

**Minutes of the Regular Meeting of the
Louisiana Emergency Response Commission (LERC)**

Meeting Title Louisiana Emergency Response Commission Meeting
Date of Meeting May 5, 2014
Where L'auberge Casino Resort
777 Ave Lauberge
Lake Charles, LA 70601
Start Time 02:00 p.m.

1. Lt. Colonel David Staton called the meeting to order at 02:00 p.m.
2. Elizabeth Hoover, LSP/Right-to-Know Unit, called roll as follows:

Colonel Michael Edmonson, Department of Public Safety, NOT PRESENT
Lt. Colonel David Staton, Department of Public Safety, PRESENT
Peggy Hatch, Department of Environmental Quality, PRESENT
Cheryl Nolan, Department of Environmental Quality, NOT PRESENT
Dr. Mike Strain, Department of Agriculture and Forestry, NOT PRESENT
Dr. Brent Robbins, Designee for Department of Agriculture and Forestry, NOT PRESENT
Kevin Davis, Governor's Office of Homeland Security, PRESENT
Command Technician Taylor Moss, Department of Public Safety, PRESENT
James Polk, Louisiana Emergency Preparedness Association, PRESENT
Cecil Bennett, Carrol L. Herring Fire and Emergency Training Institute, PRESENT
Brian Wynne, Representative of Environmental Interest, PRESENT
Edward Flynn, Louisiana Chemical Association, PRESENT
Chief Bobby Black, PRESENT
Mayor Hiram Copeland, NOT PRESENT
Chief Samuel Halphen, Jr., NOT PRESENT
Paul Naquin, NOT PRESENT
Lt. Chris Rushing, PRESENT
Chris Guilbeaux, PRESENT
Senator Mike Walsworth, NOT PRESENT
Senator Mack "Bodi" White, NOT PRESENT

The records reflect that the following visitors were present:

Christina Dayries, GOHSEP
Eric Deroche, St. James Parish
Larry Sides, Sides and Associates
Lee John, GOHSEP

The records also reflect that the following LSP/Right-to-Know personnel were present:

Gene Dunegan
Tara Guidry
Elizabeth Hoover

Sean LaFleur, Louisiana State Police ESU
John Porter, Louisiana State Police ESU
Justin Bello, Louisiana State Police Legal Counsel

3. Lt. Colonel David Staton welcomed everyone and asked the commission to approve the minutes from the March 12, 2014 LERC meeting. **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.
4. Lt. Colonel Staton advised LERC members to review their contact information and relay any changes to Ms. Elizabeth Hoover or Ms. Tara Guidry. He stated that he wants to keep the information on the website as current as possible.

5. Committee Reports:

Long Range Planning: No report. Lt. Colonel Staton passed the floor to Chief Bobby Black, who began his presentation by explaining his review of previous meeting minutes, as well as bylaws, vision statements, and other materials to put together a plan of action of the Long Range Planning Committee. His concern revolved around the legality of calling a meeting of each committee chair without it being an open meeting, with regards to having a public notice and central location, or if a conference call or individual calls would be possible to get an organized perspective for planning. The purpose is to have a short meeting to discuss ideas and thoughts about each committee, and then present those findings at the next quarterly meeting. Mr. Justin Bello needed to research the procedures and legality before giving an answer on if it is possible to do so, but did maintain that subcommittee meetings can be informal, however the bylaws would need to be reviewed before a definitive answer was given on the matter. Mr. Gene Dunegan mentioned the teleconference capabilities available at Louisiana State Police Headquarters for such a meeting if it was deemed acceptable by Legal, and provided Chief Bobby Black could present a time to set up the conference with all chief players. Lt. Colonel Staton stated that he would be in favor of a fluid side approach, providing more of a dialogue in development, over the static meeting schedule that can halt brainstorming and idea flow.

Emergency Plans: Lt. Colonel Staton passed the floor to Mr. Chris Guilbeaux to discuss Emergency Plans.

Mr. Chris Guilbeaux began his report explaining that Mr. Lenny LaFleur had been the standing parish plan reviewer for GOHSEP, but after he vacated his position, the reins had been handed to Mr. Michael Hamilton. The format for parish reviews has remained the same, regardless of the personnel changes. He then referred to the handout in each folder that was provided and spoke of the reviewed Emergency plans for four parishes: Red River, Richland, St. John and St. James. The results showed that all plans met the requirements and were well written, this report being the summary for those findings. Mr. Chris Guilbeaux stated that four more parishes will be reviewed in the next quarter: Tangipahoa, Tensas, Vermillion, and Webster.

