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TRANSCRIPT OF PROCEEDINGS
OF THE OKLAHOMA HAZARDOUS MANAGEMENT
EMERGENCY RESPONSE COMMISSION MEETING
ON AUGUST 14, 2012, AT 1:30 PM
HELD IN OKLAHOMA CITY, OKLAHOMA

* * * * *

MYERS REPORTING SERVICE
Christy Myers, CSR
P.O. Box 721532
Oklahoma City, Oklahoma 73172-1532
(405) 721-2882

MEMBERS OF THE COMMISSION

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- MONTY ELDER
- BONNIE MCKELVEY
- KARY COX
- GARY DAVIS
- STEVE NISWANDER
- CHIEF DOKE
- MAJOR GANN

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PROCEEDINGS

MS. ELDER: I would like to call to order to the OHMERC quarterly meeting on August 14th, 2012 at 1:30 p.m.

Do we have a role call?

MS. MURPHY: We actually have you doing that, Monty.

MS. ELDER: Okay. And I actually don't have, but that's all right.

Gary Davis.

MR. DAVIS: Here.

MS. ELDER: Bonnie McKelvey.

MS. MCKELVEY: Here.

MS. ELDER: Steve Niswander.

MR. NISWANDER: Here.

MS. ELDER: Monty Elder, here. Kary Cox, absent. Major Gann is absent, and Chief Doke, absent. Okay. But we do have a quorum. Great.

So has everybody had an

1 opportunity to look at the May 8th
2 Minutes from the last meeting?

3 Do I have a motion to approve
4 the minutes?

5 MS. MCKELVEY: I make a
6 motion.

7 MS. ELDER: Bonnie makes a
8 motion. Do I have a motion to
9 second?

10 MR. DAVIS: I second.

11 MS. ELDER: Thank you, Gary.
12 All in favor, say aye.

13 (Collective response aye)

14 MS. ELDER: Opposed?

15 (No response)

16 MS. ELDER: Hearing nothing,
17 the minutes passed. Great. So now
18 we'll go on to the Commission
19 Status Reports.

20 Ms. McKelvey, you have the OEM
21 update.

22 MS. MCKELVEY: Okay.
23 Regarding the HMEP training, the
24 hazardous materials training has
25 occurred as of 7/3 of this year. We

1 have got 2,528 first responders to
2 include Fire, EMS, and law. They've
3 been trained in 69 different HAZMAT
4 courses put on by OSU Fire Service
5 Training, and funded with the HMEP
6 grant, the Hazardous Materials
7 Emergency Preparedness grant. And I
8 know all of you are aware we have
9 been in a fire season, big time. We
10 so far have had seven F-MAGS approved
11 as of those fires occurring since
12 July 30th. Damage assessment from
13 individuals turned up 638 homes and,
14 out of those, 603 were destroyed,
15 basically, and 87 percent of those
16 were uninsured.

17 UNIDENTIFIED: Really?

18 MS. MCKELVEY: And a big
19 portion of those were in Creek
20 County. So we are making application
21 --

22 MR. NISWANDER: Excuse me.

23 87 percent were --

24 MS. MCKELVEY: Uninsured or
25 under-insured. Most of them were

1 u n i n s u r e d .

2 M R . N I S W A N D E R : W o w .

3 M S . M C K E L V E Y : I t ' s i n t h e
4 r u r a l a r e a s . T h e G o v e r n o r w i l l s e n d
5 o f f a l e t t e r t o d a y t o t h e P r e s i d e n t
6 r e q u e s t i n g a d i s a s t e r d e c l a r a t i o n a n d
7 f o r i n d i v i d u a l a s s i s t a n c e , a n d w e a r e
8 s t i l l l o o k i n g a n d c o m p i l i n g
9 i n f o r m a t i o n f o r t h e p u b l i c
10 a s s i s t a n c e , w h i c h i s t h e c o - o p s , a n d
11 I t h i n k t h e t h r e s h o l d i s
12 f o u r - m i l l i o n - p o i n t - s o m e t h i n g , a n d s o
13 f a r w e ' v e i d e n t i f i e d j u s t o u t o f o n e
14 c o - o p o v e r s i x m i l l i o n . S o w e w i l l
15 p r o b a b l y b e a p p r o v e d , w e ' r e h o p i n g ,
16 f o r p u b l i c a s s i s t a n c e a n d i n d i v i d u a l
17 a s s i s t a n c e . S o t h a t m e a n s b a s i c a l l y
18 F E M A w i l l b e c o m i n g t o t o w n - -

19 (I n a u d i b l e m u l t i p l e v o i c e s)

20 M S . M C K E L V E Y : I t ' s v e r y
21 d i f f i c u l t t o g e t t h e i n d i v i d u a l
22 a s s i s t a n c e .

