

DRAFT MINUTES
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA HAZARDOUS MATERIALS EMERGENCY RESPONSE COMMISSION
DEQ Tenth Floor Conference Room
February 6, 2007

Ms. Monty Elder called the meeting to order at 1:30 p.m.

Ms. Bruce called the roll. Members attending were: Monty Elder, Terry Bobo, Chief Robert Doke, Major Dennis Gann, Dale Magnin, and Kary Cox. Others present included: Betty Reaties, Bob Rabatine, Allen Fletcher; Jami Murphy; Tom Bergman, Kyle Arthur, Lynne Moss, Matt Pace, Pamela Bateman; Gary Collins; and Christy Myers.

Ms. Elder called for a motion to approve the November 28, 2006 Minutes. Mr. Magnin made the motion to accept as presented and Chief Doke made the second. Motion approved with no opposition.

Mr. Bergman distributed and discussed the attached Data Management Report. Mr. Dale Magnin discussed his OEM update and provided a copy of same.

Ms. Elder called upon Mr. Matt Pace, ECLS staff, for a status of the licensing for the HazMat highway remediation contractors. Mr. Pace stated that, as of January 8, the Governor signed the emergency rules which are currently in effect. On January 11, the Hazardous Waste Management Advisory Council approved the permanent rules and forwarded those to the Environmental Quality Board for consideration at its February 23, 2007 meeting. If approved, the rules will go to the Governor for final approval. Mr. Pace mentioned that seven licenses have been issued thus far and those are listed on the website. He added that the website will update automatically.

Ms. Murphy distributed the 2004 Oklahoma TRI Summary Report.

7A Action Item - Ms. Elder noted that stated approval of proposed changes to the Oklahoma Emergency Response Act was quite premature; however, she did provide a draft of suggested rulemaking changes which were discussed in length.

New Business – There was discussion about Betty Reatie's upcoming retirement.

Adjournment -- With no further discussion, Mr. Magnin made a motion to adjourn with Mr. Bobo making the second.

Attachments: Data Management Report
OEM Report
2004 Oklahoma TRI Toxics Release Inventory
Draft proposal for Title 27A-4-1-101
February 6, 2007 Sign-In Sheet

Please note that the transcript and sign-in sheet become an official part of these Minutes.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA**

*** * * * ***

**TRANSCRIPT OF PROCEEDINGS
OF THE OKLAHOMA HAZARDOUS MATERIALS
EMERGENCY RESPONSE COMMISSION
REGULAR MEETING
HELD ON FEBRUARY 6, 2007, AT 1:30 P.M.
IN OKLAHOMA CITY, OKLAHOMA**

*** * * * ***

MYERS REPORTING SERVICE

Christy Myers, CSR

P.O. BOX 721532

OKLAHOMA CITY, OKLAHOMA 73172-1532

405-721-2882

c_myers@cox.net

MEMBERS OF THE COMMISSION

MONTY ELDER - CHAIR

TERRY BOBO - MEMBER

KARY COX - MEMBER

CHIEF ROBERT DOKE - MEMBER

MAJOR GANN - MEMBER

DALE MAGNIN - MEMBER

STAFF

JAMI MURPHY

TOM BERGMAN

GARY COLLINS

MATT PACE

PAM BATEMAN

ARTHUR CHECKER

ALSO PRESENT

BETTY REATIES

BOB RABATINE

PROCEEDINGS

MS. ELDER: I'd like to call the regular quarterly meeting of the OHMERC into session. Would you please call the roll.

MS. BRUCE: Dale Magnin.

MR. MAGNIN: Here.

MS. BRUCE: Terry Bobo. Not here yet.

Major Gann.

MAJOR GANN: Here.

MS. BRUCE: Kary Cox. Not here yet.

Chief Doke.

CHIEF DOKE: Here.

MS. BRUCE: Monty Elder.

MS. ELDER: Here.

MS. BRUCE: And yes, we do have a quorum.

MS. ELDER: Okay. First order of business is Approval of the Minutes. So have you had an opportunity to read over the Minutes?

If you have not, do you need a moment?

MR. MAGNIN: Yeah, a couple of minutes.

MS. ELDER: Okay. We're allowing a couple of minutes to read over the Minutes.

MR. MAGNIN: I'll make a Motion that we accept the minutes.

MS. ELDER: Do I have a second?

CHIEF DOKE: Second.

MS. BRUCE: Dale Magnin.

MR. MAGNIN: Aye.

MS. BRUCE: Major Gann.

MAJOR GANN: Aye.

MS. BRUCE: Chief Doke.

CHIEF DOKE: Aye.

MS. BRUCE: Monty Elder.

MS. ELDER: Aye.

MS. BRUCE: Motion passed.

MS. ELDER: Okay. Great. Okay, we'll get into the Status Reports.

Tom, Data Management Report.

MR. BERGMAN: Yeah. Everyone has a copy. Major Gann, did you get one?

Tier II is very busy since we have requirements for online filing this year. Sadly, only 350 have been received so far. And there is one DHS CAMEO class scheduled, it's upcoming for March 13th through the 15th that's interesting. It's a new pilot class for CAMEO training and it's designed as an introduction and this particular offering is to train a trainer. So the theory being those who come and attend that class would go back to their jurisdictions and provide training; very basic introductory type of CAMEO training to their own jurisdictions.

My thoughts would run along the line of those hubs that have the HazMat trailers that will be called out to respond for Hazardous Material incidents, might profit from sending folks to attend that class. They could keep those personnel on those trailers up-to-date on how to utilize the CAMEO software since they may be called out in the middle of the night to go to incidents and --

MR. MAGNIN: Is that the Gary Davis?

MR. BERGMAN: That's Gary's class. Gary scheduled it.

CHIEF DOKE: Is it open to anybody outside of that?

MR. BERGMAN: You have to talk to Gary. There is a limit of 24 and he has plans for some of those folks. I know a few individuals who are planning to be there that -- Gaylen Kids for example, and Matt Lambour, who will really take this stuff back to their areas and deliver their own training, which this would really be a good goal for us to have here with all that information available. Like all the other equipment on the HazMat trailers, it's nice to have all that equipment. If you don't know how to use it, it's not really going to assist you during an emergency. So we're loading up all the computers on the HazMat trailers, with the Tier II and the CAMEO information, it would be nice if someone knew how to access that. I'm not sure, currently, anybody really does.

And I believe the rest of this is -- so if you're interested in that, Gary Davis is the guy to talk to. And the rest of the report would be Ms. Murphy.

MS. MURPHY: Thank you. We got a 2004 TRI Summary Report and one of these days we're going to have a 2005 TRI database. One of our IT programmers is continuing to work with the CDX help desk in trying get the reports that were submitted to EPA that were supposed to be transmitted to us.

Monty, Kyle and I, will be going to DC at the end of the month for the annual TRI conference and this will give us a chance to talk to EPA face-to-face about some of the problems we had with this first pass at data sharing agreement and, of course, the Phase II Memorandum of Agreement will mean that we get all of our data from EPA. No more dual filing with the state and the feds.

