

**DRAFT MINUTES
OKLAHOMA HAZARDOUS MATERIALS
EMERGENCY RESPONSE COMMISSION
DEQ Tenth Floor Conference Room
February 8, 2011**

Members Present	Members Absent	Staff Present
Gary Davis	Kary Cox	Tom Bergman
Monty Elder	Kathryn Crenwelge	Jami Murphy
	Robert Doke	
	Dennis Gann	Myrna Bruce
	Bonnie McKelvey	Christy Myers

Ms. Monty Elder called the meeting to order and Ms. Bruce called roll. There was not a quorum present therefore Ms. Elder postponed approval of the December 7, 2010 meeting.

OEM Update: Ms. Elder advised that she had received an email from Ms. McKelvey stating the only thing pertinent on the OEM update was that there had been an emergency declaration for the snow storm the previous week.

Data Management Report: Mr. Bergman provided a copy of the Data Management Report. Ms. Elder advised that it would be emailed to members not in attendance.

Ms. Elder provided an update on the Celeritas training that was discussed at the December meeting.

Ms. Elder also provided a copy of House Bill 1481 that would amend the Emergency Response Act.

New Business: None

Ms. Elder adjourned the meeting at 1:45.

The transcript and sign-in sheet become an official part of these Minutes.

Enclosures: Data Management Report
HB 1481

1 DEPARTMENT OF ENVIRONMENTAL QUALITY
2 STATE OF OKLAHOMA

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11 TRANSCRIPT OF PROCEEDINGS
12 OF THE QUARTERLY OHMERC MEETING
13 FEBRUARY 8, 2011, AT 1:30 PM
14 HELD IN OKLAHOMA CITY, OKLAHOMA

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24 MYERS REPORTING SERVICE
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MEMBERS OF THE COMMISSION

- MONTY ELDER
- KATHYRN CRENWELGE
- KARY COX
- GARY DAVIS
- BONNIE MCELVEY
- DENNIS GANN
- ROBERT DOKE

STAFF MEMBERS

- MYRNA BRUCE - SECRETARY

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PROCEEDINGS

MS. ELDER: What I'll have you do is I'll have you send me the Data Management Report, electronically, and I'll just send it out to the people who weren't here.

MR. BERGMAN: Okay.

MS. ELDER: And I'll send out House Bill 1481 and then whatever -- I'll send them the questions about the training. We'll talk a little bit about that.

I'd like to call to order the regular quarterly meeting of the OHMERC, February 8, 2011 at 1:30 p.m.

Could we have a roll call, please.

MS. BRUCE: Chief Doke is absent. Bonnie McElvey is absent. Kathryn Crenwelge is absent. Kary Cox is absent. Major Gann is absent. Gary Davis.

MR. DAVIS: Here.

MS. BRUCE: Monty Elder.

1 MS. ELDER: Here.

2 MS. BRUCE: We do not have
3 a quorum.

4 MS. ELDER: Right. We do
5 not have a quorum. So we will
6 postpone the approval of the December
7 Minutes until the next meeting.

8 Ms. McElvey is not here to do
9 the OEM Update. She did send me an
10 email that the only thing to note
11 was that we did have an emergency
12 declaration for the snow storm last
13 week.

14 Mr. Bergman, do you have the
15 Data Management Report?

16 MR. BERGMAN: I do. It is
17 as shown and looks pretty good.

18 MS. ELDER: Okay. I will
19 email that out to members and it
20 will be a part of an attachment of
21 these Minutes, there will be some
22 record of the Data Management Report,
23 even though Mr. Bergman didn't give
24 it.

25 I really want to talk about

1 the online training proposal from
2 Celeritas and Gary and I are the
3 only people here. So again, I will
4 send this out online. But I think
5 you were at a meeting, Gary, and
6 missed when we had the presentation.