23 M S . E L D E R : Y e s .

24 M S . M C K E L V E Y : B u t w e t h i n k
25 t h i s s h o u l d m o r e t h a n q u a l i f y . S o

1 t h a t ' s w h e r e w e a r e t h e r e .
2 E v e r y o n e ' s p r e t t y b u s y t r y i n g t o
3 g a t h e r a l l t h e i n f o r m a t i o n w e n e e d
4 f o r F E M A . W e o n l y s p o n s o r e d o n e
5 t e a m f o r H A Z M A T C h a l l e n g e . O n l y o n e
6 t e a m a p p l i e d . M i d w e s t C i t y w a s n o t
7 a b l e t o g o t h i s y e a r , s o .

8 M S . M U R P H Y : W h o w a s t h a t ?

9 M S . M C K E L V E Y : C i t y o f
10 E d m o n d .

11 M S . M U R P H Y : W h e r e w a s i t ?

12 M S . M C K E L V E Y : I n N e w
13 M e x i c o . I s i t L a s - -

14 M R . D A V I S : L a s C r u c e s .

15 M S . M C K E L V E Y : L a s C r u c e s .
16 I h a v e s e n t o u t i n f o r m a t i o n r e g a r d i n g
17 t h e H o t Z o n e C o n f e r e n c e a n d g o i n g t o
18 s p o n s o r u p t o t e n e m e r g e n c y m a n a g e r s
19 t o a t t e n d t h a t . G a r y a n d I a r e
20 w o r k i n g t o g e t h e r o n t h a t .

21 M R . D A V I S : I d i d g e t
22 a p p r o v a l t o d o a p p r o x i m a t e l y t h e s a m e
23 a m o u n t , a p p r o x i m a t e l y f i v e t h o u s a n d
24 d o l l a r s w o r t h .

25 M S . M C K E L V E Y : O k a y . G r e a t .

1 The LEPC Workshop, I do have the --
2 I have some notes on that.

3 This is the invitation letter I
4 sent out. It has all the
5 information about where and when and
6 how to register.

7 MS. ELDER: Uh-huh.

8 MS. MCKELVEY: And I guess
9 we are still kind of working on the
10 agendas. If you guys see any
11 changes we need to enter or anything
12 --

13 MS. ELDER: Right.

14 MR. DAVIS: I talked to
15 Steve George. He handed me the
16 agenda a couple of weeks ago, and I
17 think everything's finished, as far
18 as I know.

19 MS. MCKELVEY: Well, I still
20 haven't received anything from him
21 regarding the tour of the facility.

22 MR. DAVIS: Oh, yeah. We
23 did talk about that.

24 MS. MCKELVEY: Yeah, as to
25 when we need to -- that's why I kind

1 of kept it drafted. I don't know
2 when we're going to put that in yet.

3 MR. DAVIS: We're not going
4 to put it in yet.

5 MS. MCKELVEY: Yeah.

6 MR. DAVIS: I have got a
7 call into him anyway. I'll ask him
8 about that.

9 MS. MCKELVEY: Okay. Our
10 annual OEM Conference begins next
11 week. Monday the 20th is a training
12 day. We have several classes going
13 on, and the actual conference will be
14 Tuesday through Thursday about noon
15 or 1:00. I actually have agendas
16 for it. Now the registration online
17 cutoff was August 3rd, but if any of
18 you can attend a portion of it or,
19 you know, (inaudible) and you haven't
20 registered, you can register there at
21 the conference. They'll have a
22 registration table set up. And I
23 think that's all I have.

24 MS. ELDER: Thank you.

25 Mr. Bergman, do you have the Data

1 Management Report?

2 MR. BERGMAN: Yes. I
3 believe that everyone has -- does
4 everyone have a copy of that?

5 MS. MURPHY: Does everybody
6 have a copy of the Data Management
7 Report?

8 MR. BERGMAN: Let's pass
9 those out.

10 (Pause)

11 MR. BERGMAN: I have 1, 2,
12 and 3 for me. Daniel will do 4 and
13 5. We were just chatting, before
14 the meeting started, that's pretty
15 much a final tally on Tier IIs. We
16 may find a few here or there. I'm
17 going to go over and pick up a
18 listing of all the propane sites from
19 LP Gas Administration again, because
20 I went to Vanita -- I'm sorry. I
21 went to Jay and I went to Durant.
22 In both places I found companies
23 with about eight propane tanks that
24 were not in the reports. So it
25 seems like about every four or five

1 years you have to go back through
2 the list. Certainly LP Gas
3 Administration has them -- had them
4 all.