Kyle and I were in the Tulsa area a couple of weeks ago for TRI inspections and of course we all continue to go to LEPC meetings. If you have any questions about any of this, give me a call.

MS. ELDER: Okay. Thank you. Anybody have any questions before we go on? Okay. Great. And Mr. Magnin, again.

MR. MAGNIN: LEPCs. We've got 20 currently for FY'07 that are receiving grant funds. I'm working on getting the reports that were due on the first of February. I think I've got 11 there -- I think I'm up to about 13. It kind of looks like Harper County is going to fall out of the net due to a lack of support, unfortunately. I've asked them to round-up some other people and see if we can get that going again. They had one guy Bill Mulberry?

MR. BERGMAN: Yeah, I was just up there Saturday and Harper County has kind of gone -- they're on the low end of the emergency management cycle now. But strangely enough, Cimarron County is active, they are probably going to get on your list for the first time ever.

MR. MAGNIN: They do run in cycles because it takes such a -- it's based upon the personality of the guy that

happens to be there at the time and if that personality goes away, there is no leadership there and then it just kind of slides down into the next disaster and then they get somebody energized for a year or two. Unfortunately, with no money out there, the volunteers, they have those peaks of interest and then they fade away. Anyway, Harper County appears to be fading away pretty good.

Training. I got a report from OSU. We've had 313 people trained so far in 26 classes. So that continues to go along. OSU continues to also support Homeland Security with a lot of training. And to my knowledge they have not increased their staff, so they've taken on a lot of additional responsibilities. So they are overworked, also. But that's plugging along.

Regional response team meeting, we attended down in Corpus Christi. I had to leave a little bit early. I think Monty had some interesting discussions about disbursements.

MS. ELDER: Yeah. Which may or probably was not relevant to us, but -- you returned early, I returned way late. I was trapped by the (inaudible).

MR. MAGNIN: I came back on Thursday night because the ice storm was moving in and that worked out pretty good. I got to sleep in on Friday morning and I went in about 3:00 in the afternoon and worked until 7:00 in the morning for the next five days. That was fun.

Several things that are going on here in the near future; the national weather service workshop, March 1, 2, and 3 down in Norman. Oklahoma Emergency Management is supporting that as much as we can. That's going to be a good deal. This is a national weather shop and they've got some really good speakers. They're bringing in a speaker from Ohio that experienced a tornado and he's going to talk about how they recovered and then preparations they've made for future events. So that's kind of nice on the Emergency Management side of the house.

NASTPO. We've got a meeting coming up in Kansas City. Monty, I'm sure, will

be attending that.

MS. ELDER: Yeah.

MR. MAGNIN: The NEMA conference which we've briefly talked about, we're doing one this week. On Thursday, myself, Albert and three or four other people, are going to Washington D.C. for the conference there. Albert is the president of the Emergency Management Association. And the big deal about this is to go up to Capitol Hill and talk to legislators about things going on with FEMA and EMAC or EMPG, Emergency Management Preparedness Grant, which is our bread and butter for operations. So we'll be doing that. Flying up on Thursday and probably coming back on Wednesday.

And then in September, the National Emergency Management Association is coming to Oklahoma City for the mid-year conference. I think they're staying at the Renaissance. And a lot of things going on, so we want to show them Oklahoma City. So there will be more to follow on that. We'll try to get as many people involved with that.

But this is -- the membership of the Association is the emergency management directors for each of the states and territories. I think there's like 55 or 60 primary members for the Association. And kind of in the vein with that, you may or may not have heard that they're coming up with a new, quote, unquote, FEMA. Effective the 31st of March based on lessons learned from Katrina and the Mike Brown incidents, and FEMA can't respond, they've pulled them a little bit away from Homeland Security. There's still a lot of strings attached. But they are relooking at how they're going to reorganize and they put out all sorts of very thick reorganization charts and they're trying to figure out what the new responsibilities are going to be. But they do kind of want to get back to the FEMA that responded in Florida, they did so well then, a couple of years ago, and I guess they did okay for the most recent tornado there in Florida. And as you know, we're still working diligently with them with the ice storms; the ones in the Panhandle in December and

then the one we had on January 12, 13, 14, however long that thing lasted. We're working with those as we speak. We do have -- I'm sure you all have seen the news reports, three counties declared out in the Panhandle and 22 in the eastern part of Oklahoma and we're trying to get more counties declared but it's based upon how much damage occurred. And we've learned that the individual assistance declaration depends upon, or requires the FEMA people, basically, go to each house that has damage. Used to be we could do a sample. If we had 100 houses we could do 10 of them, but now we have to go to each house to figure out how much their damage is, and because of the ice storm, some of it is very obvious with the power lines being ripped out of the back wall and some things are not obvious with the ice buildup on roofs that leak into the house that you can't see from the outside. This is a little bit more complicated.

Terrorism conference, put that on your calendar, 18th and 20th of September, which is primarily run by OSU with lots of support from Homeland Security. And then we've got the Emergency Management Conference, we'll have in Tulsa. We'll talk about the ice storms. The interesting thing on this particular ice storm that we supported on, was generators for water pumping session. Monty and I had numerous email exchanges about the Rural Water District Number Three from Council Hill.

MS. ELDER: Yes.

MR. MAGNIN: So if you have any influence on getting jurisdictions to provide generators for their water pumping stations, their telephone switchboards, their shelters, their police departments, fire departments, and city halls, that would be a good thing. We also had lots of request for potable water. We brought in truckloads from Fort Worth. Truckloads and truckloads of potable water. And then we had numerous shelters scattered around the state for people that didn't get electricity, in some cases up to two and a half weeks did not have electricity out in rural parts of Oklahoma.

Those are the three biggies that we

had to deal with; the shelters, generators, and potable water.

MS. ELDER: And DEQ will be active in the debris removal process as it gets up and going.

MR. MAGNIN: The big deal -- there were a lot of questions about debris removal and with the emergency declaration you're allowed to move it out of the way, basically, but you can't haul it off yet. With the declaration that we got for the eastern part of the state, debris removal is included in that. Not for the western part of the state but for the eastern part of the state. And the key thing on that -- and I had numerous calls on that; what do we do, how do we do it, and the basic plan was do what you're supposed to do. If there's no FEMA involved, what would you have to do? Make sure you're doing everything in accordance with the requirements of FEMA.

MS. ELDER: And DEQ.

MR. MAGNIN: If you're burning it, keep lots of records. Make sure that everything is documented on your expenses. But you just can't sit around waiting for the hope that FEMA might arrive.

MS. ELDER: You know, we had, and I probably should have told you this, on our website, there are fact sheets for how we want people to handle debris.

MR. MAGNIN: I saw those after the fact.

MS. ELDER: Okay.

MR. MAGNIN: Again this is decided -- preparation --

MS. ELDER: And then we've got the one-page forum now after much --

MR. MAGNIN: That you can fill in?

MS. ELDER: -- to do. Right.