7 MR. DAVIS: Uh-huh.

8 MS. ELDER: Basically,
9 Celeritas, has a system they have up
10 and running now with Missouri -- with
11 the Missouri Emergency Response
12 Commission where they are putting on
13 -- online training courses online.
14 And they do all of the setup of the
15 website, there are all kinds of
16 reports that can be generated, you
17 know, people took the class, where
18 were they, what fire departments,
19 what, you know, just any kind of
20 report you would want out of it.
21 And they will put up any course that
22 we would like to have put up. And
23 amazingly, the price is free. We
24 may wonder why the price is free.

25 MR. DAVIS: Why is the

1 price free?

2 MS. ELDER: because they
3 will -- they do put up, always they
4 put up ammonia response training and
5 they are contacted with the ammonia
6 group and pipeline group to do
7 training. And the pipeline hazardous
8 PHMSA, Pipeline Hazardous Materials
9 and Safety Administration requires
10 the pipelines do so many hours of
11 training a year and they require
12 verification in the form of reports
13 for that. So by setting up this
14 website and by including pipeline
15 safety in the website, it hits their
16 requirement for PHMSA. So pipeline
17 safety, pipeline training is
18 certainly valuable to responders.
19 And it's not the only thing.

20 So I talked to Celeritas
21 yesterday, and I said that I had
22 sent out the logins so that members
23 of the Commission could look at it.
24 I mean, everybody who was here last
25 time indicated that they were in

1 favor of it, that they thought it
2 was a great idea. Major Gann could
3 think of all kinds of courses to put
4 on.

5 I talked to Steve George at
6 OSU. He thinks it's a good idea.
7 He would provide the online courses
8 that OSU has for that. And so, what
9 I would like to do is go ahead and
10 work with Celeritas and he and I
11 would put together basically this
12 training website. I would get with
13 Steve George and have him give me
14 the online training that he currently
15 has, we'd get it set up so that the
16 OHMERC could see what it was going
17 to look like, we'd let people use
18 it, see what kind of reports were
19 generated and then we would see from
20 there whether we wanted to proceed
21 any further, whether we wanted to add
22 courses.

23 MR. DAVIS: Did you send
24 them out to the members of the
25 OHMERC?

1 MS. ELDER: Yes.

2 MR. DAVIS: I think it
3 sounds like a very good idea. A lot
4 of people have problems with online
5 training.

6 MS. ELDER: Right.

7 MR. DAVIS: But they get,
8 you know, 75 percent of the course
9 they would have gotten an instructor
10 with it, it's a valuable tool.

11 MS. ELDER: Right. And
12 obviously, there are some courses
13 that you cannot do online. If you
14 have to have any kind of practical -
15 -

16 MR. DAVIS: Sure.

17 MS. ELDER: -- you can't do
18 it online. So what I'm going to ask
19 is just to send out to all of the
20 other members, tell them the plan --
21 the plan is to just put together
22 kind of a trial website to see how
23 it would work, what it would look
24 like, what kind of reports we could
25 get, let a few people do the

1 training on it and then see if we
2 want to continue, if department might
3 be -- you know, public safety, you
4 know, and then whoever wanted to add
5 courses, could. Major Gann was
6 talking like they wanted to put a
7 lot of CLEET courses up there.

8 MR. BERGMAN: There are a
9 lot of CLEET courses that would fit
10 that sort of delivery, I think.

11 MS. ELDER: Right.

12 So that's my main thing.
13 People that are going to be here are
14 going to talk about how to go
15 forward. And I think the best thing
16 to do is for me to work with
17 Celeritas and get it setup so that
18 people have something real to look
19 at. But I will send out again, when
20 I can find it or I'll call John, the
21 email that had the loggins so you
22 could look at the MERC site. I sent
23 that out to everybody but right
24 before this meeting I tried to find
25 a copy of that email that I sent out

1 to everybody and I was unable to
2 find it.

3 MR. DAVIS: Send it to me
4 and I will look at it.

5 MS. ELDER: I thought I
6 did.

7 MR. DAVIS: As soon as I
8 get it I'll look at it.

9 MS. ELDER: Okay.

10 MR. DAVIS: It's very
11 intriguing to think about courses
12 that we've already got online but you
13 have another tool.