Mr. Eric Deroche interjected with a question concerning the process for notifying each parish with the results of the report after it has been completed. He explained that, as the director for St. James Parish, this was not only the first he had seen of the findings provided by GOHSEP about their emergency plans, but that he had not received notification of previous results in the past few years. He stated it was very troublesome that they had not received this information yet, and wanted to know more about the process for which it is presented to each parish after completion.

Mr. Chris Guilbeaux responded with an explanation of how each plan is first reviewed, and then a list of written recommendations is provided to the parish for any changes to be made to their existing plan. The system is conducted as follows: four parishes are reviewed each quarter, allowing for 16 parishes to be reviewed each year. This cycle allows for each parish to be reviewed every four years. However, Mr. Chris Guilbeaux explained that the reports submitted to the individual parishes follow behind the LERC presentation summary since they provide a more in depth review of the recommendations and needs the plans should reflect. He assured Mr. Eric Deroche that the review should be to him as soon as it is completed, and will get back to him with more information.

Training and Resources: Mr. Cecil Bennett discussed the statistics for first responder training at the LSU Fire & Emergency Training Institute (FETI) facility and at the Louisiana State Police's Joint Emergency Services Training Center (JESTC). It is a snapshot of what goes on and who provides the training. Mr. Bennett stated that between FETI and JESTC, 830 people have been trained for the first quarter (January 1 – March 31) of 2014, specifically in HazMat classes and situations, for a total of 47 classes taught. He also referred to the Fire Chief's symposium he is preparing and coordinating for the future; he has made contact with a number of individuals to set up the event and will be providing more information down the road. Concerning Bakken Oil and similar situations, Union Pacific has contacted Mr. Cecil Bennett, who will be sending 5 instructors to Pueblo, CO for training in late August on such issues.

CT Taylor Moss asked for Mr. Cecil Bennett's opinion on the Bakken Oil situation, being that it is not hazardous to transport, but more so about the creation and manufacturing of a proper rail device, since they currently use the MC111 cars for conveyance but some models are made of a thinner material that may not be safe. Mr. Cecil Bennett explained that until federal regulations are in place, no changes will be made to the current procedures. CT Taylor Moss responded by mentioning that many have contacted him for an explanation of how situations like these will be handled if a release or incident occurs, and his response is that it is handled like any flammable liquid substance would be, usually letting the product consume itself in case of a fire instead of adding a foam, which would create a larger mess for DEQ to contend with.

Mr. Eric Deroche also mentioned that all 3 of the offloading rail terminals for Bakken Oil in Louisiana are located in St. James Parish. He further explained that Union Pacific, as the main carrier, is coming to them and offering free training to first response crews and fire departments on how to deal with these situations, as well as interacting with other responders. The training will be scheduled at the convenience of the responders, not Union

Pacific. Such training has proved to be useful by educating responders on proper procedures.

Lt. Colonel Staton remarked that there were articles under the Old Business section of the packet that had to do with these issues, as well as response, awareness, and dialogue with industry in order to prepare for response.

Local Emergency Planning Committee (LEPC) Service: Lt. Colonel Staton passed the floor to Mr. Jim Polk for the LEPC Service Committee report.

Mr. Jim Polk provided a draft of guidelines that would be a quick reference for basic facts and frequently asked questions in order to be placed in a handbook, as well as in an electronic version, in order to send out to LEPCs to further educate them and prepare them for how they should conduct themselves as a committee. CT Taylor Moss was curious to know of the compliance amongst LEPCs in their willingness to meet on a regular basis and follow directives provided by the LERC, to which Mr. Jim Polk responded that budgets and parish size can have an impact on ability to comply, but that for the most part there were no parishes that could be pinpointed as a poor example of proper LEPC behavior and function. Mr. Jim Polk also stated that this handbook he is working towards could prove very beneficial to Mr. Gene Dunegan in his travels and classes as a reference to give out to LEPCs during presentations down the road.

Public Information: No Report. Lt. Col Staton turned the floor over to CT Taylor Moss for a review of the Public Information committee.