MR. MAGNIN: We need to record disasters and share that information as much as possible, because there's a lot of people -- we got a lot of phone calls, anyway, from people wanting to know how to do this, that and the other.

We're still working on the individual assistance. There's a possibility of more counties being added to the PA -- the Public Assistance side of the

house, but they're all based upon what they see on the ground out there and the cost that are associated with it.

I think that concludes my presentation.

MS. ELDER: Does anybody have a question?

MR. RABATINE: I have a question on the debris removal, Dale. This may have been resolved, but I'm going back to '99 when we had the tornados that came through and there was a lot of controversy over the way debris was handled at the time because it wasn't handled at the local level. They were taking debris from Enid and Logan County and taking it down and putting it into a site in south Oklahoma City and there was a lot of controversy about the cost associated with that. I haven't read the fact sheets, but has that been resolved so that it's more handled at the local level so we don't have the extra cost of transport?

MR. MAGNIN: To my knowledge, any jurisdiction can contract themselves. They can do it all themselves or they can use a FEMA contractor. The '99 tornado was such a horrendous amount of debris and in a lot of cases people opted for that FEMA contractor. Norman, I know did not. They used the guys out of Moore to haul their stuff. But it still is up to that jurisdiction. I don't think there's been any change to that. The trick is, whenever you're hauling it someplace or you're going to burn it, you've got to be following DEQ rules and EPA.

MS. ELDER: Right. Our local environmental specialists are the ones who are supposed to look at the debris disposal options and plans, sign off to make sure -- and then, of course also, the state Historical Preservation office and Archeological Society have to sign off on any place you might take it. But other than that, it's up to the locals and I don't think there's been any change in that, has there, Gary?

MR. COLLINS: No.

MR. BOBO: And Monty and Dale, that didn't happen in the tornadoes. Because we actually mobilized our equipment

in to the town of Mulhall and we were doing it on just a gratis basis to help them get the streets clean and get where they could operate. And then they turned around and said, oh, we've got FEMA money. We can pay you all if you'll stay and continue to work and move all of this.

We went through the local DEQ persons, we had things set up through the land owner that said we could burn the debris on his property. We made two in row that were over half a mile long, as big as we could stack them, with large track hose and the -- I think where the problem was, was the Corp of Engineers got into the removal aspects of things by assisting FEMA. The Corp of Engineers people came in and shut us down -- they didn't shut us down from cleaning up the Mulhall area but they said we couldn't burn those piles because they -- and they hauled that and it was like thousands of truckloads and they hauled it down to a chipper down at a southeast landfill. They had their contractor haul it down there. I called everybody all the way to the Governors office and an individual in the Governors office, which I will not repeat his name, said, why are you worried? Is it your money they're spending?

MS. ELDER: You know, I know that things were different with debris during the tornado because we had not just woody/brushy debris but we had all that household and houses and that sort of thing. I think the situation this time with the ice storms, is much simpler to deal with because we're just talking about woody debris.

MR. BOBO: And telephone poles.

MS. ELDER: And telephone poles, which are separate. We've got a way to handle those as well. So hopefully -- you know, it's kind of a learning process and sometimes FEMA does just preemptively decide things for you. But we have made an effort to -- certainly this time to work with FEMA. And I actually have a new position with DEQ as the Emergency Response and Homeland Security Coordinator, and so my first job was going to be to get with the Emergency Management and get all our

ducks in a row but unfortunately before I could do that, we naturally, had an emergency.

So we are, hopefully, going to get a little smoother coordination, but it's kind of fun to see what bumps there are in the road prior to sitting down to talk to someone, that makes that a little more interesting.

MR. MAGNIN: The other thing on that removal, too, is if the jurisdiction does contract with somebody the amount that FEMA reimbursed, you know, they got all their cables and charts and everything about particular equipment, man hours and all that stuff, and they will pay up to what they deem is the right cost for that equipment.

MR. BOBO: And the thing of Mulhall, it had no bearing on us whatsoever, other than we were just going to burn it and it was going to be a huge cost savings and we had separated everything as we put it in there and actually had hauled some of the shingles and that kind of thing to a separate area. And it wasn't anything that affected anything, as far as cost to environmental management, it just seemed to me, such a huge waste of money to haul 18 or 19 hundred truckloads of tree limbs, wood and debris from Mulhall all the way to southeastern Oklahoma City and run it through a shredder at a horrendous cost.

MR. MAGNIN: The guys running the shredders probably made pretty good money out of it.

MR. BOBO: I'm sure they did.

MS. ELDER: Again, that's FEMA. We're going to move on to discussion items now, even though that seemed like it certainly was a discussion item just then, which we may want to revisit if we have other things to talk about.

In the discussion items, the first thing that we have is kind of the status of our licensing of HazMat highway remediation contractors. And Matt, if you'll kind of give a little update for us, we'd appreciate it.

MR. PACE: I'll give everybody kind of a status update as to where we are

with our rules and then also the program management.

The rules as of January 8th, I believe, the Governor signed the emergency rules for the highway spill cleanup contractors -- licensing of the contractors. So the emergency rules are in effect now. On January 11th, the Hazardous Waste Council approved and will recommend to the Environmental Quality Board, the permanent rules. Then the permanent rules will be presented to the Board on February 23rd. At that time, if it's approved, it will then go to the Governor for his approval. So that's where we are with the rules.

As far as the program itself, currently there are seven different companies who have received their licensing. And we've got a list of those companies that you can pass around.

So we are on the road and ready to go with this. So that's pretty much the status of where we're at now with the companies. We continue to notify the different companies as far as the regulatory requirements for becoming licensed.

MS. ELDER: Is the current list on the website, Matt?

MR. PACE: Current list is on the website. I think only six of them are listed on the website. So we just have to wait until it updates itself before all seven are included.

MS. ELDER: Okay. But it should update automatically?

MR. PACE: Yes.

MR. MAGNIN: So once that happens we can advertise all our emergency managers and everything?

MS. ELDER: Right. It's current and there's a couple of ways you can get to it on our website. If you bring up the DEQ website, you'll see, kind of in a banner across the top it will be Air Quality, Water Quality and then the ECLS. If you scroll over ECLS there's a drop down menu, and on the drop down menu it says highway remediation licensing. Click on that and it will tell you rules and reg -- you know, how to do it and give you the list of

licensed -- and the way it's set up is each county, which ever -- is this right, Matt? When I looked at it each county -- the folks that said they could respond to that county are listed for that county?

MR. PACE: Yes. Right now it is sorted by county. It indicates which company has listed that county as part of their areas.

MS. ELDER: Right. And the other way you can get to it is through the OHMERC and you get to the OHMERC by going through customer services and risk communication and -- so it's on the OHMERC page, there's a link to it off the OHMERC page and also the ECLS page.

So does anybody have a question for Matt?

MR. RABATINE: I do.

MS. ELDER: Okay. From the audience.

