

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

Meeting Title Louisiana Emergency Response Commission Meeting
Date of Meeting September 13, 2017
Where Louisiana State Police Headquarters
7919 Independence Blvd.
Baton Rouge, LA 70806
Start Time 10:08 a.m.

1. Lt. Col. David Staton called the meeting to order at 10:08 a.m.
2. Tara Guidry, LSP/Right-to-Know Unit, called roll as follows:

Lt. Col. David Staton, Department of Public Safety, PRESENT
Dr. Chuck Brown, Department of Environmental Quality, PRESENT
Dr. Brent Robbins, Designee for Department of Agriculture and Forestry, PRESENT
James Waskom, Governor's Office of Homeland Security, PRESENT
Command Technician (CT) Taylor Moss, Department of Public Safety, PRESENT
James "Jim" Polk, Louisiana Emergency Preparedness Association, PRESENT
Cecil "Keith" Bennett, Carroll L. Herring Fire and Emergency Training Institute, PRESENT
Marty Chabert, Louisiana Oil Spill Coordinators Office, PRESENT
Edward Flynn, Louisiana Chemical Association, PRESENT
Chief Bobby Black, NOT PRESENT
Joel "Joey" Dugas, Dow Chemical, PRESENT
Jennifer Reynolds, Webster Parish Office of Homeland Security, NOT PRESENT
Travis Perrilloux, St. John the Baptist Parish Office of Emergency Preparedness, PRESENT
Chief Guy Bonin, Iberia Parish Fire District, NOT PRESENT
Obed "Obie" Cambre, Jr., ExxonMobil, PRESENT
Sgt. Kenneth "Scott" Bowman, Baton Rouge Police Department, PRESENT
Chris Guilbeaux, Governor's Office of Homeland Security, PRESENT
Senator Mike Walsworth, PRESENT
Senator Mack "Bodi" White, NOT PRESENT

The records reflect that the following visitors were present:

Velma Gray, Louisiana Oil Spill Coordinators Office
Jan Herrington, Positive Results Inc.
Tyler S. McCloud, Senior Attorney, House Natural Resources and Environment Committee
J. W. Wiley, Senate Counsel, Senate Homeland Security Committee

The records also reflect that the following LSP/Emergency Services Unit personnel were present:

Gene Dunegan
Tara Guidry
Alisa Monroe
Jennifer Murray, Louisiana State Police Legal Counsel
Paul Schexnayder, Louisiana State Police Legal Counsel

3. Lt. Col. Staton thanked members for their dedication and faithfulness to attend meetings and to carry out the responsibilities and work of the commission. Lt. Col. Staton then asked members to review their contact information, and to advise of any changes.
4. Lt. Col. Staton asked the commission to approve the minutes from the May 1, 2017 LERC meeting. A **MOTION** was made by Sen. Mike Walsworth to approve the meeting minutes. The motion was seconded and passed without opposition.
5. **Committee Reports:**

Long Range Planning: Lt. Col. Staton advised that Chief Bobby Black was unable to attend the meeting, but had submitted a report. Mr. Gene Dunegan advised that Chief Black is asking for input from committee members on how the LERC can accomplish the goal of educating first responders, industry, municipal leaders and citizens about LERC and the Local Emergency Planning Committees. Mr. Chris Guilbeaux stated that Mr. James Waskom, the Director of the Governor's Office of Homeland Security, educates municipal leaders and elected officials on the responsibilities of LEPCs as part of ongoing briefings to elected officials. Mr. Edward Flynn added that the LERC could also reach out to the Louisiana Municipal Association about making a presentation to their members.

Emergency Plans Review: Lt. Col. Staton passed the floor to Mr. Chris Guilbeaux for the report from the Emergency Plans Review Committee. Since the previous meeting, the committee has reviewed plans from the following parishes: Claiborne, Concordia, Rapides, Red River, Webster, Richland, Tensas, and Tangipahoa. Six parishes met all EPCRA requirements. The committee is working with Red River Parish to upload their EOP and is also working with Tangipahoa Parish to electronically upload their ESF-10/Annex H plan.

Training and Resources: Lt. Col. Staton passed the floor to Mr. Keith Bennett for the report from the Training and Resources Committee. Mr. Bennett stated that the training institute remains busy, with over 2000 students completing training classes so far this year. Mr. Bennett announced that new classes from Louisiana State Police will be added soon.

Local Emergency Planning Committee (LEPC) Service: Lt. Col. Staton passed the floor to Mr. Jim Polk for the report from the Local Emergency Planning Committee (LEPC) Service Committee. Mr. Polk said that since the previous meeting, emails had been sent to all of the LEPC chairs in Louisiana to encourage them in their work. The email included an up-to-date PowerPoint presentation about the LERC that LEPC chairs could show at committee meetings. Mr. Polk mentioned that he had received positive feedback from some chairs.

Public Information – There was no report submitted by the Public Information Committee.

Emergency Notification – Lt. Col. Staton passed the floor to Mr. Edward Flynn for the report from the Emergency Notification Committee. Mr. Flynn discussed a continuing series of workgroup meetings between industry and regulatory groups, including the Louisiana Chemical Association, the Louisiana Mid-Continent Oil and Gas Association, the Department of Environmental Quality, the Louisiana State Police, and the Department of Health and Hospitals.