5 MS. ELDER: Yeah.

6 MR. BERGMAN: Because if
7 they don't register with them, they
8 go out there and put a padlock on
9 their tank.

10 MR. NISWANDER: So you are
11 looking at storage tanks, not
12 (inaudible) tanks.

13 MR. BERGMAN: Propane.

14 MS. ELDER: Propane.

15 MR. NISWANDER: Okay,
16 propane.

17 MR. BERGMAN: Yeah. Ammonia
18 tanks, you know, generally, that's --
19 95 percent of them probably come in
20 from a group called Triangle
21 Insurance. They're pretty thorough
22 about making sure they follow --
23 cross all the T's and dot all the
24 I's. So I very rarely find an
25 ammonia tank that isn't reported.

1 But propane, those guys are a little
2 more individualistic, I guess. Like
3 I talked to the guys in Durant, they
4 said, "Oh, we do that in Texas".

5 "Yeah?"

6 "But we didn't know we had to
7 do it in Oklahoma. I thought it was
8 just Texas."

9 That's an industry that you
10 sort of have to keep on top of
11 thing. They don't -- what would be
12 the right way? If they can get away
13 without following some of the rules,
14 they just seem to do that. It's a
15 general rule. Not that they don't
16 want to follow the rules. They just
17 don't figure them out. You know?

18 MR. NISWANDER: I think that
19 goes back to the clout the old
20 Railroad Commission in Texas had. I
21 mean you mess with those boys, you
22 lost a hand.

23 MR. BERGMAN: Yeah. Right.

24 MR. NISWANDER: And that's
25 kind of gone away to where the DPS,

1 or other entities have taken it, but
2 that feeling is there that you got
3 to report that you got it. Because
4 the Railroad Commission would take
5 your -- they'd take your business.

6 MR. BERGMAN: Oh, yeah.
7 And LP Gas Administration -- but we
8 never have any problems once we talk
9 to them. They're always very nice
10 and always go right along.

11 The other thing that came in,
12 training remains fairly popular. For
13 Gary and Bonnie's group, Item 3
14 upcoming, one of those is in Oklahoma
15 City. That's an awfully good
16 opportunity for anybody that you
17 might have in your office.

18 MS. ELDER: Okay.

19 MR. BERGMAN: We are going
20 to do that one. It's the three-day
21 NCPRT delivery. So they'll get a
22 certificate from Homeland Security
23 and -- okay? That's quasi a little
24 more official, I guess, in some ways.
25 They get all the certificates from

1 the national organizations. The
2 other two, I just give them
3 certificates if they want one, but
4 they're not part of any national
5 certification.

6 MS. ELDER: Okay. Does
7 anybody have a question for Tom?

8 (No response)

9 MS. ELDER: Okay. I think,
10 Jami, you have the last two items.

11 MS. MURPHY: Okay. The
12 final deadline for Toxics Release
13 Inventory was July 2nd. TRI
14 Reporting falls six months behind the
15 end of the calendar year. So that's
16 2011 that's being reported.

17 Interesting to me is that we
18 have a slight increase in the number
19 of facilities and also in the total
20 number of reports, and that's about
21 the same increase we had from 2009
22 to 2010. So it's possible to
23 extrapolate from that that maybe
24 manufacturing is starting to pick up
25 in Oklahoma again. Whereas some

1 facilities may not have closed, but
2 may have fallen below the reporting
3 thresholds. Now they're starting to
4 pick up again. So I think this is
5 good news. I actually expected to
6 have a reconciliation report from EPA
7 by now, and expect to have it any
8 day. As soon as that's done, I'll
9 start doing the number crunching on
10 the 2011 TRI data and I will have
11 some numbers for you next meeting.
12 And EPA is still -- for quite a
13 while they've really stopped doing
14 TRI inspections in Oklahoma, and it's
15 starting to pick up a little. So I
16 have done one since the last meeting
17 and I accompany them tomorrow. So
18 if you have any questions, give me a
19 call.

20 MS. ELDER: Thank you. Any
21 questions for Jami?

22 (No response)

23 MS. ELDER: Okay. Bonnie,
24 I had you down for the LEPC mini
25 HAZMAT Conference update, but just

1 want to go over -- it's the 11th and
2 12th at the Saddleback Inn Best
3 Western on about Reno and Meridian.
4 Bonnie, anything more than than that
5 we want to add?

6 MS. MCKELVEY: I don't think
7 so.

8 MS. ELDER: Okay. And
9 hopefully, you know, I think we've
10 tried to put together a good agenda.
11 So anyway, hopefully that will go
12 well. So we'll move on to some
13 discussion items. As it turns out,
14 this last quarter the federal
15 agencies were just busy little bees,
16 and so I just wanted to give you
17 some information so that everybody
18 would be aware of it.

