

LOUISIANA EMERGENCY RESPONSE COMMISSION
POST OFFICE BOX 66168
BATON ROUGE, LOUISIANA 70896

MINUTES OF THE REGULAR MEETING OF THE
LOUISIANA EMERGENCY RESPONSE COMMISSION

March 17, 2010
10:00 a.m.
Louisiana State Police Headquarters
7919 Independence Blvd.
Conference Room B
Baton Rouge, LA

The regular meeting of the LERC was held at Louisiana State Police Headquarters on March 17, 2010 at 10:00 a.m. In the absence of Lt. Col. Brian Wynne, Major Dewayne White called the meeting to order at 10:04 a.m. Ms. Susan Shows, LSP Right to Know Unit, called the Roll. The following members were present: Mr. Steve Dennis, Mr. Jeffrey Gleason, Mr. Roland Guidry, Mr. Chris Guilbeaux, Designee for Mr. Mark Cooper, Chief Samuel Halphen, Jr., Ms. Peggy Hatch, Mr. Paul Naquin, Dr. Brent Robbins, Sgt. Chris Rushing, Mr. Richard A. Webre, and Major Dewayne White.

The following members were absent: Colonel Mike Edmonson, Mayor Hiram Copeland, Chief Jeremy Cryer, Chief Bobby Black, Sheriff Willy Martin, Col. Pat Santos, Dr. Mike Strain, Senator Mike Walsworth and Representative Mack "Bodi" White.

Visitors present were: Mr. Richard Browning, LSU FETI, Mr. Jeff Meyers, LDEQ, Sgt. Ray Meyers, LSP ES, Mr. Glenn Miller, LDEQ, and Ms. Karen Price, LDEQ.

Members of the LSP-RTK Unit: Mr. Gene Dunegan, Ms. Wanita Pepper, and Ms. Susan Shows.

LSP Legal Staff: Mr. Paul Schexnayder

Ms. Susan Shows, RTK Unit, completed the roll call.

Major Dewayne White confirmed that a quorum was present.

A motion was made by Mr. Richard Webre to accept the written minutes of September 20, 2009. Seconded by Mr. Roland Guidry. No opposition, motion carried.

COMMITTEE REPORTS:

Long Range Planning - No report. Lt. Col. Wynne, Long Range Committee Planning committee chairman, was unable to attend the meeting today.

Emergency Plans Review – Mr. Mitchell Jacobs, Emergency Planner of the Governor’s Office of Homeland Security, presented the first quarter’s report of 2010 emergency plans for four parishes. See report as follows from February 26, 2010:

Chair - Pat Santos

The following plans have been reviewed or **rechecked** for this 1st Quarter of 2010:

| Parish Names | Rechecked | Date of Plan | Disposition | Recheck Disposition |
|--------------|-----------|--------------|-------------|---------------------|
| Jefferson | No | 2002 | Needs | Waiting on Update |
| Ascension | N/A | 2000 | Exceeds | No Check Needed |
| Lafourche | No | 2004 | Needs | Waiting on Update |
| Lafayette | N/A | 2009 | Exceeds | No Recheck Needed |

The Planning Committee uses simple criteria for expressing the results of the plan evaluation; the following is an explanation of the evaluation criteria:

- Exceeds:** This section appears to be above the standard, is well thought out and is easily accomplished.
- Meets:** This section appears to meet the basic standard; more information could be added to further support the section.
- Needs:** This section fails to meet the basic standard and needs to be addressed and revised.

Training and Resources - Mr. Jeffrey Gleason, LSU Fire and Emergency Training Institute, submitted the 2009 training report as submitted in the annual report. January to February, 2010, 366 students have attended 26 classes. These figures are on target being similar to last year. Mr. Gleason does not have LSP numbers yet, but as soon as he receives them he will e-mail that information to the Commission members.

LEPC Service Committee – No report. Mr. Richard Webre who replaced Ms. Sharlot Edwards as the Louisiana Emergency Preparedness Association representative was approved to be the LEPC Service Committee Chair. Mr. Webre advised he has reviewed the duties of the LEPC Service Committee and will take the lead on that.

