

DRAFT MINUTES
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA HAZARDOUS MATERIALS EMERGENCY RESPONSE COMMISSION
DEQ Tenth Floor Conference Room
May 21, 2008

Ms. Monty Elder called the meeting to order at 1:30 p.m. with Jami Murphy calling the roll. Members attending were: Monty Elder, Major Dennis Gann, Gary Davis, and Dale Magnin. Absent were: Kary Cox, Terry Bobo, and Robert Doke. Others present included Bob Rabatine, Betty Reaties, Jami Murphy, Tom Bergman, and Commissioner Ward. Ms. Elder called for a motion to approve the March 25, 2008 Minutes. Mr. Magnin made the motion to accept as presented and Major Gann made the second. Motion approved with no opposition. Ms. Elder congratulated Dale Magnin on his retirement and recognized his contributions to the Commission. (see transcript pages 1 – 5)

Mr. Tom Bergman provided an update with the Data Management Report and answered questions regarding the process; and Ms. Jami Murphy spoke regarding the TRI data. (see transcript pages 6 – 15)

Mr. Dale Magnin provided information about his possible replacement advising that he had made himself available to bring them into the OHMERC process. (see transcript pages 15 - 20)

Ms. Elder gave an update on the NASTTPO Conference. (see transcript pages 21 - 29)

Ms. Elder introduced Commissioner Ward who discussed the Highway Remediation Bill. (see transcript pages 29 - 54)

Other discussions included Homeland Security Emergency Response and an update on National issues (see transcript pages 54 - 79)

Ms. Murphy announced that the next meetings would be August 12 and December 9 and cake was served in honor of Dale's retirement.

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

OKLAHOMA HAZARDOUS MATERIALS
EMERGENCY RESPONSE COMMISSION
STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF THE OKLAHOMA DEPARTMENT
OF ENVIRONMENTAL QUALITY
QUARTERLY MEETING
HELD ON May 21, 2008 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

MEMBERS OF THE COMMISSION

MONTY ELDER - CHAIR, PRESENT
DALE MAGNIN - PRESENT
GARY DAVIS - PRESENT
MAJOR DENNIS GANN - PRESENT
TOM BERGMAN - PRESENT

ALSO PRESENT:
BOB RABATINE
BETTY REATIES
JAMI MURPHY

NOT PRESENT:
TERRY BOBO
KARY COX
CHIEF ROBERT DOKE

MEETING

MS. ELDER: I will call to order the May quarterly meeting of the Oklahoma Hazardous Materials Emergency Response Commission.

And so we'll have a roll call. Jami, would you please.

MS. MURPHY: Ms. Elder.

MS. ELDER: Present.

MS. MURPHY: Major Gann.

MAJOR GANN: Present.

MS. MURPHY: Gary Davis.

MR. DAVIS: Present.

MS. MURPHY: Dale Magnin.

MR. MAGNIN: Present.

MS. MURPHY: Absent is Bob Doke, Kary Cox, Terry Bobo, for the record.

MS. ELDER: Okay. We do have a quorum, and that's great. I think everybody should have gotten a copy of the March 25th Minutes. If you did not, I think Jami can provide them if you want to look over them, just briefly. If there's any changes, please let me know. If not,

we will shortly take a vote on --

MR. MAGNIN: I make a motion that we accept the Minutes.

MS. ELDER: Do I hear a second?

MAJOR GANN: Second.

MS. ELDER: All in favor say, aye.

MEMBERS: (Unanimously) Aye.

MS. ELDER: Opposed. Hearing none, the Minutes passed. Okay.

I would like to -- and we will have a more informal celebration at the end of this meeting. Some of you may know that Dale Magnin, who has represented the Oklahoma Emergency Management Agency with honor and dignity to this Commission for I don't know how many years, well over a decade, has retired. I'm personally bitter about that, but I would like to congratulate Dale for his service and let you know that truly you have been an invaluable part of this. Dale is the person who makes sure that HMEP funds, Hazardous Materials Emergency Planning Grants are spent for training and for

LEPCs. He is the one who organized and set up the grant program for LEPCs, which for most LEPCs, and for the longest period of time was the only funding that they had in Oklahoma. He's been -- has always taken care of all those grant applications for the state of Oklahoma, all the interactions with the DOT and USDOT, so that we can benefit from that.