CT Taylor Moss started with the progress of the “HazMat City” construction that is underway at JESTC, made possible by the joint efforts of industry and emergency responders, including law enforcement and fire departments. While he had not yet acquired the artist’s rendition of what the facility would look like, it is coming along quickly. There is also a proposal put in place by Atmos Energy and CenterPoint Energy that is known as “Gas City” to create a facility to train their employees in detecting and mitigating pipeline, service line, and transportation natural gas releases, and they are moving forward on this. CT Taylor Moss stated the Region 1 HazMat troopers and all of their equipment are moving from headquarters to a location in JESTC which will free up space. He then proceeded to list the current positions in the ESU, including 25 responders, 3 EODs, 1 bomb tech vacancy, 3 K-9 units and 3 handlers. The ESU is also part of the EPA task force, and is fully certified for chemical, biological, hazardous material, and explosives incidents.

He then moved to legislation that effects public safety, specifically Senate Bill 137, Act 1, that was signed a week and a half ago in response to illegal storage of explosives in northern Louisiana. This bill would give them the authority to access to all portions of any manufacturing process facility for inspection, as well as to pull a company’s state magazine license if their ATF license is not valid. Another bill awaiting approval on the house floor entitled the Beneficial Safety Projects Bill is going pretty well, put together by CT Taylor Moss in conjunction with Ms. Cheryl Nolan and Ms. Peggy Hatch of DEQ. His next point concerned a sister bill to Senate Bill 537 in the House that was filed and has

since been dropped which was focusing on mandatory electronic notification only. This has the potential to be forced through at a later date, since it is beneficial to the specific company, Emerge, which is fore-running in this method of notification. To avoid having one company corner the market in electronic notification, they hope to encourage other data processing companies with compatible software to be competitive in this movement.

The next legislation point was House Bill 868 for Underground Utilities, which agrees to make the first violation a written warning. Another aspect of the bill would require the locator and excavator to mutually decide and agree on extending locate times, and to document such before moving forward. This bill will be passed as it is written now.

Senate Bill 407 focuses on Emergency Response Plans, a portion of which was addressed by Senator Buffington as needing to be resolved. This portion concerned the lack of notification from industry to the LEPCs when an incident occurred. Mr. Gene Dunegan and CT Taylor Moss wrote out an amendment that makes chemicals that fall in the facility's Level 2 and 3 categories mandatory for notification to the LEPCs. This amendment has been forwarded to Cheryl Nolan, Senator Buffington and their legislative liaison for review. However, this amendment only solves one portion of what the bill intends to do.

Mr. Chris Guilbeaux provided information about the recent meeting he attended with representatives of both Emergency Services and Wildlife and Fisheries concerning the Domestic Nuclear Detection Office (DNDO). This is an office within the Department of Homeland Security whose mission is to assist and coach states to build up their detection capabilities, as well as help write policy and procedures in order for response crews to prepare for a radioactive incident. While Louisiana already has some initial equipment that is available and works, newer equipment will take time dependent on budgets and grant opportunities. Mr. Jim Polk explained there are 1,000 meters that are shared amongst 6 parishes for reading practices, as well as neutron and gamma pagers that are used for similar drills and incidents.

Emergency Notification: No Report. The floor was passed to Edward Flynn for discussion of Emergency Notification, which led to the discussion of Senate Bill 537 that is going before the legislation now, which is not appreciated. He reviewed how voluntary electronic notification has been accepted by the Louisiana State Police reporting system, but that mandatory phone notification was still required. In this same way, the bill has been amended from its previous form to include that electronic notification will not be the only method of notification, but that telephonic notification will also be a method for reporting in the future. Mr. Edward Flynn stated that this amended bill will be the vehicle for getting what they, as a committee, want for reporting and notification purposes.

6. Old Business

Lt. Colonel Staton passed the floor to Mr. Gene Dunegan since the Frequently Asked Questions guide had been reviewed in the LEPC handbook provided by Mr. Jim Polk.

Mr. Gene Dunegan discussed the two articles within the packet provided, the first of which was the result of the West Texas incident. The article discussed how the explosion had not yielded any new regulations, and the belief that the State of Texas prefers to keep business from being hindered by strict rules rather than updating fire codes to increase safety and security. Unfortunately, it appears that changes are not going to occur and it is certainly something to be aware of in regards to the regulations in place in Louisiana. The second article discussed the Bakken Oil incident. Mr. Dunegan mentioned a recent article not included in the packet about the Department of Transportation's problems getting specific information (such as LELs) about Bakken Oil from industries. Not having such data makes it difficult to justify increasing the durability of the containers that carry the oil, and they cannot move forward with any regulation changes unless they receive that information. The third article correlates with the second in that it concerns a recent derailment of a railcar carrying oil in Lynchburg, Virginia, creating another incident to manage. These articles were included to increase awareness, especially in light of the similar issues being discussed amongst the LERC at this time.

