry & Dekalb Counties, that one had to be rescheduled.

- Definition of Training as Defined in Statute: We had some discussion in the past 2 meetings as to what's the definition of training. The question is whether DFS is using their 10% of funds in accordance to state law. They get about \$80K and last year they spent \$20K plus on LMS, \$10K on certification and the rest was used for training classes. The questions were "can they use the money for their certification and for use of their LMS system". DPS legal interpreted the standard and said "yes they can" use that money for those 2 training related functions.
- Use of 10% funding by DFS for Certifications & LMS System: DPS legal stated that they can use it this way.
- Discussion of CEPF fund distribution to Counties:

In your packet is a list of counties who did not get their CEPF funds due to not meeting the requirements or not applying for it. There's about \$100K left in that fund of LEPCs/Ds that didn't get their CEPF funds. The law says that the MERC is supposed to see if the funds are being used correctly. This implies an audit needs to occur. Long ago we decided to do it in the front end to require an application to make sure the money is used on the front end to be sure they used it appropriately. This is their money that they are entitled to under the law. We are just making sure they are using it appropriately on the front end rather than conducting an audit and going after them to get it back.

An example is that Howard County is now part of Boonslick. Howard had not asked for their money for a few years. They are part of an LEPD now and will get their money most likely due to the LEPD doing the compliance part of it. We have a problem of allocation vs. money in the account. We are only allocated \$700K of money and we have to cut it off somewhere. There's one county (Franklin) in limbo due to a paperwork negotiation. After that, we should be caught up.

This list of counties who aren't asking for their money is much smaller than previously. We expect to whittle this down dramatically by next year. We are getting more compliance with these LEPD partnerships.

Bruce Dewsberry (Henry County) has raised his hand. What is the status of our county? Sara said she has already finished it with Paula and it's all resolved. Everything has been resolved and it's finished. Bruce asked Sara to send a re-affirmation to Paula.

- Discussion of Region H Hazmat: Region H hazmat has a contract with the counties in Region H, they bill the counties \$.25 per person based off the census. In some counties the LEPC pays the bill and in some counties, the county commission pays this bill. In 2 counties, the LEPC fund is negative due to this fee. They can't pay for meals, they can't apply for CEPF, and they can't apply for LEPC/D grant.

This is a local issue, this is an allowed expense. We have 2 counties that have formed an LEPD. We are working with legal to draft a letter saying that the LEPD money is not the county money. Not an ideal situation but the commission has no say in how this goes on.

Chris Berndt re-iterated that we don't like this but we don't really have anything to say about whether they can pay this or not. This is a local issue, not something that we have any say about it.

➤ Discussion of the LEPC/LEPD Grant:

This grant was released on 9/1/23, they have until tomorrow to submit requests. We are seeing them trickle in. We suspect that there will be more requests than funds. Staff will go through the applications and use a system similar to the EMPG process where it will help more people, it will get higher priority. Meramec applied for boom & pad and stationed it all along I-44. They will do this as a one-time fee then will use the spill bill to get the boom and pad replaced when there is a spill. There are some hazmat teams that need to replace outdated equipment. The staff will have a harder time this time because we probably will have more requests than funds. After 10/1/23 we will start the process of awarding the grant.

Chris Berndt asked: Where did the money come from?

Jim Remillard: Came from the Governor and legislature through general revenue. It re-ups every budget year. We need to be very cautious and transparent about how this money will be spent.

➤ Discussion on the Direction of the Commission on How the MERC is to Proceed with Plan Creation/Review:

In the past it was our mission to re-write every hazmat plan. Tim Gablehouse advised MERC at the Central Missouri hazmat conference and NASTTPO that we might not want to do this because we are then taking on liabilities especially in the area of social justice.

We have 3 options;

1. We write everyone's hazmat plan
2. We review the plans like in the past making sure they are compliant with federal and state law but they are the local plan
3. We get out of the plan business altogether and tell them they have a plan and make sure it's part of the CEPP application.