In addition, he has worked with LEPCs and updated all the emergency plans. And he has regularly attended meetings in Las Vegas, no matter how inconvenient it was for him, he showed up.

MR. MAGNIN: It was so tough.

MS. ELDER: No, really and truly it has been a pleasure for me to be able to work with Dale and I hope everybody here will join me in saying, thank you Dale, for his years of service to this Commission.

(Applause)

MR. MAGNIN: Thank you.

MS. ELDER: And after this meeting we'll have cake.

MR. MAGNIN: Yeah.

MS. ELDER: Yeah. And truly, we will miss you, Dale. Okay. So Mr. Bergman will give us the Data Management Report.

MR. BERGMAN: Thank you. And in anticipation of the gala celebrations I attempted to make the Data Management Report quite short.

I've got a lot of Tier II reports but I only brought one.

MS. ELDER: I want to know is this a current world record or --

MR. BERGMAN: It will be. I've probably got 3,000 or 4,000 in the computer that aren't counted in this number, because they didn't do it very well so they get to do it over again. And some come in just about every day. It's been an interesting year for that.

And Gary's office, of course, has done some CAMEO training. I have noticed that it seems to have finally caught up, since there's quite a few of the DHS CAMEO training, the ones that I do seem to have fallen off finally, so I'm not doing nearly

as many as I used to. In fact, it used to be I would have five or six on here that was just being done. So apparently that's taken care of a lot of that.

MS. ELDER: And that's good, because we just assumed he spent a little bit of the time in the office.

MR. BERGMAN: Yeah.

MR. RABATINE: So who actually conducts those; is it one of those contract groups?

MR. BERGMAN: Well, no it's actually Louisiana State University, one of source (inaudible) members.

MR. DAVIS: That's scheduled through our office and we wrote a --

MS. BERGMAN: Right.

MR. DAVIS: -- so it wouldn't be quick enough and that's why he's having to do so many and now it's kind of caught up.

MR. BERGMAN: It's kind of caught up and rolled over and I try to go to most of them and typically I'll provide three or four hours of the training myself anyway, because the guys that I sent in are

all good but I mean obviously Im the only person that knows Oklahoma and how we use this stuff in Oklahoma, so that's good. It works out pretty good. And I think that's all of my items. Jami has some.

MS. MURPHY: I'm just going to hit the high points on this. Yes, Bob.

MR. RABATINE: I have a question.

MR. BERGMAN: Yes.

MR. RABATINE: Did we mark through the change where the Tier IIs were being distributed by the DEQ? I was just curious how that's been going?

MR. BERGMAN: Well, last year we had 46 of the counties that actively participated. I think about 30 of them actually got the funding.

MS. ELDER: Now wait a minute, I think the first question is how are -- have we got Tier IIs distributed to LEPCs? Is that what your asking, Bob?

MR. BERGMAN: Do you mean for this year?

MR. RABATINE: Yes.

MR. BERGMAN: Yes, I just did

that. You know we kind of drew a line in the sand a couple weeks ago, and said everybody that comes in after this will have to do a secondary supplemental distribution. Generally speaking, I would have gotten that out a little earlier but these things keep rolling in this year, but yes, they've been sent.

Now, I haven't heard back from everybody so what I did was, I sent them and I'm going to let that roll for a week or two and then I'll contact them all and see who's got them and who hasn't got them.

MR. RABATINE: It was just a new approach.

MR. BERGMAN: Right.

MR. RABATINE: And there has been some speculation about how difficult the task would be because not all of them had computers.

MS. ELDER: I think almost all of the county LEPCs have computers or somebody has a computer; right?

MR. BERGMAN: Well, yes, you'd think so but I still have four requests,

currently, to provide paper instead --

MS. ELDER: I'm thinking four out of 77 means most of them have a computer.

MR. BERGMAN: Well, yes, I haven't heard back from them all, but, yeah, most of them.

MR. MAGNIN: But you don't have 77 LEPCs out there.