Public Information Committee – Major White gave an overview of where Louisiana State Police is going and working with federal and state partners in enforcement of hazardous materials and explosives laws and regulations. LSP is taking a very aggressive approach. Language was added in the explosive code to extend suitability requirements for persons to get explosive licenses. LSP is aggressively seeking out those plants and also persons involved in hazardous materials in transportation and production to keep them in compliance. LSP has rejuvenated its efforts in keeping the industry well regulated to increase voluntary compliance. LSP denied over 238 people, several of which were licensed in previous years who no longer meet the suitability requirements that the legislature has now put in the explosive code. One of the new requirements in the explosive code is indicates that if you have a protective order that states you cannot possess or receive a firearm, you cannot get an explosive license. LSP is using that as a standard and it is working rather well. LSP just levied the largest penalty against a respondent for non-compliance by allowing 31 unlicensed individuals to make shots with high explosives. The penalty against this company is \$310,000.00. LSP is now in negotiations with this company towards a settlement. LSP is taking this very seriously and working with LA One Call to find out where drilling is actually taking place to do seismic work. LSP have all terrain vehicles that go out into the field to actually do inspections. It has taken the industry quite by surprise during this campaign. LSP, as regulators and people responsible for the health, safety, and welfare for the citizens of this state, certainly doesn't want for high explosives and hazardous materials to fall into the hands of those that would use them in a precarious manner.

Emergency Notification Committee – No report. Mr. Stephen Dennis who replaced Mr. Andrew Mosher as the Louisiana Chemical Association representative was approved to be the Emergency Notification Committee Chair.

OLD BUSINESS

Major White recognized Mr. Gene Dunegan, RTK Unit, who advised the appointment certificates from the Governor's office are provided, along with the Code of Ethics book. Some of the certificates may have already been mailed. The key thing is for those who haven't received them, there is a copy of the oath of office which needs to be signed and mailed to the address on the bottom.

Major White asked if any new appointees have any questions for Mr. Paul Schexnayder, Legal Department, relative to the ethics laws. Major White advised Governor Jindal has changed a lot of the ethics laws. Major White recognized Mr. Paul Schexnayder, LSP Legal Department, who advised this board doesn't have control of funds so a form doesn't have to be filed with the Ethics Committee.

Major White asked Mr. Dunegan to address the information required concerning the designees. Mr. Dunegan advised four positions on the Commission may have designees, but a letter is needed from the Commission member stating who their designee will be. Mr. Dunegan advised we have not received any letters. Dr. Brent Robbins asked if a letter is needed for each year. Major White advised if there are no changes, then it wouldn't be needed each year.

Major White advised RTK has finalized the LERC website updates thanks to Ms. Wanita Pepper. Ms. Pepper advised the changes made included adding the approved minutes from the last meeting and the last annual report that was filed. She advised she is working on updating the LEPC committees. Ms. Pepper is waiting on faxed signatures in order to update that information before it can be placed on the LERC website.

NEW BUSINESS

Major White announced and congratulated Ms. Peggy Hatch as the new DEQ Secretary.

Major White announced and welcomed the new appointments for LERC. Lieutenant Colonel Bryan Wynne is the newly appointed Deputy Superintendent over Patrols and has been designated by the Governor as the chair of this Commission.

By votes, Major White has been designated the vice-chair. Since we have some new members for LERC, Major White would like to delegate this to someone else, but it needs to be determined whether he should stay as the vice-chair or if LERC prefers to put someone else in this role. It was approved that the Major remain as vice-chair. It was announced that Major White had been promoted since the last LERC meeting to Major over TESS.

The other appointees include:

Mr. Richard Webre to replace Ms. Sharlot Edwards;
Sgt. Chris Rushing to replace Mr. Michael Murphy;
Chief Sammy Halphen to replace Chief David Glass;
Mr. Steve Dennis to replace Mr. Andrew Mosher.

Major White deferred to Mr. Dunegan to speak about the annual report. Mr. Dunegan advised that everyone was mailed a copy of the report to review. Question asked if any corrections or changes need to be made before being turned over for final printing. Mr. Dunegan advised Ms. Pepper and Ms. Shows extend a big thank you to the committees for getting their reports in more than adequate time. Motion was made by Sgt. Rushing to accept the annual report. Seconded by Mr. Naquin. No opposition, motion carried.

Major White gave the floor to Mr. Webre who addressed the Commission on Response Billing. A sample copy from Ascension Parish is in the packet of information received at this meeting. The facilities are not an issue, but the carriers are. Mr. Webre provided a copy of the invoice in case any other parishes would like to use it.

Mr. Webre asked LERC for any advice he could get from the Commission. Mr. Webre says the parish wants to go in this direction and has the approval from all the fire districts. Major White recognized Mr. Jeff Meyers, DEQ. Mr. Meyers advised they are seeking reimbursement now on expenses for responses. Mr. Gleason advised DEQ's Emergency Response Manager, Pete Reiger, and legal staff would be glad to share what they are using. Major White advised LSP had laws passed so they could seek reimbursement for fixed sites and transportation incidents. He commended Mr. Webre's time and talent to prepare this document and is extremely impressed with its professionalism. He asked if Mr. Webre would make this example available to other agencies to use and allow them to modify the document to fit their needs. He advised Mr. Dunegan is in charge of that billing. He suggested that since Mr. Webre's template is much more detailed and such a well manufactured product that it be used by LSP>

Major White deferred the request from DEQ's letter to Mr. Dunegan. Mr. Dunegan advised that DEQ is requesting Tier II data for emergency response and CAPP (Chemical Accident Prevention Program) enforcement through the E-Plan. Ms. Hatch made motion to accept. Seconded by Mr. Jeffrey Gleason. No opposition, motion carried.