Corey asked if this has a crossover to the sensitive population.

Stephen said yes it does.

Mark Kempker from Hannibal said he is forming a committee in NEMO asking someone from each county and major players to sit down to update the plan.

Stephen: What direction does the commission want our staff to go when it comes to plans?

The regulations require that there is a plan, they have to be reviewed, and they have to follow the compliance requirements set up by federal.

We have a checklist that we can provide. A concern Stephen has with a checklist is that they try to fill in the blanks on the checklist and they don't really have a plan.

Jim Remillard said that by reviewing the plans, are you taking on responsibility for the plan?

Sara said all they have to do is turn in **A PLAN**.

State law says they just have to have a plan. No specifics. They have met that requirement. The federal side has more requirements. They say 2 different things. From a federal EPCRA standpoint, there are several requirements. EPCRA hasn't been updated in several years.

All we do for CEPP is asking if the LEPC has a plan or not.

Patrick asked: Does the template address the susceptible populations?

Stephen said: It just says it should address that as well.

Remillard-If we provided a template and checklist that would be a good starting point. What does the LEPC audience here think about this?

Commission is saying the MERC is not writing a plan, will provide a template. Everyone will just follow the template or use that to write a plan to meet the federal requirements. When they submit it, we can provide recommendations to meet federal EPCRA.

Motion: Jim Remillard

Second: Lisa Cardone

➤ FY 2024 NDI and Sunset of Fee Structure and Law Revisions

No changes will be made, the only request that will be made is to review our fee structure. The OA Attorney and Stephen reviewed the state rules to see if we could make any changes through rules. Our rules mirror state law so closely, we are stuck with the current process. We have started the process for the sunset to ensure that the fee is brought before the legislators for approval/debate, etc.

New Business:

➤ Request: Request financials from LEPC/D and/or County Treasurer from LEPC/Ds that do not submit an annual compliance application

If Sara has a county that does not submit a CEPF, does she have permission to contact county treasurers to make sure the money is being spent how it's supposed to be. If we don't get a CEPF, we don't know what they're spending it on. We have counties out there who have funds but don't submit CEPF applications anymore.

1. Do you still want us to verify that funds are being spent correctly even if they aren't submitting CEPF applications?

Jim Remillard: Can we table this discussion to the next meeting so MERC can have some conversations with DPS attorney? DPS attorney, SEMA & MERC will work on wording.

➤ Request: LEPC/D Expense Guidelines

To provide a clear & specific set of guidelines to LEPC/Ds on what funds can and cannot be spent on. This should prevent the "we didn't know or we thought that..." issues.

We would like to have a firm yes/no list on expenditures.

Where does this current list of yes/no's come from? Previous directors, the "commission said," etc. A lot of the list comes from statute.

No decision needed at this meeting. Just want to start the decision.

Corey is asking if we could put a committee together of folks who are well versed to look at the list. Then a "committee of your peers" has come up with this list, not just "MERC Director."

Stephanie asked to make a comment: in the past we were allowed to purchase things, but couldn't use LEPC funds for sustainment.

Matt Loehr: I've seen a lot of high dollar equipment sitting in the back of a fire station because they don't know how to use it or they can't calibrate it. In the military, we get in some trouble by letting some folks buy but not allow others who do similar things.

MERC will take this list back, massage it some more & bring it back.

➤ Request LEPD to Withdraw Petition:

Hickory County and St Clair County have submitted petitions to request withdrawing from the Northwest Tri-Lakes LEPD.

Motion to approve the withdrawals.

Lisa Cardone: Motion to approve the withdrawals

Aaron Schmidt: Second

Motion Passed.

➤ Request: Deadline for New LEPDs to have Funds Transferred to the Designated Financial Location

Does the commission want to set a deadline to have funds transferred from the LEPC to the LEPD by a certain date? Not all county treasuries understand that these funds aren't county funds and the county commission has no control over these funds. We have LEPDs who can't agree or don't trust their counties and want to move the money into a private bank. They are eligible to do this according to the law.