MR. BERGMAN: Yes.

MS. ELDER: Well, you have 77 places to send the data.

MR. BERGMAN: Right.

MS. ELDER: You do have 77 places to send the data.

MR. BERGMAN: Needless to say, industry is very happy with the current distribution option. Now we give it to all

77. Now whether 77 of them do anything with it or not is a whole other question.

MR. DAVIS: Do you send them to the fire departments too?

MR. BERGMAN: Only if I have to. I've tried to get the counties to do it and that part seems to be working pretty well at

the moment. There are certainly a couple of jurisdictions that I really need to work with individually with the fire department. There are a couple where the county organization and the municipal organization still don't talk to each other very well.

MS. ELDER: And that's one of the reasons, really, that we wanted to go to this so that it would be an incentive to get counties and to get LEPCs to talk to those fire departments because that's really what they're suppose to be doing. So we were hoping it would work as an incentive. There's still some places where we have to go deliver the data to the fire departments -

MR. BERGMAN: That's true.

MS. ELDER: - and you know it's not perfect yet.

MR. BERGMAN: But those fire departments work electronically with no problem.

A couple of things really that have come out this year that have been good for

everyone is because of some of the other regulations, I got involved with the LP Gas Administration. So I think we're going to be, if not 100 percent, awfully close to 100 percent, of all the propane dealers being -- because LP Gas Administration definitely knows where those guys are. I mean they license them.

And we've had some pretty good interaction and chats with the folks at the Corporation Commission about trying to interface some of the data sets because they have a lot of the same data. There's a lot of redundant efforts out there and we have more technology that we might be able to share the information and reduce further the burden on the reporting community.

MS. ELDER: Yeah.

MR. BERGMAN: If we can manage to do that, we'd like to.

MS. ELDER: Yeah, we are going to be looking into that seriously, particularly the Corporation Commission, because they have much of the same information on oil and gas wells that we

require and so, you know, we're trying to see if there's a way to share -- or have data collected so that it won't have to be collected twice, or sent in twice.

MR. RABATINE: But I'm pleased to hear that it's working so well.

MS. ELDER: Yeah, it is. And mainly thanks to Tom's efforts. Truly. I guess Jamie will follow up now on the --

MS. MURPHY: We were just going to put the high point up to your eye and if anyone has any questions please give me a call.

We are in the process of entering into a Phase II MOA with EPA, right?

MS. ELDER: Yes. I believe that it's actually on the seventh floor, at this point waiting for fixtures. So it should be done momentarily.

MS. MURPHY: When that's in place we will receive 100 percent of TRI data from EPA. It will no longer be necessary for the Oklahoma facilities that are covered to file separately with us.

We are also in the process -- IT

tells me we are acquiring software from the folks who actually wrote the software for the Node and this is going to make this process go much more smoothly.

MS. ELDER: I believe the purchase order has actually been assigned.

MS. MURPHY: That's very good news. And I'm working on the 2006 report. I'm getting a pretty late start on it but we will have one this year. The probably key thing on here is that EPA's contractor SAIC has been offering some free TRI training. And Monty sent out a letter and I sent out an email contacting our Oklahoma industries that report under TRI, you know, letting them know that this free training was out there and probably dropping a broad hint that they should avail themselves of it.

The best thing that I think that SAIC did was really thoroughly demonstrate the online TRI submission, which is called TRI-ME web. Nothing to download. Just do all your work online and submit from there. And I think were -- of course, we don't

regulate this particular program so we cant mandate M and M solutions. But I think we are moving closer to the place where our industries see that its in their best interest, its a lot less complicated and less work. And this training was certainly a part of it.