Major White deferred the request from Oklahoma DEQ to Mr. Dunegan. Mr. Dunegan advised that Oklahoma DEQ is requesting that Louisiana Tier II data be transferred into CAMEO software through the E-Plan. Once this information is incorporated into the CAMEO software, it would be available to LSP if needed. Major White is in favor of giving this information. Major White doesn't oppose anything that would help our public safety friends and partners and doesn't see any down side to this. Mr. Guidry reminded LERC that Oklahoma is in Region 6 as is Louisiana and part of the rapid response team. Mr. Guidry made the motion to accept Oklahoma's request. Seconded by Ms. Hatch. No opposition, motion carried.

Chief Halpen asked if there were any criteria set to steer us in the direction in the future of who would have access to Tier II. Major White stated that if this Commission needs to establish any criteria or consider certain elements before we release this information that Mr. Dunegan, Mr. Meyers, or Sgt. Ray Meyers could help with comments. Chief Halpen said he asked because he wants the LERC to be consistent with who have access and the reason why they do. Question asked to Chief Halpen if he is speaking about the general public. Chief Halpen gave examples of what he thinks should be included in the criteria such as what kind of companies, government entity, responder from a mutual aid agreement, etc. Major White asked Mr. Dunegan to give clarification. Mr. Dunegan explained that Tier II filing gives a lot of information: what hazardous material is being stored; how much is being stored; and the locations. Mr. Dunegan advised Tier II is public information by law; however that was pre 9/11. Currently, Mr. Dunegan is the Administrator for Louisiana for requests to have access to E-Plan. When Texas receives a request, it is sent to Mr. Dunegan. Mr. Dunegan then looks at who is asking for the access; i.e. are they a first responder? Are they a fire department? Approval is then based on that. General public records requests go to our public information officer who makes sure there is no criminal investigation happening by checking with our legal department. There is a per page charge as far as the information being released. There are guidelines

about proprietary information that is not released to the public and those guidelines are from Title 33. In general, if a person wanted to get this information through a public records request and are willing to pay the amount which would be significant and willing to wait the time to gather this information, it is their right to know. E-Plan is giving our first responders, our parish people, fire departments, and now DEQ instantaneous access. The criteria is again, by law, public information. LSP can keep restraints on it to a degree, but as Mr. Webre pointed out it is in the law. The LEPCs have a certain amount of time that they are supposed to supply that information to their local people and if they can't supply it, then they come to the LERC/LSP to obtain that information. LSP also is under time constraints that they are supposed to supply to the LEPCs. Chief Halpen asked if it's the same data pertaining to the specific location of the chemicals. Mr. Dunegan advised first responders, parish officials, police departments, fire departments have access to all of it. Our public records requests are being screened. Mr. Richard Browning advised this would be a remedy for the fire departments to obtain this information and they will certainly add this information to their training. Chief Halpen asked if there was some protection pertaining to the terrorist issue. Major White said he certainly understood that and that may be something that we may have to look at legislatively. Sgt. Meyers said there has been dialog in the past about integration of CAMEO with our Tier II information; however, there were some software issues. The two programs don't marry up. Before we can move forward in-house or in this day, we probably need to have some re-discussion on how those two programs software wise can become compatible. Mr. Dunegan advised they cannot put it into CAMEO pulling it up on our servers, but they can put it into CAMEO pulling it off of UT/E-Plan. Mr. Dunegan advised that is why we are directing them directly to E-Plan to obtain the information. Mr. Gleason advised Chief Halpen who he could speak with about the E-Plan. Sgt. Meyers said CAMEO is a very powerful tool and LSP has wanted it from the emergency response perspective for many years. It gives the respondent that day, that night, that evening inventory levels and contact information. If this can happen, it would be very powerful thing for first responders. No further discussion.

Mr. Dunegan advised in the folders is a copy of the memo coming from EPA. LSP is way ahead of this. EPA indicates in the memo that DHS is requesting the Tier II data, not only for response, but they can also use it when they are starting to figure out what would be a potential terrorist target. Filing deadline was March 1st and we have already received several requests asking why certain facilities have an excess of certain chemicals. DHS is scrutinizing these files very closely. LSP has already done what the EPA memo requests. After the 2009 data is compiled, RTK will bring it before the LERC to approve releasing that information to update the E-Plan, unless the LERC wants to make a motion to do it continually.