Mr. Flynn noted that the meetings help re-acquaint industry with their regulatory responsibilities, and provide an opportunity to get a better understanding from agencies on those reporting requirements. Issues discussed range from electronic notification using the E-merge system to the requirements for facilities to provide written reports to both Louisiana State Police and DEQ. One of the ongoing conversations involves the issue of courtesy notifications, and how to encourage facilities to report them without fear that the amount of notifications will be used against them.

Regarding courtesy notifications, Dr. Chuck Brown of DEQ replied that current policy requires facilities to report release amounts if they are above the permitted limit, rather than reporting from zero. They are discussing whether to change this policy so that all release amounts are reported regardless of permitted limits. If a facility has any release, they are to call DEQ, but Dr. Brown believes facilities are concerned about the general public seeing a list of their notifications and criticizing the number of notifications that are made. Dr. Brown pointed out that some facilities are preventing DEQ's emergency responders from accessing their sites, so he met with Louisiana Chemical Association members to remind them that DEQ responders need that access in order to find out what happened and what the extent of the emergency is. Mr. Jim Polk of the Louisiana Emergency Preparedness Association brought up that in the law regarding facilities reporting incidents, they are required to report incidents that are "reasonably expected to affect the public". Part of that definition involves first responders from outside of the facility entering the location. CT Moss suggested that it be stressed that emergency responders have the ability to enter and inspect facilities for public safety.

6. Old Business

The first item of old business concerned three informational handouts that were presented by Mr. Gene Dunegan. The first handout was a bulletin from the federal Department of Homeland Security reminding facilities to report their holdings of certain chemicals of interest, as part of the Chemical Facility Anti-Terrorism Standards (CFATS) program. The second handout was an update sent to state emergency response commissions by the Environmental Protection Agency that mentioned the HazFlow Hazardous Commodity Flow Traffic Study Application that was developed for the Louisiana State Police's Joint Emergency Services Training Center (JESTC). The third handout regarded the EPA Region 6 LEPC workshops, which will be scheduled from mid-March through June 2018 if the EPA's budget is established this October. The handout also revealed that Region 6 is planning monthly webinars with LEPCs that would cover the basics on EPCRA and LEPCs as well as other important topics such as rule changes and CAMEO updates.

The second item of old business concerned the Global Harmonization System. This system has generated new chemical classifications, and the State Police Tier II website is being updated to include them. Some items that are currently not considered flammable will be considered flammable under the new classifications.

The final item of old business concerned designees for the LERC. State Police Legal Counsel Mr. Paul Schexnayder explained that only four agencies that belong to the commission may send designees to LERC meetings: the Department of Public Safety, the Department of Environmental

Quality, the Department of Agriculture and Forestry, and the Governor's Office of Homeland Security. Any other members on the commission who are appointed by the Governor may not send a designee but must attend themselves in order to count towards a quorum.

7. New Business

The first item of new business concerned LEPC membership updates for three parishes: East Feliciana, Franklin, and St. Helena. A **MOTION** was made by Mr. Jim Polk to approve the updates. The motion was seconded and passed without opposition.

The next item of new business concerned the resignations of Capt. Chris Rushing and Chief Guy Bonin from the commission. Capt. Rushing has retired from the Baton Rouge police force, and Chief Bonin has resigned from the commission due to personal issues and time constraints. Sgt. Kenneth "Scott" Bowman with the Baton Rouge Police bomb squad has been appointed as Capt. Rushing's replacement. A replacement for Chief Bonin has yet to be named from the Governor's office of Boards and Commissions.

The third item of new business concerned requests for statewide access to the Tier II database. Mr. Gene Dunegan said that both the Centers for Disease Control and the United States Marine Corps requested access to Louisiana's Tier II information as part of their emergency management response and recovery missions after Hurricane Harvey. Due to the circumstances, access was granted to these agencies for a three-month period. Mr. Dunegan explained that the information submitted annually to LERC's Tier II database is by law accessible with a public records request. Federal law allows an individual to access one facility's information if their request for information is approved by the state emergency response commission. In Louisiana, access to Tier II information is done electronically through the E-Plan website.

The final item of business concerned a hazmat incident in Texas during Hurricane Harvey. Senator Mike Walsworth suggested that the LERC converse with Texas officials to see what can be learned from their response to the explosion at the Arkema chemical plant. CT Moss recalled that a similar scenario happened in Plaquemines Parish after Hurricane Gustav, when a facility had storage tanks of styrene monomer that needed refrigeration. State Police were at the site for nearly two weeks, and had to come up with a quick plan to chill the tanks.

Dr. Chuck Brown stated that letting a chemical heat up and explode should never be an option, and that contingencies need to be in place to prevent this. To be proactive, DEQ has already visited a site near Alexandria that is a subsidiary of Arkema and stores the same chemical involved in the Texas explosion. There was some discussion among commission members on how best to respond to such incidents.

8. Lt. Col. Staton asked if there were any questions or announcements from the audience. There were no questions or announcements presented.

Lt. Col. Staton gave the floor to Mr. Gene Dunegan to discuss scheduling of the LERC's next quarterly meeting which normally occurs on the 2nd Wednesday of the 3rd month of the quarter.

The next LERC meeting date would be on Wednesday, December 13th, 2017, at 10:00 AM, at the Louisiana State Police Headquarters building in Baton Rouge.

9. A **MOTION** was made by Senator Mike Walsworth to adjourn the meeting. The motion was seconded and passed without opposition. The meeting adjourned at 11:01 a.m.