14 MS. ELDER: Right. It's
15 another platform and I think the real
16 benefit is the type of reports you
17 can generate out of the system. You
18 can cut the data anywhere you want
19 to. So that's good.

20 The only other thing that I
21 had was of note, and I will send
22 this out, there is a House Bill 1481
23 that is introduced into the House.
24 And it would amend the emergency
25 response Act. Basically, DEQ has

1 asked for these changes. So any
2 changes actually have to do with
3 basically DEQ cleaning up some of the
4 language, you can see some of it on
5 Page 2. On Page 3, we're clarifying
6 the fact that DEQ doesn't have the
7 equipment to monitor but we can do
8 sampling and analysis. So we're
9 changing that to look in that
10 direction.

11 We're also changing on Page 4
12 that business about maintaining a
13 list of qualified cleanup contractors
14 to reflect the fact that we now have
15 licensed highway remediation
16 contractors. And then for the
17 OHMERC, under the duties of the
18 OHMERC, instead of supervise and
19 coordinate the activities of the
20 local emergency planning committee
21 that's changed to coordinate with the
22 local, which I think is better.

23 But the reason I was going to
24 send it out to people is while DEQ
25 feels comfortable suggesting changes

1 that directly relate to DEQ, the
2 other agencies may want to take this
3 opportunity to make changes.

4 For example, Chief Doke, I'm
5 going to say, if you would like --
6 he's the only person who doesn't have
7 a designee. Everybody else on the
8 OHMERC has a designee. So if he
9 would like to add a designee to the
10 language, the language still says
11 civil emergency management. Oklahoma
12 Emergency Management Agency. So if
13 OEM would like to change that
14 language that would be an opportunity
15 I wanted Commission Members to be
16 aware that the Bill was there. They
17 can talk to their legislative -- the
18 folks in their agency who do
19 legislative process for them and then
20 perhaps make any other amends that
21 other agencies feel would be
22 appropriate for them.

23 So that's what we're going to
24 do. So I will email everybody and
25 copy the House Bill so that they can

1 see it. Okay.

2 I don't think there is any
3 discussion further. So hearing no
4 discussion, really not having a
5 quorum to adjourn, we're going to
6 close this meeting.

7 Thank you.

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9 (Meeting Concluded)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) s s :
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the
State of Oklahoma, do hereby certify
that the above meeting is the truth,
the whole truth, and nothing but the
truth; that the foregoing meeting was
tape recorded and thereafter
transcribed by me; that said meeting
was taken on the 8th day of
February, 2011, at Oklahoma City,
Oklahoma; and that I am neither
attorney for, nor relative of any of
said parties, nor otherwise
interested in said action.

IN WITNESS WHEREOF, I have
hereunto set my hand and official
seal on this, the 17th day of
February, 2011.

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

OKLAHOMA HAZARDOUS MATERIALS EMERGENCY RESPONSE COMMISSION

DATA MANAGEMENT REPORT

February 8, 2011

1. The Tier 2 reports are arriving. At present, about 10,000 locations from 750 owners have been received and validated. This is consistent with previous years.
2. Since the previous OHMERC meeting, CAMEO software training was conducted as follows:
December 9-10 Pawnee CAMEO Workshop

Future CAMEO training is scheduled as follows:

March 1-3 Ada Basic CAMEO Training
June 20-24 40-hour CAMEO Certification Course; Joplin MO

3. Since the previous OHMERC meeting, DEQ personnel have attended the following meetings:
January 19 Pittsburg Co. LEPC; McAlester
January 20 Kay Co LEPC; Ponca City
Dec. 16th, Jan. 12 Oklahoma Co. LEPC, RMACC
4. Toxics Release Inventory (Section 313) data for 2009 was released in December. Reports for 2009 activities were due till July 1st 2010. This was the earliest TRI Public Data Release. For 2009, 1,190 reports were received from 317 Oklahoma facilities which reported:

- 26,160,139 pounds of reportable chemicals released on-site
- 1,479,171 pounds transferred off-site for disposal
- 33,226,888 pounds treated
- 124,862,828 pounds reused through recycling and energy recovery

The Total Production Related Wastes for the State was 187,729,025 pounds for 2009, down five percent from 2008.