MR. RABATINE: I don't know which hat I'm wearing. One of the questions, and I'm glad to hear that you're tied in with Homeland Security because I don't know if this is best for Matt or for you, but I just spoke with Gary Davis at a recent meeting and he and I spoke about the implications of this licensing program for the various sites that he's setting up around the state. And he said he was going to get in touch with somebody here. And I'm hoping that was you.

MS. ELDER: I haven't talked to Gary, but I need to contact Homeland Security on a number of other issues, anyway, I've been lax in doing that, with the holidays and ice storms and other things like that. So I will put that on my list of things to talk about.

MR. RABATINE: What's bringing it up is that --

MS. ELDER: Or I might just refer him to Matt.

MR. RABATINE: Even in your fact sheet that's been produced, it reiterates what we had talked about in several of our meetings, when we were talking about the rules, is that there is no specific exemption in there for government bodies. So we've got Homeland Security throwing money around to create HazMat units around

the state. I've got a list here on the table somewhere and there is 20 or 30 or so.

MS. ELDER: Don't we have a difference between HazMat response and then remediation and clean-up?

MR. BOBO: And Monty, they're -- in your mind and my mind there probably is, but I know that even the Turnpike Authority is right now trying to get an exemption put in place so they can go out and clean up their own incidents, all the incidents on the Turnpikes themselves. The view of -- the way I read this is if a fire department or the Turnpike Authority or Homeland Security, they're supposed to do containment.

MS. ELDER: Right.

MR. BOBO: And that's where they're supposed to stop. But that's not what these groups are for. Their intent is for them to do their own remediation work.

MS. ELDER: Well, I don't know. Have you heard anything about that, Matt? Actually, I got a call today from Oklahoma City that I referred to Mista, actually, asking me that very thing. Did anybody talk to Mista and see how that went?

MAJOR GANN: I'm the Turnpike liaison with Highway Patrol and I'm the one they consult, with this matter, and they're not wanting to do the remediation, they're wanting to, if possible, put absorbent -- absorb-all on the road, scoot it to the side, contain it and open the roadway back up, if it's possible, if it's not -- if it's diesel spills or something like that. They don't want to have to call out a remediation crew when a saddle tank of diesel ruptures, and shut the turnpike down for eight hours waiting for these people to come from all over the state.

MR. BOBO: Right. And that may be their intent, but that's not what the -- the paperwork that I saw, that's not what it states. They're wanting to be exempt from being required to obtain a license so they can perform remediation services under this new legislation.

MR. RABATINE: And Monty, the reason I'm bringing this up is because we've been tracking some new legislation

and I was --

MR. BOBO: And there's a bunch of it.

MR. RABATINE: I shared a copy with Gary Collins, but new House Bill 1872 has been specifically introduced to exempt the Department of Transportation and the Turnpike Authority from the licensing departments of this law. So I don't want to read too much into it but there is, at best, there's some confusion out there. I don't know what can be done to help that. But I just assume OHMERC might be a good vehicle and especially with your contacts with Homeland Security.

MS. ELDER: Well, you know --

MR. COLLINS: There were actually two bills. There's one -- Matt's got the number of the other one

MR. PACE: Yes, 1872 and 1616.

MR. BOBO: Gary, there's also a rewrite on 1938 out there, too.

MR. COLLINS: We expected there would be.

MS. ELDER: We expected that. And like I said, I think we'll just need to see what goes. I don't know that --

CHIEF DOKE: Who are the authors on those two House Bills?

MR. RABATINE: The one that I read off is Dennis Johnson.

MR. PACE: I believe Roan is the author on 1616.

MS. MURPHY: Excuse me, what is 1616, Matt?

MR. PACE: House Bill 1616, what's the title of it?

MS. MURPHY: Yeah.

MR. PACE: I don't know. I think it's the same as 1872.

MR. COLLINS: It has the same language. It has a bunch of other stuff in it, too. Remediation stuff but it does have the same language that's in (inaudible).

MR. RABATINE: And if I could make a suggestion, your published fact sheets -- not fact sheets, your frequently asked questions might be a good vehicle to offer an explanation as to what the Department would give. Right here it says there is no exemption for pollutant sub-

divisions. That might be a good place to expand on it and talk about that idea there.

MS. ELDER: The difference between response and remediation.

MR. RABATINE: Exactly. Exactly. And frankly, if that were out there, that might stop a lot of the new proposed laws.

MR. COLLINS: One of the questions that we got from another cleanup company is are they exempt, can they be exempt. So we always want to question (inaudible).

MS. ELDER: Right. Yeah. I think the difference between response and remediation and -- it has a gray area in the middle of it. I can recognize the initiation of emergency response, and I can recognize that the site is cleaned up and there is a point in there where --

(Discussion)

MAJOR GANN: The Turnpike is not wanting to get into the remediation business, I assure you. Their concern is they can't sweep anything off the roadway without having a license and they don't want to wait four hours for a licensed contractor to show up to sweep the diesel off the side of the road onto a tarp.

MS. ELDER: So it might be helpful to kind of determine -- it would be helpful if we could determine it in the Emergency Response Act, it would be helpful for DEQ if you determine the point at which response -- you have response and containment; at what point -- is containment part of response then does remediation come after containment?

MR. BOBO: And Monty, I don't know the portion but there is a specific exemption and Bob I know -- or Gary may know, within the federal EPA regs where if you're going to do emergency response and remediation services you have to be a 40-hour trained person. But there is a specific exemption that if you're doing immediate containment for protection of life and environment -- and Tom, you may know where that exemption is that says that anybody can do that even if you're not trained. If you normally operate a backhoe and you take a backhoe and push up a berm

of dirt to stop that then you don't have to be 40-hour trained. Gary, I'm sure you know what I'm talking about. But that covers what these agencies are wanting to do, I think.

MAJOR GANN: That's what they're afraid of. They're afraid of getting their hands tied where every time somebody ruptures a diesel tank that, okay, business is shut down until we can get somebody out there. And that's not their intent. If you need to remediate the side of the road, spend three weeks doing it, they don't care. But primary function is to get that roadway open if it can be done so, safely.

MS. ELDER: Right.

MR. BOBO: One of the lines that's in the rewrite on 1938 that I have seen, whether this one makes it all the way through or not, but one of the rewrite lines states that where -- now it says that if it's an emergency situation, that you can use another contractor and that the language has been added, until a licensed contractor can arrive. And I think that will make -- will help you also along with the EPA exemption there for containment. Because I agree completely with you, you need that ability to do that immediate containment.

MR. MAGNIN: Doesn't it state in the response stage, until the I.C. is comfortable enough to turn it over to --

MS. ELDER: The Emergency Response Act does not give the Incident Commander authority to turn over or -- that's one of the things we may want to look at in 27(A), is some language about at what point can the Incident Commander say, response is done, here's remediation; DEQ, you can take the lead.

MR. BOBO: And Monty, I think the word "containment" would be a better word than the word "response".

MS. ELDER: Right. Exactly.

MR. BOBO: And I know it's kind of semantics but generally that was put in the industry that's --

MS. ELDER: I would absolutely agree with you. I think emergency response ends at "containment".