MS. ELDER: Thank you. Youre not on here for any kind of reports from OEM but --

MR. MAGNIN: I can say a few things. Yeah, I did kind of depart very suddenly and they havent provided a replacement for me, yet. But I do know that Sam Talamentez and Barnaby Kelly, who are both area coordinators, have applied. I dont know who else has applied for the position but I have told the bosses that I am ready, willing, and able, and I want to sit down with them to walk them through the process and make sure they know how to do what Ive been doing, particularly when it comes to the OHMERC. Our last meeting in Savanna, Charles Rogoff told us what our new amount is, \$320,000.00, we got that 70

percent increase. So thats a good thing. And we want to make sure that we get that out the LEPCs. So Im waiting with bated breath for them to put somebody in the position so I can sit down and walk them through. And I do have all the application materials that they sent us on an email, so its just a question of pinning somebody down. And Monty and I talked a little bit about how to divvy up that new money and I think weve got an idea on that and well talk about particularly increasing the amount of money that goes to the LEPCs and right now we had 21 that were receiving money and each of those 21 received \$2,000 this year. So I dont know if there is any money left in the kitty, since I havent been there. I think Monty just got a trip out of the kitty there.

MS. ELDER: Yeah, I spent it.

MR. MAGNIN: So well figure out how that works. Also I took -- actually the last really official thing I did was, we have the New Mexico Challenge -- HazMat Challenge, that we just kind of stumbled

into that about three or four or five years ago and we sent Midwest City out there and they won. And then they went the next year and they won. And I think they've won four times in a row, so that was pretty good. And I got a call from the guy in New Mexico saying that the people in Oklahoma were saying they couldn't come, because the funding had dried up. I'm not sure where they were getting the money --

MR. DAVIS: I'm not sure where they were getting the money, they came to me for funding. And they said they were going to look around and I think they might have come to you.

MR. MAGNIN: Yeah. They came to me and what we figured out was that was that Midwest City, and Moore and Norman HazMat teams wanted to go to it. I said, well come up with an estimate. And I think the estimates ran about \$4000 for each of the teams to go. And so I worked out a deal with the money we had in the HMEP Grant to give the LEPC in Oklahoma County, I gave them \$5000 for Midwest City. And

then for Cleveland County I gave them \$10,000 for Moore and for Norman. And I said whatever is left over and based on their estimate, to go ahead and roll that into the LEPC money for Cleveland County and Oklahoma County. So the thought is for this next grant to go ahead and have some money set aside for that in advance. So increased money is going into LEPCs, that money is set aside for that HazMat Challenge, for sure.

MS. ELDER: Right. And then I think that well want to look at some other special projects that we can get folks doing. Tom had an idea about CAMEO counties and anyway seeing if we can look for ways -- laptops are so inexpensive now that it may be possible to provide some laptops for LEPCs. You cant spend LEPC funds for equipment costing more than \$2,000. So in the past people couldnt use HMEP funds to buy computers but now you know, I think perhaps GIS capabilities would be a good thing for LEPCs to have as part of their planning. It helps them

locate resources, pinpoint them, they can put them into CAMEO and have much better access to that. And so I would ask the Commission members if you have an idea for projects that LEPC might do or the state might do in some way, if you will send that information to me and I will work with Dales successor on coming up with some good projects. Because I think its imperative that if USDOT gives us more money that we use -- demonstrate that we need it by using it in ways that benefit the state and our citizens. So were working on that and if youve got an idea please share it with me.

MR. MAGNIN: And basically, thats all Ive got. I know that the agency has been busy with the flooding and the Picher tornado and Ive been out of the loop on that and as soon as we find out who is going to replace me, Monty will be one of the first to know.

MS. ELDER: Great.

MR. MAGNIN: Just curious, but how much do you think the LEPC grant itself with the increased worth?

MR. BERGMAN: Well, when we first started doing this five or six years ago, we said we didnt want to go below \$2,000.

MR. MAGNIN: Right. Yeah.

MR. BERGMAN: And Im thinking four or five. We ought to do four or five

MS. MURPHY: Well, if we do four or five we are going to have to put -- I think they are going to have to demonstrate that theyve really used it.

MR. MAGNIN: Well thats part of the thing, too, with the meeting in Savanna they were coming down -- DOT was coming down to youre going to have to give us more reports. We were doing basically an End of the Year Report which was the only report we were going to do and they were saying we were going to have to do Quarterly Reports and youre going to have to break those reports down into how much money you spent on training and what was it and how much money you spent on planning and what was it. So thats going to force us to kind of be more accountable on what

the LEPCs are doing.