19 (Pause)

20 MS. ELDER: The first thing
21 is I want to talk about is EPA did
22 revise the Tier I, which we don't
23 really use in Tier II forms. They
24 added some mandatory data. Since we
25 do electronic submittal, this will

1 all go right into "Tier 2 Submit,"
2 so it won't really be a big
3 difference. They are going to
4 require facilities to report
5 Lat-Long, and we've have required
6 that in Oklahoma for a number of
7 years. So it's always nice to have
8 the federal government catch up with
9 us.

10 There are a couple of things
11 that are really important to
12 responders, and that, first of all,
13 is to say whether or not that
14 facility has personnel at it or not,
15 whether it's manned or unmanned, and
16 if so what's the maximum number of
17 people there, which is very important
18 if you have a fire or an explosion,
19 you need to have -- know whether you
20 need to go in and rescue anybody.
21 They're not going to require a phone
22 number for the facility but it will
23 be optional. They'll have to have
24 the facility emergency coordinator.
25 You'll have to have all that

1 information for 302, which you should
2 have already had anyway. They'll
3 have to indicate whether or not there
4 are other programs that they are
5 subject to, like the 302 Risk
6 Management Program.

7 One of the interesting things
8 is that Tier II as it stands now has
9 codes for things. It has a code for
10 how much -- a range of how much
11 material that will be there. Well,
12 hardly anyone, except Tom Bergman and
13 other people who see that form on a
14 daily basis, can remember what that
15 range is for, and certainly a
16 firefighter just looking at that the
17 number cannot remember what the range
18 is for. So they're actually going
19 to put the range -- instead of a
20 code, they are going to put the
21 range on the form. Instead of a
22 code for how the storage is, instead
23 of A, B, and C, you will actually
24 know what "A" stands for, what "B"
25 stands for, that sort of thing. So

1 I think that's a real improvement,
2 because people just cannot remember
3 what that is. There will be
4 different data fields for a pure
5 chemical versus a mixture of a
6 chemical, and there will also be a
7 space for additional reporting
8 requirements. So does anybody have a
9 question about that?

10 MR. BERGMAN: Just, not
11 necessarily a question, but all that
12 relates to the paper forms which we
13 haven't used for a long time, and
14 those items, like what the range
15 values being we're already in the
16 CAMEO software anyway, so our guys
17 are --

18 MS. ELDER: Right. When
19 you do a report from CAMEO, does it
20 have what the range codes are on
21 them?

22 MR. BERGMAN: (Inaudible).

23 MS. ELDER: Okay. Since
24 we're one of the few states that use
25 that, it's certainly made a big

1 difference to other states .

2 MR. BERGMAN: It was a big
3 deal to a lot of other states .
4 Colorado --

5 MS. ELDER: Right .

6 MR. BERGMAN: -- and some
7 other guys .

8 MS. ELDER: And then we had
9 a little bit of a dust-up . I had
10 some calls about this . EPA sent a
11 letter to Senator Inhoff in which
12 they misquoted Oklahoma , which is
13 always a fun thing to do . Actually
14 me . I'm the source that they
15 misquoted . So I had a lot of back
16 and forth about that . Basically some
17 of you may know that there is a
18 portion of -- in EPCRA reporting ,
19 there are exemptions for routine
20 agricultural activities . That's
21 supposed to exempt the farmer . You
22 know , my grandfather was a farmer and
23 rancher , and believe me he had lots
24 of chemical storage . That's to
25 exempt them . But it is not to

1 exempt large bulk fertilizer. In
2 other words, if it's something that
3 the farmer would have and use like
4 that, that's exempt. But if it's
5 large amounts that are going to be
6 distributed to the farmer, then that
7 is reported. Somehow or another
8 there is a big -- many times at
9 co-ops you'll have different
10 chemicals that are mixed specifically
11 for a farmer, depending on what he
12 needs, depending on what his soil
13 needs. You'll have a little bit of
14 this, a little bit of that. You
15 know, you mix it all together.
16 And there's been some controversy
17 about whether you should report the
18 amounts that are mixed, not the
19 amounts that are stored to be mixed,
20 but the amounts mixed. And so, it
21 says in this letter that according to
22 the Oklahoma State Emergency Response
23 Commission, which is actually me,
24 fertilizer facilities continue to
25 report under EPCRA the amount of

1 fertilizer mixed and blended at their
2 sites. That is absolutely incorrect.
3 What they report is, you know, the
4 bulk chemicals that are going to be
5 blended. You know, they don't report
6 that. So, just an FYI. I believe
7 that's all been straightened out with
8 Senator Inhoff's office now and
9 with EPA. But I think probably what
10 happened is some administrator wrote
11 this letter, wasn't really familiar
12 with the program because that would
13 never be reported in any state much
14 less Oklahoma. So just to let you
15 know, there was a little controversy.
16 So does anybody have a question about
17 that?