MR. BOBO: You have to remember,

too, that -- do we have a representative from the Oklahoma City Fire Department? I don't think anybody is here, but at one point Oklahoma City and Chief Doke's unit - - the city was trying to put together a program where they were going to do the response for remediation and they were going to do everything except disposal waste and then charge the companies a fee.

CHIEF DOKE: It sounds like they were trying to copy Midwest City.

MR. BOBO: Right. And I don't (inaudible) where that --

MS. ELDER: All I know is Oklahoma City called today and I just referred them to Mista because I'm not interpreting the rule, you can speak to the lawyer.

MR. COLLINS: Well, the last I heard from Oklahoma City was they don't plan on (inaudible) but they want to be able to, like the Major said, put down a boom and stop the flow and keep it out of the storm drain, but they don't want to do any cleanup.

MR. BOBO: And my reading of the current statute and the rules, that's not in violation of what these statute on the rules say.

MS. ELDER: Right. I think so, too. I think that you don't have to be licensed to respond up to the point of containment but then you have to be licensed to do remediation, once the containment has been achieved.

CHIEF DOKE: And that's what they're after.

MS. ELDER: That's my interpretation. So maybe if the Department agrees on that interpretation, because that was just my Adhoc interpretation at this moment, maybe it is a good idea to put that in the "frequently asked questions".

MR. COLLINS: We can do that.

MR. BERGMAN: Our intent all along has not been to require them to be licensed.

MS. ELDER: That's interesting for me because trying to put together -- what we haven't had before on the Agency, is Standard Operating Procedures for emergency response for the Agency. I have

found that in this Agency, people have a different view of emergency response and remediation and where they end and all that stuff. So we're sort of right now in the middle of trying to look at that for the Agency, as well as outside the Agency.

MAJOR GANN: The Turnpike and the Highway Patrol, we also understand there's going to be some hazardous materials that we're not going to let anybody around it, it doesn't matter how long you shut it down to. It's just a fact of life. It's just shut down. But for simple stuff, less hazardous waste, like diesel --

MS. ELDER: And particularly diesel -- diesel and gasoline.

MAJOR GANN: Stuff we can contain and go ahead and let the traffic flow. The remediation, we're not in a hurry then. We are not under a time line. We start backing traffic up for 10 to 12 miles and we start getting accidents and people coming over the hill crest and -- we're trying to stay away from that.

MS. ELDER: Yeah.

MR. RABATINE: And Monty, I could -- I don't remember the exact citation but I know what Terry is referring to; it's a OSHA standard. Would you like to have that or do you want me to give it to Gary? Just for reference.

MS. ELDER: Well, it must be in 1910.

MR. RABATINE: Yes, it is.

MS. ELDER: Right. So if you've got it at your fingertips, why don't you just email it to both of us. But I'm sure it's in 1910, 1-20 Paragraph Q, line 3. That's Mike Shannon. I'm sorry, I was channeling Mike Shannon there.

(Conversations)

MS. MURPHY: I do have a quick question. At what point are you going to distribute this? Or do you have any intention to distribute it?

MR. PACE: It's available right now.

MS. MURPHY: I know, but mail out is what I'm talking about. LEPC Chairs, remember? I sent some labels down.

MAJOR GANN: Is this a dynamic list that you have to go to the website and

-- I mean this could be the list today and tomorrow it could have three more.

MS. MURPHY: Right. Okay.

MR. PACE: I believe we're going to try to keep the Department of Public Safety updated as the list is updated. So they are going to get a copy of it.

MS. ELDER: I think we should send out a letter to our LEPC chairs and tell them how to access it on the web, and then if they don't have access we'll provide them with periodic mail outs.

MAJOR GANN: What we need is a link. Particularly in our dispatch centers when there is a need for a remediation, a dispatcher could click a link and it will take them -- instead of trying to navigate the DEQ website, it will take them straight to that page.

MS. ELDER: Your IT folks need to talk to our IT folks. Our folks need to have lunch with your folks, that kind of thing.

MAJOR GANN: Captain Don Stockton would be my suggestion. He seems to be the one over there that is making things happen right now.

MR. PACE: Thank you. Other questions?

MS. ELDER: Okay. We'll go on to the next and it's a presentation of the TRI, Toxic Release Inventory Summary Report. Ms. Murphy.

MS. MURPHY: This is it. There's a lot of information in here. And in the interest of expediency, if you have any questions about anything that is contained in the report, I'm the one that crunches the numbers, I'm the one that prepares the report, please give me a call.

MS. ELDER: Thank you very much. And I noticed that at your table you had a copy of the DEQ Annual Report for 2006 and feel free to take that with you. Again, if you're having trouble sleeping at night, I would suggest that you utilize this fully.

I would like to talk briefly and -- I have jumped the gun here. It says -- I don't know what I was thinking that we might want to approve proposed changes to the Oklahoma Emergency Response Act, I think that's clearly premature. I had a

moment.

I've talked to our General Counsel and we would be willing to look at going in -- of course, it's always a little dangerous when you go into a statute and open it up but we would be willing to do that. Although, probably in all likelihood we couldn't get it done until the next Legislative Session because what we're doing now is really looking at the Agency and seeing what changes we would like, but we also want to include all of our constituents, everybody who has a dog in this fight. So it's going to be Emergency Management, it's going to be Highway Patrol, it's going to be the Fire Marshal, it's going to be the private sector.

And a couple -- four years ago, Dale Magnin --

MR. MAGNIN: 2002.

MS. ELDER: -- Dale Magnin looked at some possible changes to 27(A) and I've looked at them and to tell you the truth, this hasn't even been vetted through DEQ, but I just want to talk about some things to see what the feeling is of the group as to whether or not these things -- you think these things would be good, you know, just to start a discussion about 27(A). I think we all know that there are some places that it's confusing, some things where life doesn't really function the way it says it will in 27(A) and so I'm going to pass these around and these just have some suggestions. We don't really -- we're not making any -- we're not voting on this today, that was my mistake. I was ahead of myself. I had a moment of complete optimism before I realized I had work to do.

So again, Dale provided some of this several years ago. I provided some of this. Probably the first thing, and I don't know how anybody feels about this, but it talks about right here under (B) on the very first page; provide a rapid and coordinated and effective network for response and it presently reads, to dangerous substances, incidents or events necessary to protect the public health. And EMA had kind of thought about putting the words in, "all hazards including

dangerous substances". Because we may have fires, we may have tornados, we may have other situations in which -- so again, I think that's something that needs to be thought about. I don't know what you all think about it or if you want something to offer. But that's something that I would appreciate that you think about and maybe the next time we meet -- over the course of the next year, so that by next February we would be willing to take something forward, if you would think about that.