5. Currently there are 63 SoonerWARN members. No new requests for assistance have been posted since December.

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1481

By: Armes

4
5
6 AS INTRODUCED

7 An Act relating to environment and natural resources;
8 amending 27A O.S. 2001, Section 4-1-103, which
9 relates to the Oklahoma Emergency Response Act;
10 modifying the dangerous substances release
11 responsibility of the Department of Environmental
12 Quality; modifying requirement to maintain a certain
13 list; amending 27A O.S. 2001, Section 4-2-102, which
14 relates to the Oklahoma Hazardous Materials Planning
15 and Notification Act; clarifying certain duty of the
16 Oklahoma Hazardous Materials Emergency Response
17 Commission; and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 27A O.S. 2001, Section 4-1-103, is
20 amended to read as follows:

21 Section 4-1-103. A. For incidents or events involving releases
22 of dangerous substances requiring protective actions, the first
23 responder shall be responsible for initial evaluation of the
24 incident and implementation of protective action measures.

B. As soon as reasonably possible after arriving at the scene
of the incident, the first responder shall notify the lead official
to respond to ~~such an~~ the incident pursuant to subsection C of this

1 section. The first responder shall maintain ~~such~~ authority to
2 implement protective action measures until the lead official arrives
3 or until the incident is stabilized.

4 C. Each contact agency specified to respond to a dangerous
5 substance incident requiring emergency response shall designate lead
6 officials who shall be capable of responding on a twenty-four-hour
7 basis to ~~such~~ an incident.

8 D. Upon arrival at the incident scene, the lead official will
9 immediately assume responsibility for management of the incident.
10 All other responding emergency persons are to assist the lead
11 official in the discharge of ~~such official's~~ the duties of the
12 official.

13 E. If the first responder or the lead official believes the
14 incident to be of a significant nature to threaten the public
15 health, safety or the environment, the first responder or lead
16 official shall contact the Department of Environmental Quality as
17 soon as is reasonably possible. The Department of Environmental
18 Quality shall maintain a twenty-four-hour toll free statewide
19 telephone number to report emergencies.

20 F. The Department of Environmental Quality shall, as necessary:

21 1. Provide technical information or advice to the lead
22 official;

23 2. Provide for personnel for assistance in completing material
24 identification;

1 3. Provide technical assistance on or initiate procedures for
2 containment or suppression of the release;

3 4. Provide sampling, and analysis and monitoring of
4 contaminated water or soil after the release has been contained or
5 stabilized;

6 5. Notify the responsible party of the release; and

7 6. Oversee the planning of final containment, cleanup and
8 recovery of dangerous materials.

9 G. The Department of Environmental Quality is authorized when
10 determined to be necessary to protect the public health, safety and
11 welfare of the environment to initiate cleanup operations of the
12 release based upon seriousness of the release, location of the
13 release, threat of the release to the public health and safety or
14 the environment, responsiveness of the responsible party, or
15 authorization of the responsible party. The responsible party shall
16 be liable for any expenses incurred in any cleanup operation.

17 H. 1. Upon the release of dangerous substances requiring
18 protective actions, the responsible party shall take immediate
19 emergency response measures as directed by the lead official
20 assuming responsibilities for management of the incident or the
21 Department of Environmental Quality if contacted by the first
22 responder or lead official pursuant to subsection E of this section.

23 2. If the responsible party fails to take immediate emergency
24 response measures as required pursuant to paragraph 1 of this

1 subsection, the contact agency, the district attorney of the county
2 where the release occurred or the Department of Environmental
3 Quality, as applicable, is authorized to apply for a temporary order
4 to compel the responsible party to take ~~such~~ immediate emergency
5 response measures.