18 MS. MCKELVEY: What is
19 actually reported then?

20 MS. ELDER: Here's what's
21 actually reported. If you have
22 urea/potash/nitrate, and you have
23 large quantities, maybe I've got a
24 hundred thousand pounds of this and
25 fifty thousand pounds of this and

1 s e v e n t y - f i v e t h o u s a n d p o u n d s o f t h i s ,
2 I a m g o i n g t o r e p o r t h u n d r e d t h o u s a n d
3 p o u n d s , f i f t y t h o u s a n d p o u n d s ,
4 s e v e n t y - f i v e t h o u s a n d p o u n d s . W h a t
5 t h e y s a i d w e d i d w a s , o k a y , F a r m e r
6 B r o w n c o m e s i n a n d h e g e t s t h r e e
7 p o u n d s o f t h i s a n d h a l f - a - p o u n d o f
8 t h i s a n d f o u r p o u n d s o f t h i s t o m a k e
9 a s p e c i a l i z e d f e r t i l i z e r b l e n d , t h e y
10 s a i d w e r e p o r t e d h o w m u c h w a s
11 b l e n d e d , a n d t h a t ' s n o t r i g h t . D o e s
12 t h a t m a k e s e n s e ?

13 (C o l l e c t i v e p o s i t i v e r e s p o n s e s)

14 M S . E L D E R : O k a y . W e
15 r e p o r t t h e b u l k a m o u n t s t h a t a r e
16 t h e r e t o b e b l e n d e d . W e d o n ' t - -
17 t h e r e ' s n o r e p o r t i n g m e c h a n i s m f o r
18 h o w m u c h i s b l e n d e d o r - - r i g h t .
19 T h e y j u s t - - E P A j u s t t o t a l l y m e s s e d
20 t h a t u p . T h a t ' s a l l I c a n t e l l y o u .
21 T h e y t o t a l l y m e s s e d t h a t u p .

22 M R . N I S W A N D E R : U n d e r
23 H o m e l a n d S e c u r i t y , i s n ' t t h e r e a
24 r e q u i r e m e n t f r o m t h e c o - o p t o
25 i d e n t i f y l a r g e s a l e s o f n i t r a t e s ?

1 MS. ELDER: Yes, it is.

2 But they don't identify to us.

3 MR. NISWANDER: Should go
4 through Homeland Security.

5 MS. ELDER: Right. It's
6 secret. They're required to identify
7 it. Maybe you know where it goes,
8 Gary, but I do not.

9 MR. DAVIS: It's secret.

10 MS. ELDER: It is secret.

11 MS. MCKELVEY: Can't tell
12 you that.

13 MS. ELDER: It's secret.
14 We can't tell you. Okay. I'm not
15 going to pass this out, but I'll let
16 you look at it if you would like to.
17 I am just bringing this up. The
18 Humane Society, the national
19 headquarters in Washington, DC, sent
20 out 22 letters to facilities in
21 Oklahoma informing them of a Notice
22 of Intent to file a citizen suit
23 under Emergency Planning and
24 Community Right-to-Know.

25 Any facility, whether you're a

1 confined animal feeding operation,
2 hog farm, or you're a refinery, or
3 you're an ammonia plant, if you have
4 a continuous release of a hazardous
5 material -- in other words, it's
6 all the time -- you have to file a
7 one-time deal with us that says, Hey,
8 I got a continuous release of "X".
9 I mean refineries do it. You know,
10 I got a continuing release -- if
11 they're doing a flare -- I've got a
12 continuous release of hydrogen
13 sulfide, or whatever, and so several
14 years ago the Sierra Club sued,
15 actually Seaboard Farms in Guymon,
16 because they have continuous releases
17 of ammonia every day, all the time,
18 and they had not filed to say that
19 we have a continuous release of
20 ammonia. And so, Seaboard was sued,
21 Seaboard paid a fine, and Seaboard
22 reported. And so after that there
23 was a big push. I mean, like
24 practically every confined animal
25 feeding operation in Oklahoma sent us

1 -- called our hotline and said, We've
2 got a continuous release, sent us a
3 letter that says we've got a
4 continuous release, and that's it.
5 That's done. That's all you have to
6 do. But apparently -- well, the
7 Humane Society asked for our list of
8 who had filed with us, and, of
9 course, that's public information, so
10 we provided it, and they apparently
11 did some research and then they found
12 some places that had not reported.
13 Not just in Oklahoma but in, I
14 think, about five states. And so I
15 don't know whether that suit will go
16 forward, but I just thought since
17 we're on the OHMERC you'd like to
18 know that they did do an intent to
19 sue. I did not print out all the
20 letters because each letter is a
21 twelve-page letter, but if you would
22 like to look at it and would like to
23 see their rationale of what they're
24 saying about it, this it. In other
25 words, there are, I think, twenty-two

1 facilities total, four different
2 actual companies, but twenty-two
3 different sites for those four
4 companies that they filed a Notice of
5 Intent to Sue. The State doesn't
6 really have anything to do with that,
7 but it is a citizen suit under
8 EPCRA.