MR. MAGNIN: And kind of the background on that, and the thought process is in working with the local Emergency Planning Committees, you know, they have a requirement to have a HazMat response plan. And years ago, gosh, decades or so ago, we basically put together, you know, all hazardous emergency operation plan, which includes the HazMat response. The thought was instead of having two different plans, we'll just have one plan, which was an all hazardous plan. And we're advertising to the LEPCs all the time that you need to be sitting around the table with your emergency planners or emergency management, your Citizen Corp Council, your Homeland Security regional guys, you all need to be working together for that one plan that's going to handle anything that's going to happen in your county. And that's the whole thought process of all hazards. Homeland Security, when they came on board, their entire focus was on terrorism. And now four or five years down the road, you'll hear all hazards more than terrorism.

MS. ELDER: Right. If you read - - if you pull up the Oklahoma Homeland Security webpage, it talks about all hazards on the front page of that. So, which reminds me, I apologize. I do want to talk to the Department of Homeland Security and see if they would like to have a membership here as a representative from the Secretary of Public Safety. And again, I haven't gotten that done. But I think that would be a good thing.

MAJOR GANN: And I sent word of that up the chain. Have you talked to the Commissioner?

MS. ELDER: No, I haven't. I need to do that. But you sent word up so he knows I'm going to be calling him?

MAJOR GANN: Yes.

MS. ELDER: Okay. Great. Thank you.

MR. BOBO: And Monty, my thoughts that I would keep working on this is that there is so much duplication right now that -- and so many things are being left out with the different divisions that I think that Homeland Security seems to be kind of the monster agency of what we have and I think we definitely need to have them involved with -- included in all of this.

MS. ELDER: Yes. Absolutely. I think so, too. I think we'll want to go through and make the name of the Emergency Management Agency correct in this since it says civil (inaudible).

MR. MAGNIN: Scratch the civil --

MS. ELDER: So everywhere -- right, they were long since passed being civil.

You might notice that even though the State Fire Marshal serves on the OHMERC -- the Fire Marshal is not listed as for the purpose of the Emergency Response Act as the State Environmental Agency. I don't know whether the Fire Marshal is happy with that.

CHIEF DOKE: I'm thrilled. Our direction will come under Emergency Management. We'll be a support agency through their direction.

MS. ELDER: Okay. What -- as far as DEQ is concerned -- oh, on the third page, and I don't know if we would do this, but the Highway Patrol in the past and the Fire Departments in the past have really wanted some language about when can we get rid of the responsibility for this site.

MR. MAGNIN: We were just talking about this.

MS. ELDER: Right. I don't know if this would be it but it might be possible to put in some language that if the incident is contained, stabilized and no longer poses a threat, maybe that should be -- I don't know how -- Dale provided that language, I think it would have to be word smithed. The lead official may turn

over responsibility to another party for abatement and restoration of the site. You would probably want to put in there, with agreement between everybody and that sort of thing.

MAJOR GANN: Whose decision or whose call is that going to be that it's no longer a threat?

MS. ELDER: What I think would have to happen is I think the lead official would have to make that call in consultation with the party to whom you're going to turn that over. Or in consultation with DEQ, the Emergency Management or something.

MR. BOBO: Monty --

MS. ELDER: This is practice language.

MR. BOBO: Right. I think most of the lead officials, the fire departments and Highway Patrol are going to want to turn that over. And currently they turn it over way before it no longer poses a threat because --

MS. ELDER: Well, I don't think you can -- once I read that, I don't think you can say that because, for example, we don't want to say it no longer poses a threat because if it's sitting over there contaminating that soil and our law says that no longer poses a threat, I can see the responsible parties are going to walk away from that. So right there I just read that and said okay, contained and stabilized.

MAJOR GANN: That was my deal. Who is going to determine it's not a threat. I mean it's still going to be a threat.

MS. ELDER: You know, again, we wouldn't even consider that language in there now that I look at it. Contained and stabilized.

MR. MAGNIN: Hey, as a non-HazMat guy, five years ago I put that language in there. Give me a break.

MS. ELDER: See, I wasn't even blaming you, Dale.

MR. MAGNIN: To me the threat was, oh, my gosh, I've got it on my skin and you run around screaming, okay.

MS. ELDER: So anyway. So that's

something that we're thinking about. Again, the representatives from the fire service and OHP might want to consider if that's something that you think is important. Because I've heard it as important.

MR. BOBO: What we normally see out in the field, Monty, is that the Highway Patrol and Fire Department personnel want to leave as soon as possible. There's a lot of occasions where we say, wait a minute, guys, you all can't go off and leave us yet. We need somebody to keep the road closed. A lot of times it takes us a little while to get -- we can mobilize the scene and start our additional containment and clean up services but being able to maintain the traffic flow and those kinds of things -- getting the additional personnel in --

MS. ELDER: That's why I say you have to have some sort of agreement. It couldn't just be, "I've decided, bye-bye".

MR. MAGNIN: Right. Multi-agency coordination.

MS. ELDER: Or something. I don't know.

MR. BOBO: And that's something that where the Highway Patrol guys have -- they have more than they can deal with routinely and then you put them out there on the scene like that where they're trying to do traffic control, I understand why they're wanting to leave. And the same thing with the Fire Departments. They're wanting to get their equipment back so they can respond to other incidents as soon as possible.

MS. ELDER: And I think in the past they've also been worried about possible liability issues because there was no where in the law for them to turn loose of the scene. Even though they left, technically, the law never said that they could. So I think that's been an issue, too.

As far as DEQ is concerned, over on the fourth page right there --

(Multiple conversations)

MS. ELDER: We're not doing anything official now, this is just discussing --

(Miscellaneous conversations)

MS. ELDER: We've talked about this a couple of times. Under DEQ responsibilities in F, Part 3 currently says that DEQ will provide technical assistance on, or initiate procedures for containment or suppression of the release.

I'm concerned DEQ does not put on the suits. When I read this, "or initiate" sounds like we're going to go out there and do containment and suppression. It's interesting in discussions in the Agency, some of our folks feel that there are -- it's not what I would consider an emergency response, but if they're doing an inspection on a proposed superfund site and they see a spilled barrel, they might -- I don't know. I would like to have some clarification because if the Fire Department or Highway Patrol expects DEQ ever to put on personal protective equipment and contain or suppress a release, that is an unrealistic expectation and I think it should just be changed so that we don't mess with that.

MR. MAGNIN: The paperwork that you passed out to us, that Paragraph 3 there, (F)(3), that's not the language of the law. You've made changes to it and you don't even indicate you made changes.

MS. ELDER: It says deleted.

MR. MAGNIN: Doing it or initiate?

MS. ELDER: Delete the words, "or initiate". See, that's where the change is.

MR. BOBO: Don't you still have -

MS. ELDER: This was written -- I know for a fact this was written in the hero days. We are not heros anymore.

MR. BOBO: And that was one of Dale's recommended changes, too, five years ago, to delete the "or initiate".

MS. ELDER: And then on, 4. there's been questions about this before. It currently says we'll provide sampling analysis and monitoring and we don't really have the capability because most people think of this as air monitoring. We don't really have the capability to take a black box out there or a portable GCMS or

anything and do monitoring. So I was considering maybe providing sampling and analysis of contaminated water or soil after the release has been contained or stabilized. Once again, we're not going into the hot zone to sample anything.