Six months seems like plenty of time to get the funds transferred. Maybe a year, or 9 months or whenever. The commission needs to set a deadline date to get the funds transferred.

We may have a few counties who will request to withdraw from LEPD before they transfer the money.

Motion to use December 31, 2023 for LEPCs to transfer funds to the new LEPDs.

Motion: Lisa Cardone

Second: Patrick Seamands

Request: A Rule Be Placed That No Spending Until Transfers Have Been Completed

Does the commission want to tell the LEPDs that they can't spend any funds until the money is transferred?

Motion to Allow the individual LEPCs joining LEPDs to work out their own financials.

Motion: Jim Remillard

Second: Lisa Cardone

Motion carried.

MERC Staff Reports

CEPF-A little behind in applications, they are due on the 9/30/23.

HMEP-WE got our SOPs submitted, we have end of year compliance meeting coming up. We have 6 classes or so to finish. We are waiting to see what next year's grant will be. We may not know for quite some time. In years past, they have submitted the funds in advance tentatively. We released the training grant request digitally this year as an online form rather than paper. We are getting requests back already. We had some extra money leftover from last year's money that was allocated to the central states conference. We offered battery classes & ERDSS classes that replaces WISER. We had 4 of the 5 classes with a waitlist that was managed up until the day of the class. We had to have security at the door to make sure we didn't let people in who weren't signed up. We have identified classes for Winter Fire School also and they will offer battery classes there also.

Data Report- Stephen has been working with our GIS folks on some new tools.

- LEPC Contact Map: How does a local figure out who their LEPC is? We have created a web application that is on our website and you can go by county or SEMA region and click on your county & it brings up the current LEPC leadership, etc.

DNR commented that they are using it and they love it.

Patrick asked how many LEPCs/Ds have their own website. Some do, some piggyback off their EMD website, some have Facebook pages.

- Tier II Data Map:
There is no data verification in the Tier II system. That's why we have almost a mirror image of the state of Missouri in china. It's because the filers put in bogus lat/long information and there's no data verification.
- State Training locations:
Map of where we have done training and the size of the triangle represents how many people were trained. There are definitely holes where we don't provide training.
- Hazmat Teams:
Map of Missouri's hazmat teams. Red stars are where the hazmat teams are located. The green patches indicate 2 hours' drive time from any spot in Missouri. There are holes in Missouri that are farther than 2 hours from any hazmat team. Hazmat teams have been allocated historically by region and hazmat teams couldn't cross regional boundaries. There are gaps. We want to be able to overlay the Tier II facilities with this map. We would also like to overlay the training map with the Hazmat Team map. We are working internally on data points that we can put in a map like this. We need this to prove how important what the MERC is doing is.

Partner Agency Reports

***DHSS**

***DFS**

***EPA**

***MODNR**

*7th CST- Over the last quarter, did an exercise in Jeff City, Nebraska, worked PGA event, Arrowhead concerts, Chiefs games, MU, Branson exercise, Independence exercise by end of year. DOE coming in next June to do DOE Raptor Training.

Next Meeting:

How often do you want to meet? Do we want to have longer meetings quarterly or shorter meetings more often?

Do we want to do a special WebEx meeting when issues arise?

Jim Remillard would rather stick to quarterly meetings. Try to be respectful of travel time and other state agencies who are donating time.

We would like to have a set meeting time of month where we always meet on 3rd Thursday or something similar.

Trying to get this group together & a conference room on this date is difficult.

Stephen will come up with a calendar idea & send it out to the group.

We will shoot for Tuesdays, Wednesdays & Thursdays. Next meeting will be sometime in January 2024.

Motion to Adjourn

Motion: Cory Jorgensen

2nd: Lisa Cardone

Meeting adjourned 3:25 pm