9 MR. NISWANDER: That was
10 mainly targeted to confined animal --

11 MS. ELDER: They're all
12 confined animal feeding operations,
13 hog farms, cattle -- I think they're
14 all hog, to tell you the truth. I
15 think they're all hog farms, but
16 poultry operations and feed lots
17 are required, you know, if you have
18 a continuous release of ammonia,
19 which would have. So anyway. So
20 there's that.

21 And OSHA's been busy. OSHA
22 revised their hazard communication
23 standard MSDS sheets. And why does
24 that matter to us? Because under
25 Section 311 of EPCRA there is an

1 opportunity -- you have a choice.
2 You can either send us MSDS sheets
3 for all your chemicals, and by the
4 way please don't, or you can send us
5 a list of the chemicals you have and
6 the Tier II Report does that for us.
7 But just for your information they
8 are changing MSDS sheets to make them
9 harmonized. If you have ever seen
10 an MSDS sheet, if you see an MSDS
11 sheet for ammonia from three
12 different companies, it will look
13 three entirely different forms. The
14 information may be there somewhere,
15 but it's not in the same place, it's
16 not reported the same. And so this
17 is to have basically the MSDS sheets
18 kind of be the same, and this
19 affects the hazard communication
20 standard. So anybody who has
21 employees, for example, here in our
22 building, in DEQ, because we have
23 chemicals in our building, in our
24 labs, we have to follow the hazardous
25 communication standard. So it tells

1 you how you have a time period in
2 which to get your employees up to
3 date on the changes in the MSDS
4 sheets, and then it also says --
5 what they wanted to do, what EPA
6 wanted to do so was tell people you
7 have to send your new MSDS sheets to
8 the states. And when they ran that
9 by us, we were like, oh, no.
10 Because I don't know of any state
11 that collects -- can you imagine the
12 file of MSDS sheets we would have?
13 So I don't think any state does
14 that. So, in fact, they just said,
15 your state may want you to do that
16 or they may want you to -- give you
17 a list, but that is a change and I
18 just want people to make sure that
19 they were aware of that.

20 MR. NISWANDER: The biggest
21 change on that is the fact they no
22 longer have MSDS sheets. They're all
23 SDS sheets.

24 MS. ELDER: Right, SDS
25 sheets. Right. You're correct.

1 You are absolutely correct.

2 MR. NISWANDER: And that's
3 in tune with "global".

4 MS. ELDER: Right.

5 MR. NISWANDER: When Ted
6 Wilke went out and Bob Richards went
7 out, we lost the management of the
8 worldwide harmonization. Now France
9 is the manager of it, so that's why
10 we no longer have MSDS sheets, we
11 have SDS.

12 MS. ELDER: And thank you
13 for pointing that out. Yes. It is
14 not only to standardize MSDS sheets
15 in the United States but worldwide,
16 because products go worldwide and,
17 you know --

18 MR. NISWANDER: Well, the
19 other thing was on the bottoms of
20 those MSDS sheets are SDS sheets --

21 MS. ELDER: We're not going
22 to be able to change that, I don't
23 think.

24 MR. NISWANDER: -- a lot of
25 shippers used commodity -- what do I

1 want to say -- it was held secret.

2 MS. ELDER: Yes.

3 MR. NISWANDER: And so, for
4 example, we go to transport it, they
5 would reference on the MSDS sheet --
6 or on the SDS sheet, "check bill of
7 lading for identifier". Well, that's
8 all well and good, but if the bill
9 of lading gets separated from the
10 cargo tank, how do you know what it
11 is? So --

12 MS. ELDER: Right.

13 MR. NISWANDER: -- that was
14 another reason they honed in on that
15 was they have to identify the
16 products in there and it's not a
17 trade secret anymore.

18 MS. ELDER: Right.

19 MR. NISWANDER: They've got
20 to come forward with it.

21 MR. BERGMAN: If you have
22 any issues or questions for somebody
23 especially from your folks about Tier
24 II reporting, certainly refer them to
25 us. Sort of my guidance on it is,

1 as long as you have a CAS number,
2 fine. You don't need to send us
3 anything. We can find anything with
4 a CAS number. If you have a
5 product that has multiples or
6 different CAS numbers, and you want
7 to send us the paperwork, do it
8 electronically in the Tier 2 Submit
9 Software, which has a place you
10 can do that. Not a requirement, but
11 if -- some companies -- I've already
12 had some discussion with some of
13 them. They say, I've got to send
14 this to you, you know, that's my
15 company policy. Do it inside the
16 software. Make it a PDF file, or
17 whatever. We don't need the paper.
18 We'll be happy to take them as PDFs.