So again, I have to go over and discuss this with the folks at DEQ but I just wanted to give you guys a heads up because it's come up here in the OHMERC before, "Well, it says you'll do monitoring". "Are you going to monitor"? And so I just don't like to have something in the law that we do not -- if that's their intent, they need to -- right. They need to come across with the money to buy the equipment and to train the folks and to get -- that's what they need to do. Or change it.

MR. BOBO: Monty, wouldn't Number 4 be actually better served that you will provide technical assistance in --

MS. ELDER: And we'll actually do some sampling and analysis. Technical assistance or -- I mean, we will do sampling and analysis after the point.

MR. BOBO: Okay. But isn't this -- but this is geared towards an emergency response (inaudible). Can your lab actually get something on an emergency basis through and get it turned around like a commercial lab can?

MS. ELDER: You know, I don't know about that. I mean I know we can --

MR. BOBO: My understanding is that the time lag to go through your lab is --

MS. ELDER: Well, we can speed things up in an emergency on different processes. I might check on that.

MS. MURPHY: Let me see if I can help you just a little bit. We don't have any emergency or "stat services". In other words, "a weekend", "a night", that's not available through the SEL unless Judy would call somebody and I've never known that to happen.

MS. ELDER: Right. But it is --

MS. MURPHY: The other thing that's in here is, provides sampling and analysis. There's a cost there that is incumbent on the person --

MR. BOBO: The responsible party.

MS. MURPHY: -- the responsible party, exactly. So a little bit of my concern, when I see that in there, for DEQ is that ties us in to there. Someone mentioned GCMS, those are pretty expensive scans. And that kind of ties us into being responsible for that when it's really up to the responsible party.

MS. ELDER: No. No. The law -- if you refer to the law, the responsible party always has to pay for that.

MS. MURPHY: So the agency would have to bill the responsible party for the cost of that analysis?

MS. ELDER: Right. And you know we do that often in other areas in the Agency. So I don't see that as a problem. And I think our lab and our sampling folks are going to say sometimes we do actually do sampling analysis of contaminated water and soil. But we might want to work on that; provide technical assistance and/or - - you know.

MR. BOBO: What I'm familiar with would be, like your earlier example of the superfund site or something like that where it's not an ER situation.

MS. ELDER: But you would be surprised how many people in this Agency consider that. We have to have more discussions on that.

MS. REATIES: Monty, we do a lot of final clearance samples.

MS. ELDER: Yes. Yes. We do a lot of final clearance. And it talks about that later on in here.

MR. MAGNIN: Hey, Monty, when we went through the anthrax scare a few years ago, who was doing all the sampling on that? OHP was transporting it to a lab someplace. What lab?

MS. ELDER: It was the Health Department, I think.

MAJOR GANN: Health Department.

MS. ELDER: That's the Health Department. It does say that we oversee the planning of final containment, cleanup, and recovery of dangerous materials. We do that.

"H" is interesting to me because I didn't even really know it was here and to

my knowledge it's never happened.

It says upon release of a dangerous substance requiring protective actions ... the lead official assuming responsibility for management of the incident or the Department of Environmental Quality is contacted by the first responder pursuant to Section 3.

We have never, to my knowledge, been in charged of an incident nor do we ever wish to be.

MR. RABATINE: Well, the only thing I would offer, is the DEQ has a hotline for reporting spills.

MS. ELDER: Oh, but that's already covered under here. It's covered up here in "A". Or right before "A" actually. But what this says is the responsible party shall take immediate emergency response measures as directed by the lead official or the Department of Environmental Quality. And we direct people in remediation but here it says on protective measures.

MR. BOBO: I think that's pretty poorly worded because I don't think you're going to have somebody --

MS. ELDER: I mean I don't know if we need to change it because it's never come up. A Highway Patrol or the Fire Department has never turned to us and said we'd like you to take charge of the incident. Not something that, you know, they usually say. So that's something that I think we should talk about over the coming year.

On "J", I think we need to change that to say we'll maintain a list of licensed Highway remediation contractors because we're not doing the other list.

Civil Emergency Management thinks that they will keep a record of each emergency that requires the use of state resources. They're just not going to make a list of every emergency that's ever happened.

MR. MAGNIN: A 55 gallon drum of diesel on the side of the road?

MS. ELDER: We do that, actually, I think in our compliance. And that's really the only thing that I think we were really concerned about.

State Fire Marshal might like this. Way over on -- oh, I don't know what page it is. Under Hazardous Materials Emergency Response Commission Membership, 27(A)-4-2-102, we thought we'd put the State Fire Marshall or designee since you're the only person without a designee.

CHIEF DOKE: I noticed that.

MS. ELDER: Would you like that?

CHIEF DOKE: Yes.

MS. ELDER: Okay. We might do that for you.

A couple of things that we might want to talk about; it says the OHMERC designates emergency planning districts and we might just say that each county is designated and constitutes (inaudible).

MR. MAGNIN: Well, remember the original language, it says that the districts coincide with the existing county boundaries. And the hiccup I've always had with that was that it doesn't say who's in charge.

MS. ELDER: Right.

MR. MAGNIN: The first few meetings that I went to I assumed that the County Commissioner with regards to that assumption --

MS. ELDER: I'm telling you we can never make them in charge. Dale, you have to let that one go. And also --

MR. MAGNIN: Do you want to change the language to the districts or the --

MS. ELDER: I don't know. I was just thinking that we might just go ahead and say that each of the counties and the LEPCs because that's what it is and that counties could petition to be --

MR. MAGNIN: The problem is Mark Coleman, way back when, the reason he said that it coincides with the existing county boundaries is he didn't want anyone in charge. He wasn't dumping it on the County Commissioners. But if you say it's the county, then it's the county.

MS. ELDER: Well, okay. I mean we can -- if we want to leave that same --

MR. MAGNIN: Do you guys know what I'm talking about?

MR. BOBO: No.

MS. ELDER: We don't need to

discuss that. One thing I think of --

MR. MAGNIN: July 7, 1986 when the EFORT (phonetic spelling) and all this stuff came back Mark Coleman, who was a worker bee, and DEQ --

MS. MURPHY: It was before DEQ. It was Environmental Health.

MS. ELDER: He was the Chief of the Environmental Health Division of the Oklahoma State Department of Health.

MR. MAGNIN: Oklahoma had two requirements. Based on EFORT, they had to establish an OHMERC or a State Emergency Response Commission and they had to designate LEPC districts. So they did that. They established OHMERC just to confuse everyone else in the United States who was having (inaudible). We had to have OHMERC. And then Mark Coleman said, or made the recommendation in the Minutes, that the LEPC districts would coincide to the existing county boundaries. Didn't say it was the county. So we've got 77 of these that the area coincides with the existing county boundaries plus three military posts; Altus, Tinker and Lawton were to have LEPCs. Those were the requirements from the feds to the state, boom. So the state quickly did that.