Sgt. Meyers asked if the Chemical Facility Anti-Terrorism Standards have been coordinated with the RTK Unit. Mr. Dunegan answered that CFATS hasn't been in touch with us directly that he is aware of and that they are running independently. Sgt. Meyers advised the couple of visits he has had with CFATS that they are asking redundant information that the RTK Unit can provide. Mr. Dunegan stated that between DEQ, LSP, and a lot of responders, i.e. military, etc., it is duplicated information.

RTK only receives the information that the facility electronically files. Questions are directed back to the facility. RTK cannot run an analysis on the facilities.

Major White referred everyone to their packets for corrections from St. Landry and Catahoula LEPC updated information. Any corrections that need to be made for Commission members, please let Mr. Dunegan or any of his staff know.

Major White asked if there are any complaints on the notification of these meetings. None brought forward.

Mr. Dunegan wants to propose the possibility of presetting dates for scheduled meetings. Also, the possibility of having a meeting in North Louisiana to accommodate the travel back and forth for others and also our emergency training center, JESTEC, was suggested for places to host the meetings. Discussion ensued. Major White asked that we take it under advisement and discuss at the next meeting,

Mr. Richard Browning spoke about putting a lot of their hazmat training on the road. Chemistry class is starting next week in Lafayette. They will skip a week and class will resume the following week. The training center has found they get a better response with this schedule. EPA is coming in on May 4th and 5th to present a CAMEO class in Alexandria. If this class is not filled in Alexandria, it will be moved to Lafayette. It is a 16 hour class and it is scheduled two to three times a year.

Mr. Browning went to a meeting in Little Rock, Arkansas on February 23rd for the Southwest Region International Fire Chiefs. This organization and DOT are joining efforts for hazmat under 472 standards. There was good discussion about hazmat now and where it will be in the future, 10-15 years down the road. A lot of similarities were identified in Louisiana, Arkansas, Oklahoma, and Ohio. There is a lot of mutual aid with Louisiana's industry and municipal fire departments that other states do not have. There will be a survey to identify how many hazmat teams are in Louisiana to bring this to the next meeting by talking with GOHSEP and the Fire Marshal's office. Steps were identified to discuss e-learning, but Mr. Browning feels hands-on is much more effective. It was agreed that standardization is needed for hazmat training to be effective. LSU is talking about bringing teams. Oklahoma and Arkansas have quite a few hazmat teams that are just assigned to decon (decontamination). Grant money is passed to different teams that can respond with just decon equipment for hazmat incidents. Mr. Browning will continue to keep us informed.

Sgt. Meyers stated this is all positive information. LERC should be looking into the future such as the certified emergency manager that GOHSEP has in their policy right now. He suggested merging hazmat responders within Louisiana and having a statewide hazmat certified responder level to ensure the level of training.

Mr. Gleason advised certification levels for hazmat are available at the LSU Fire and Emergency Training Institute right now. Certification is for an awareness level, the

operations level, and the technician level. Recertification is also available. Mr. Browning advised all of Dow and Exxon responders have this certification.

Sgt. Meyers stated there is no actual mandate yet for first responders to be certified in hazmat response. He feels a statewide plan needs to be developed in the future. Maybe the funds that are coming from the federal level can be tiered in a fashion whereby if a hazmat team on state level could get x amount of dollars; if not, rudimentary funds would be given like decon.

Mr. Steve Dennis, who works for Dow, appreciated Sgt. Meyer's suggestion. He has great appreciation for LSP. With LSP, the incident is going to be handled from cradle to grave and well managed. When Dow goes offsite to respond in other states, on-site state police leave the incident. It's important to have the right level of training for any state.

On a short term perspective, Sgt. Meyers suggested that since LSU already has a program in place a steering committee could be developed thru LERC to study some long term certification possibilities. This would be done to keep it from becoming a burden for local departments but make it an asset. Certifying hazmat teams at the state level would give us some understanding of the level of training throughout Louisiana.

Major White will take this proposal under advisement and start working on it at our next scheduled meeting. Major White requests that Sgt. Meyers attend the next LERC meeting to assist with this proposal.

SCHEDULING OF THE NEXT COMMISSION MEETING

Motion made by Chief Halpin that the next meeting will be scheduled for May 3, 2010 at 2:00 p.m. in Lake Charles for the LEPA conference at the L'Auberge Casino. Seconded by Dr. Robbins. No opposition; motion carried.

ADJOURNMENT

Mr. Gleason made a motion to adjourn. Seconded by Mr. Guidry. No opposition, motion carried. Major White adjourned the meeting at 11:30 a.m.

Respectfully submitted,

Wanita Pepper