19 MR. NISWANDER: There's
20 several boards I sit on that you
21 need to come and make a reference to
22 that. One's the PHMSA, and the
23 other one's the Oklahoma Safety
24 Management Council. There's people
25 in there that need to know that.

1 MS. ELDER: We would be
2 happy to do that.

3 MR. BERGMAN: That's fine.
4 We just want to make it simple.

5 MR. NISWANDER: They both
6 meet Thursday. One's at 8:00, and
7 one's at 11:00.

8 MR. BERGMAN: This Thursday?

9 MR. NISWANDER: Yeah.

10 MR. BERGMAN: That's okay.

11 (Multiple voices)

12 MS. ELDER: That's great.
13 That would be great.

14 MR. BERGMAN: Let me know,
15 I will be glad to come by and do
16 that.

17 MR. NISWANDER: A lot of
18 the guys in the PHMSA group with
19 Todd are oil field.

20 MR. BERGMAN: And see, I
21 think Texas is going to do it the
22 same way.

23 MS. ELDER: Yeah.

24 MR. NISWANDER: Have you
25 heard anything about OSHA and maybe

1 the Oklahoma Corporation Commission
2 checking into silicate sand storage
3 and usage and working around?

4 MR. BERGMAN: No.

5 MR. NISWANDER: It's a big
6 issue, I guess.

7 MS. ELDER: Right. No, I
8 haven't heard one thing about it.
9 Steve, you probably know more about
10 this than I do, but a couple of
11 things from PHMSA, Pipeline and
12 Hazardous Materials Safety
13 Administration, from DOT, we did
14 have, Title 3, the Hazardous
15 Materials Transportation Safety
16 Improvement Act of 2012, and so I am
17 going to pass that around. These
18 are just sort of the highlights,
19 which talks about some improved
20 training programs, how you are going
21 to do data collection and research.
22 They're going to pilot on paperless
23 hazardous communications, and how how
24 to do that. There's also going to
25 be changes in inspections in highway

1 routing disclosures, wet lines --
2 which I don't think even know what
3 that is -- special permits, motorcade
4 permits, and then civil penalties.
5 That's kind of the highlights of
6 that.

7 MR. NISWANDER: You want to
8 know what wet lines are?

9 MS. ELDER: Sure.

10 MR. NISWANDER: You really
11 don't know?

12 MS. ELDER: I don't think I
13 know.

14 MR. NISWANDER: I don't have
15 a cargo tank in here. The wet lines
16 are the lines that are going to the
17 belly of the cargo tank.

18 MS. ELDER: Sure.

19 MR. NISWANDER: They go from
20 the internal valve down to the
21 outlet valve --

22 MS. ELDER: Right.

23 MR. NISWANDER: -- and if
24 you bottom load, like all refineries
25 do now, you have residue in that

1 line, because it shuts the internal
2 valve. But the refineries say
3 because it's going through your
4 external valve, you are already
5 paying the taxes on that so they
6 can't stop it. So, under the
7 highway bill, PHMSA's been challenged
8 to put together a pilot and a kind
9 of a research committee for two years
10 to see if there's going to be
11 anything done of it. Of all the
12 accidents, they're going back to
13 1980, there's been 6 people killed
14 with wet lines, and there's been 42
15 people killed welding on --

16 MS. ELDER: Yeah.

17 MR. NISWANDER: -- cargo
18 tanks --

19 MS. ELDER: Right, because
20 --

21 MR. NISWANDER: -- trying to
22 install wet lines.

23 MS. ELDER: Which kind of
24 brings me to -- I am not going to
25 make a copy of this for everybody,

1 a l t h o u g h I h a v e i t e l e c t r o n i c a l l y a n d
2 I ' d b e h a p p y t o s e n d i t t o e v e r y b o d y
3 w h o w a n t s i t . P H M S A d i d p u t o u t i n
4 A p r i l o f t h i s y e a r , a h i s t o r i c a l
5 o v e r v i e w o f d e a t h a n d i n j u r i e s a n d
6 h a z a r d o u s m a t e r i a l s i n c i d e n t s f r o m
7 ' 8 5 t h r o u g h 2 0 0 9 . A g a i n , S t e v e i s
8 p r o b a b l y v e r y f a m i l i a r w i t h t h i s .
9 G u e s s w h a t t h e m o s t c o m m o n h a z a r d o u s
10 m a t e r i a l i s i n t r a n s p o r t ? G a s o l i n e .