The problem that you run into with that is when you try and put your thumb on somebody about who's taking care of this community, the LEPC is a group of volunteer people. So you can't put your thumb on the Board of County Commissioners and say you're responsible for taking care of the people in your county when it comes to HazMat because the law doesn't say that. That frustrates me to no end. And the LEPCs are an unfunded mandate other than the money that we provide for HPT Grant.

MS. ELDER: And DEQ is going to provide them money.

MR. MAGNIN: So let's establish some ownership. I think we should have some -- County Commissioners are elected to take care of the people.

MS. ELDER: I don't know that we'll ever be able to do that. So that's one of the things that we'll need to discuss.

MS. MURPHY: Can I pose a

question to him? Didn't Homeland Security also mandate some planning districts?

MR. MAGNIN: Homeland Security mandated eight regional councils -- areas, and the same problem exist today; there is no authority for those councils to do squat.

MS. MURPHY: No one is in charge.

MR. MAGNIN: There's no authority for those councils to do squat.

MS. ELDER: So I think that's something that we may want to look at although I don't think that we have any chance of going to the Legislature and telling them to -- that we're going to force the County Commissioners to take LEPCs because I think the County Commissioners would --

MR. MAGNIN: But there are counties out there that have moved ahead of us and recognized that they should be in charge.

MS. ELDER: I know. I mean we could do some outreach to them and say this is a good thing but I don't know that we could put that -- just because --

MR. MAGNIN: We could recommend that.

MS. ELDER: Right. We could put it in the law.

One of the things that I think is important is, currently the law says that we appoint members -- that OHMERC appoints members of local emergency planning committee. I think we should put that as approve everywhere it says appoint. Because we don't. But we do approve them. And I think that's something that we can do.

MR. MAGNIN: Which flows along with the comments that if you make the County Commissioners in charge then the County Commissioners could --

MS. ELDER: Dale, we're just not going to have this discussion now because it's just hopeless and futile. We appreciate how strongly you feel about that.

MR. MAGNIN: It follows into the other parts of that.

MS. ELDER: Well, you talk to Albert and if Albert -- if Emergency

Management will back that, you come talk to us, okay?

MR. MAGNIN: Okay.

MR. BERGMAN: You have other options, too. You could look at jurisdictional, you know, Oklahoma is organized by county but it doesn't have to be. That's just the way it always has been. There are other states and other models that use different districts besides existing county boundaries, which would probably suit what you're talking about a little bit better.

MR. MAGNIN: (Inaudible) got one LEPC in there?

MS. ELDER: No, but they're not going to anymore. They are currently in the process of going to county LEPCs.

MR. BERGMAN: There are a number of states that have regionals.

MR. BOBO: But most of those states fund them also, don't they, Tom?

MR. BERGMAN: Well, I don't know that they're all funded. They probably get the same kind of funding HMEP, Wisconsin and --

MS. ELDER: But I'm not sure that they're any more functional than ours are.

MR. BERGMAN: It's easier to find somebody to deal with, that's about it.

MS. ELDER: But I don't know that they actually do any more in the area (inaudible).

MR. BERGMAN: I would say that just jurisdictional doesn't determine whether or not they're functional. Florida is regional --

MS. MURPHY: I've got an idea. Let's make the Emergency Managers in charge of all the LEPCs.

MS. ELDER: Well, they --

MR. MAGNIN: In a functioning LEPC, the Emergency Manager is definitely involved with the plan to train (inaudible).

MS. ELDER: I just wanted -- you know, you all, as you look over the law there may be for each of your agencies and each of the constituency you -- for those of you, in your agencies or constituencies I would suggest that in the next few months, you look over 27(A) and see if

there are changes that your agency would like to have made so that between now and December we can come up with some changes that we agree on and then at the first quarterly meeting next year, we have something that we can take to our agencies to have to take to the legislature. That way we can get it in the next legislative session.

So what I wanted really to do today was get you thinking about it because we think that we would like to do that and this affects you all, too, so you may want to look at that.

Probably the last thing I have, because we have to leave here at 3:00 because there's going to be a party. So 7 is going to be tabled indefinitely. Do I have a motion to table? Dale, yes. Second, Terry. Thank you. Okay. That's tabled indefinitely. The action item.

Just in case any of you are interested, the National Association, Sara Title III Program Officials, which I'm a member, and so is Dale, but we have been commenting on several things that have been before the federal register. One is on the DHS chemical facility antiterrorism standards and I'm just going to pass you the letter in case you're interested. You might look at it. If your agency agrees with it, your agency could make similar comments.

There is also the enhancing rail transportation safety and security. And we make comments on that. A lot of the comments have to do with the fact that you need to include LEPCs and you need to include (inaudible) in this. And then there is one on TSA rail transportation security. So just to give you a heads up that those issues are out there.

Another thing that you may be aware of, I'm sure Dale is aware of, the National Incident -- the NIC, National Integration Center, has just published the NIMS upgrade in draft and the NIMS upgrade --

MR. MAGNIN: 211 pages.

MS. ELDER: Yeah, 233, I think.

The NIMS upgrade is available on the NIC, N-I-C site. So if you're interested in NIMS you might want to -- just want to give

you a heads up. But it's out there. Again, the group I'm with, I think we're going to be looking at it but it's going to take us a while to wade through the 233 pages. And so we -- I think -- I can't remember when comments are due on that.

MR. MAGNIN: I think I've got a meeting on the 21st out in Albuquerque, we're going to discuss this, too. If you go to the website and you look at the pdf file there, it's got the changes in blue where they stand out. Gee whiz, 233 pages.

MS. ELDER: I think we need to -- when we look at that, my understanding just on some back story on some of that is, that once again the fact that those HMEP funds are out there, it looks like a good source of money and so some people are trying to use NIMS changes to redirect HMEP funds. So I don't know if that's true or not, but I think that makes it that we would want to look at that carefully. It's our only source of help for LEPCs. So we want to keep it. And for HazMat training for states, basically. So I think we would want to keep that coming. So that's something to just be aware of.

Anybody got anything else in the next 10 minutes? Yes, Ms. Reaties.

MS. REATIES: Were the dates at the last meeting approved because I never heard?

MS. ELDER: No. We have new dates.

MS. MURPHY: The dates were approved, Monty. We approved them by email, remember?

MS. ELDER: Betty said were the dates at the last meeting approved and I said no, they weren't, there are different dates. Do you have the different dates?

MS. MURPHY: The next one is May 15th. Myrna, do you have those? I don't remember the August and November. Thanks.

MS. BRUCE: August 14th and November 6th.

MS. MURPHY: And Betty, we need new contact information from you, too, before you --

Discussion about Betty Reaties retirement.

MS. ELDER: So, if we have any

other things to discuss. Thank you.

Please think about 27A --

MR. MAGNIN: I make a Motion we adjourn.

MR. BOBO: I'll second.

MS. ELDER: I'm sure we're all in favor. Thank you guys.

(End of Proceedings)

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 is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was taken by me in shorthand and thereafter transcribed under my direction; that said proceeding was taken on the 6th day of February, 2007, 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 21st day of February, 2007.

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