6 I. 1. In not less than four (4) hours nor more than seven (7)
7 days, as determined by the contact agency or the Department of
8 Environmental Quality, as applicable, the responsible party shall
9 provide a written action plan for the proposed cleanup operations to
10 the contact agency and shall initiate cleanup operations.

11 2. The contact agency, the district attorney of the county
12 where the release occurred or the Department of Environmental
13 Quality, as applicable, is authorized to apply for a temporary and
14 permanent court order to compel the responsible party to provide the
15 written action plan and to abate the release and restore the release
16 site.

17 J. The Department of Environmental Quality shall maintain a
18 list of ~~persons qualified to provide the services necessary to take~~
19 ~~corrective actions to abate and restore release sites~~ licensed
20 highway remediation contractors.

21 K. The lead official may request the Department of Civil
22 Emergency Management to provide state resources in managing an
23 emergency or extreme emergency. If the lead official does not
24 request that the Department of Civil Emergency Management provide

1 state resources in managing an emergency or extreme emergency, the
2 lead official shall notify the Department of Civil Emergency
3 Management after the emergency or extreme emergency no longer poses
4 an immediate threat to the public's health or safety or the
5 environment of the release of dangerous substances.

6 L. The Department of Civil Emergency Management shall keep a
7 record of each emergency or extreme emergency which includes but is
8 not limited to the location, first responder, lead official, type of
9 emergency or extreme emergency, and actions taken to address said
10 emergency or extreme emergency.

11 M. At the request of the contact agency, the Department of
12 Civil Emergency Management shall provide assistance to the contact
13 agency, in either reviewing the emergency procedure or emergency
14 management plan used in managing the completed emergency or extreme
15 emergency within the ~~contact agency's~~ jurisdiction of the contact
16 agency.

17 SECTION 2. AMENDATORY 27A O.S. 2001, Section 4-2-102, is
18 amended to read as follows:

19 Section 4-2-102. A. For purposes of implementing the
20 provisions of Title III of the federal Superfund Amendments and
21 Reauthorization Act of 1986, the Governor shall appoint or designate
22 the members of the Oklahoma Hazardous Materials Emergency Response
23 Commission.
24

1 B. The Oklahoma Hazardous Materials Emergency Response

2 Commission, shall include at a minimum:

3 1. The Secretary of Safety and Security or designee;

4 2. The Commissioner of the Department of Public Safety or
5 designee;

6 3. The State Fire Marshal;

7 4. The Executive Director of the Department of Environmental
8 Quality or designee;

9 5. The Director of the Department of Civil Emergency Management
10 or designee;

11 6. One member representing the response community for a term of
12 three (3) years; and

13 7. One member representing regulated industries for a three-
14 year term, except the initial appointment shall only be for a two-
15 year term.

16 C. An appointment shall be made by the Governor within ninety
17 (90) days after the expiration of the term of any member due to
18 resignation, death, or any cause resulting in an unexpired term. If
19 no appointment is made within that ninety-day period, the Commission
20 may appoint a provisional member to serve in the interim until the
21 Governor acts.

22 D. The Commission shall have the power and duty to:

23 1. Appoint a chairman and vice-chairman;

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1 2. Execute a Memorandum of Understanding subject to the
2 Administrative Procedures Act with each member agency to designate
3 responsibilities and conduct studies;

4 3. Require reports or plans from member agencies;

5 4. Advise, consult and coordinate with other agencies of the
6 state and federal government;

7 5. Ensure that the State of Oklahoma remains in compliance with
8 the requirements of Title III of the Superfund Amendments and
9 Reauthorization Act;

10 6. Coordinate administrative penalties;

11 7. Coordinate development of annual budgets for each member
12 agency's respective costs for administration and implementation of
13 its responsibilities pursuant to the Oklahoma Hazardous Materials
14 Planning and Notification Act; and

15 8. ~~Supervise and coordinate the activities of~~ Coordinate with
16 the local emergency planning committees.