11 M R . B E R G M A N : G a s o l i n e .
12 W h a t a s h o c k e r .

13 M S . E L D E R : A b s o l u t e l y i t
14 i s .

15 M R . N I S W A N D E R : T h e r e ' s
16 p e o p l e t h a t d o n ' t b e l i e v e t h a t ' s
17 h a z a r d o u s m a t e r i a l .

18 M S . E L D E R : I k n o w t h e y
19 d o n ' t . I h a v e h a d t h a t c o n v e r s a t i o n
20 o n w a y t o o m a n y l e v e l s .

21 M R . N I S W A N D E R : I n 1 9 6 5 t h e
22 C i t y o f B o s t o n p u t a r e s t r i c t i o n o u t
23 t h a t n o h a z a r d o u s m a t e r i a l s w o u l d b e
24 i n t h e c i t y l i m i t s b e t w e e n 6 : 0 0 p . m .
25 a n d 6 : 0 0 a . m . T h e q u e s t i o n c a m e

1 immediately, How are you going to get
2 your gasoline?

3 Now Boston has in place you
4 can buy a permit but you can only
5 deliver certain hours within the City
6 of Boston. So I don't know how far
7 it's going to go.

8 MR. BERGMAN: That's Boston.
9 Those guys are crazy.

10 MS. ELDER: But you know,
11 this is fairly interesting.
12 Obviously, the most incidences do
13 occur on the highways, but the
14 largest incidents occur in air and
15 rail because of the amounts, but
16 they're very rare, but there is much
17 larger, much greater impact, most of
18 it, and very few occur on water, at
19 least that are reported. Two.
20 Two since, you know -- so. I guess
21 they may not be counting offshore --
22 those oil tankers that have problems
23 offshore.

24 MR. BERGMAN: Yeah.

25 MS. ELDER: But any way, if

1 you would like to -- it is
2 interesting reading. It is kind of
3 interesting to look at. They look
4 at accidents that occur, unloading,
5 loading, in transit, stored in
6 transit. Again, most accidents occur
7 -- most releases occur in transit,
8 and that is basically because of the
9 highway accidents that happen,
10 particularly with gasoline. At a
11 fixed facility, most accidents occur
12 in the loading and unloading process.
13 So there are lots of things to look
14 at and, again, just let me know. If
15 you would like a link to this, fine,
16 and if you would just like to look
17 it over this afternoon, I've got
18 this. Like I said, 62 pages, I
19 wasn't going to make one for
20 everybody, but there is one
21 available, looking at those hazardous
22 materials incidents. And, you know,
23 I think it's important to remember
24 when you look at a slightly different
25 way than PHMSA looks at it, when you

1 look at the NRC, the National
2 Reporting Center for accidents and
3 incidents, every single county in
4 Oklahoma has had a hazardous
5 materials incident. There's not one
6 that has a zero. So they do occur
7 and, you know, they'll probably
8 continue to occur. I can't imagine
9 that they won't. And so that's one
10 of the reasons we push so hard on
11 planning and training and exercises,
12 so that we can minimize those
13 incidents.

14 So, does anybody else have
15 anything they'd like to discuss?

16 MS. MURPHY: I have a
17 question.

18 MS. ELDER: Yes.

19 MS. MURPHY: Have you heard
20 anything back about EPA's decision on
21 self-audit?

22 MS. ELDER: No.

23 MS. MURPHY: Do you
24 remember?

25 MS. ELDER: No.

1 MS. MURPHY: Okay.

2 MS. ELDER: No. Anybody
3 else have anything they want to bring
4 up or discuss?

5 MR. DAVIS: No.

6 MS. ELDER: All right, then.
7 In that case, I don't believe we
8 have any new business. We might set
9 a land speed record for the OHMERC
10 meeting.

11 (Laughter)

12 MS. ELDER: So the next
13 meeting is all the way to December
14 4th. So that's a long way away.
15 It's all the way to December 4th.

16 So do I have a motion to
17 adjourn? I'm going to look at Gary.

18 MR. DAVIS: Motion to
19 adjourn.

20 MR. ELDER: Second? Steve
21 seconds. All in favor, aye?

22 (Collective response aye)

23 MS. ELDER: Opposed?

24 (No response)

25 MS. ELDER: All right. We

1 are adjourned. Thank you.

2 (Meeting Concluded)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the
State of Oklahoma, do hereby certify
that the above meeting was recorded
and thereafter transcribed by me;
that said meeting was taken on the
14th day of August, 2012, 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
September, 2012.

CHRISTY A. MYERS, CSR
Certificate No. 00310