7. New Business

The first point of discussion concerned updated LEPC form changes for 3 separate parishes: Red River, St. Helena, and Webster parishes. Mr. Dunegan presented the submittals to the LERC committee for review. A **MOTION** was made to approve each parish individually. The motion was seconded. No opposition. The motion passed.

The next point of discussion was led in by Mr. Chris Guilbeaux addressing the LEPC handbook that is being created in conjunction with Sides and Associates. This handbook was started after reviewing a large number of handbooks as guidelines for creating and establishing good, working LEPCs. He then turned the floor over to Mr. Larry Sides, who discussed the handbook in greater detail. The draft provided was a combined effort of 6 of the best state LEPC handbooks, as well as a joint effort with Mr. Gene Dunegan to create a table of contents to include different points that would compile an effective Louisiana LEPC handbook. The current document is 167 pages, double sided, which will be cut down to produce a clear and concise handbook to distribute to parishes in the future upon completion. Mr. Larry Sides explained that an electronic format would be provided to the LERC members to review the current draft and provide any suggestions for changes and cuts, and that LEPC workshops would also be advised of this ongoing project so they could see the plan and have an idea of the goals. He encouraged the LERC commission to review the book and provide any suggestions as soon as possible, since the deadline for changes would be June 1st.

The third point of discussion was presented by Mr. Gene Dunegan and covered a new procedure in place by UPS for electronic reporting. UPS has implemented a test system for shipping Hazardous Materials, so that they will not have to carry a hard copy of MSDS data with them. This method instead provides a telephone number for the first responder to call in order to obtain the manifest data necessary to handle the situation. The overall consensus by first responders and the LERC alike is that this method is a bad idea, creating more trouble for the first responders to get necessary information as well as increasing the amount of time it takes to obtain that information and put it to use.

Another point of discussion was quickly reviewed by Ms. Peggy Hatch regarding the EPA ozone standards in place. The article provided showed that Baton Rouge has met those standards, which means that air quality and human health has improved for residents. They are also creating a plan to maintain compliance with these ozone standards for the future.

The next point was presented by Mr. Gene Dunegan, regarding a request by Mr. Samuel Halphen about the LERC putting forth an opinion on Senate Bill 407. While Mr. Dunegan responded initially with a neutral opinion until able to be brought before the commission, it was discussed that giving an opinion may not be allowable, and it could also cause some to have to abstain from voting. Lt. Colonel Staton believed that this was a topic that required more thought and consideration, requesting that it be deferred to a future discussion before a decision was provided.

Lt. Colonel Staton brought the last point of discussion before the LERC: three separate requests for state-wide Tier II access through the E-Plan system. Two were provided by DHH members, and the third was requested by a DEQ member. Mr. Gene Dunegan explained that this happens commonly as agencies prepare for the storm season, but that he encourages these agencies to limit their accessibility to two requests. He also reiterated that when it is simply a matter of parish access, he generally grants that permission to the individual request; however when it is a state-wide access request, he waits to bring them before the LERC for a vote. **A MOTION** was made to approve all requests. The motion was seconded. No opposition. The motion passed.

Mr. Eric Deroche commented that the DEQ and the Coast Guard recently audited two industries in St. James Parish. Both industries were cited for failing to provide emergency response plans to the LEPC. One industry had removed the LEPC from their distribution list, while the other industry had not attended an LEPC meeting in two years, despite their claims of being actively involved in the LEPC. Mr. Deroche commented that these were disturbing facts and he wanted the LERC to be aware of this issue.

8. Lt. Colonel Staton asked if there were any members of the public present that would have any comments to add, but there were none brought forth before the commission.

Lt. Colonel Staton announced the scheduling of the LERC's next quarterly meeting which occurs on the 2nd Wednesday of the 3rd month of the quarter. The next LERC meeting would fall on Wednesday, September 10, 2014. **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.

9. Details will be communicated by email to the LERC members at a later date.

10. **A MOTION** was made to adjourn. The motion was seconded. No opposition. The motion passed. The meeting adjourned at 03:21 p.m.