17 E. On behalf of the Oklahoma Hazardous Materials Emergency
18 Response Commission, member agencies shall have the following
19 responsibilities:

20 1. The Oklahoma Department of Environmental Quality shall:

21 a. provide administrative support to the Oklahoma
22 Hazardous Materials Emergency Response Commission,

23 b. review the activities of the local emergency planning
24 committees, and serve as liaison between the Oklahoma

1 Hazardous Materials Emergency Response Commission, the
2 local emergency planning committees, and federal
3 agencies, except as related to training funds from the
4 federal emergency management agency,

5 c. administer a notification program pursuant to federal
6 requirements for emergency releases of extremely
7 hazardous substances and hazardous substances as
8 identified by the federal Environmental Protection
9 Agency. ~~Such notification~~ Notification shall include
10 immediate notice of the release and written follow-up
11 notice of response actions taken, risk analyses, and
12 advice concerning medical treatment for exposure, and
13 shall include releases from facilities subject to
14 Title III of the Superfund Amendments and
15 Reauthorization Act. ~~Such~~ The notification
16 requirements shall be in addition to those required by
17 other agencies,

18 d. administer and enforce the reporting requirements of
19 Title III of the Superfund Amendments and
20 Reauthorization Act pertaining to emergency planning
21 notification, material safety data sheets, chemical
22 lists, emergency and hazardous chemical inventory
23 forms, and toxic chemical release forms,
24

- e. serve as the industrial liaison and the repository for required information,
- f. perform such environmental services as are necessary to validate required reports, and
- g. receive and respond to requests for information under the Oklahoma Open Records Act;

2. The Oklahoma Department of Civil Emergency Management shall:

- a. administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986,
- b. receive and review emergency plans submitted by local emergency planning committees, make recommendations on revisions to ~~such~~ the plans for coordination purposes, and facilitate the training for and the implementation of ~~such~~ the plans, and
- c. facilitate emergency training programs for local emergency planning committees.

F. Each member agency of the Oklahoma Hazardous Materials Emergency Response Commission shall have the power and duty, relative to its respective Commission responsibilities, to:

1. Require reports and plans;
2. Prescribe rules and regulations consistent with Title III of the Superfund Amendments and Reauthorization Act. Any rule or regulation promulgated by any member agency pursuant to the Oklahoma

1 Hazardous Materials Planning and Notification Act shall not be more
2 stringent than any ~~such~~ federal act;

3 3. Adopt federal rules. Any rule or regulation promulgated by
4 any member agency pursuant to the provisions of the Oklahoma
5 Hazardous Materials Planning and Notification Act shall not be more
6 stringent than any such federal rules;

7 4. Cause investigations, inquiries and inspections;

8 5. Prescribe penalties;

9 6. Assess administrative penalties;

10 7. Cause prosecution;

11 8. Accept, use, disburse and administer grants, allotments,
12 gifts, devises for the purposes of facilitating emergency response
13 performance in the state;

14 9. Provide public information as requested regarding emergency
15 response implementation in the state; and

16 10. Work with other agencies where applicable, to eliminate
17 redundancy in the reporting requirements of the various state,
18 federal and local agencies enforcing hazardous materials handling,
19 storage, spills and training.

20 G. Any person violating any provision of the Oklahoma Hazardous
21 Materials Planning and Notification Act shall be deemed guilty of a
22 misdemeanor, and upon conviction thereof, shall be punishable by a
23 fine of not more than Ten Thousand Dollars (\$10,000.00), or by
24

1 imprisonment for not more than one (1) year, or by both such fine
2 and imprisonment.

3 H. The Oklahoma Hazardous Materials Emergency Response
4 Commission shall:

5 1. Designate emergency planning districts to facilitate
6 preparation and implementation of emergency plans; and

7 2. Appoint members of a local emergency planning committee for
8 each emergency planning district.

9 SECTION 3. This act shall become effective November 1, 2011.

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11 53-1-5715 KB 01/04/11

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