MS. ELDER: Right. Exactly, and which kind of leads into the NASTTPO Report and comments. Me and Dale were both there so if I leave something out, please chime in.

I thought it was an excellent meeting. I thought we had a lot of good content and speakers. Of course, Charlie Rogoff was there and told us about the increase in HMEP. The new administrator for the portion of USDOT that administers HMEP, but the administrators Carl Johnson came down and we had a good discussion with the administrator. We had some direct influence on a proposal that PHMSA had to have very detailed and highly esoteric questions of HMEP grantees and LEPCs about how they spent planning money and we were able to get -- they're still going to ask questions but we were able to modify the questions so that they were more concrete and actually easier to answer. So there is still accountability there but it's something -- you don't have to write an

essay to answer the questions, because the likelihood -- well, they had estimated their original questions, they estimated it would take each grantee -- Dale?

MR. MAGNIN: Forty hours.

MS. ELDER: Eighty hours to complete.

MR. MAGNIN: Eighty hours. And these are volunteers.

MS. ELDER: You know, and the LEPCs we figured would cost -- theyd have to spend at least 40 hours to get the information to give to Dale. So thats absolutely ridiculous. So like I said, we worked on some multiple choice questions rather than essay questions thinking it will go away.

MR. MAGNIN: Another hiccup we had with the high level guys -- their DOT, one of the comments was, well, you write a plan, you're good to go.

MS. ELDER: Right. They didnt see why they had to pay -- they didnt see why plans should be -- once youve written a plan, why do you continue to have to

spend money on planning. Why would you update the plan. Thats a little frightening, so we attempted to explain the value of continued planning. I think they might, Im not sure. And the same thing with training. They would also say, if you offer HazMat training, why do you have to offer it again? And we tried to explain to them that in Oklahoma over 80 percent of our first responders are volunteers and there is a turnover of volunteers and so you have to continue to offer training because of (inaudible).

MR. MAGNIN: These guys are inside the beltway.

MS. ELDER: Yeah. They are inside the beltway and they need a lot of education on what is happening.

We also had the folks from DHS from the infamous CFATS Program come and talk to us. And a couple of things came out of that. There is a requirement under the Chemical Facilities Anti-terrorism Standards that they do exercise their safety plan and so were trying to get them

to exercise with the local fire department and local police. And I think there is going to be some movement in that way, although there is so much of it secret. And we are encouraging people to go online and get the Confidential Vulnerability Information Certificate, which means that if you can demonstrate the need to know, that you will have CVI released to you and its not a very difficult process. Its demonstrated by the fact that I sat down and went online in the middle of the NASTTPO, while they were talking about this program and was able to get my certificate in about --

MR. MAGNIN: Well, with help from Maryanne.

MS. ELDER: Well, we read it together anyway. Trust me, 15 minutes is about the maximum amount of time it would take you to get that certificate. So, you know, I think everyone should get one. Its just -- I'm thinking about framing mine.

Then we had folks come talk to us

from EPA. EPA is supposedly -- has sent out their LEPC Survey.

MR. MAGNIN: They have. I have talked to the people who have taken it.

MS. ELDER: I dont know where it is, so Im hopeful that we get some response from Oklahoma. I think the best response in the country will truthfully come from Oklahoma, because we have, as far as I know, the only -- and ours isnt perfect but we have the best email list for LEPCs of anybody out there. Except for Oregon has one LEPC, so they probably got a good list.

MR. BERGMAN: Yeah. I was just at a SERF meeting in Wyoming and several LEPCs they only meet once a year so everybody shows up. They claim they thought -- of course they dont have very many, they have 26 counties. They claimed everybody responded to the survey.

MS. ELDER: Oh, great.

MR. BERGMAN: That would be really good.

MS. ELDER: Right.

MR. BERGMAN: And their LEPCS are a lot more tied into the DHS grant process now. Theyve got some more funding -- some more cash and they get that -- you know, that usually goes along with that -- you take half the staff to take the survey.

MS. ELDER: Yeah.

MR. BERGMAN: Because weve got a lot of LEPCs that dont have anybody, probably, who could get on any computer and take the survey.

MS. ELDER: Right.

MR. BERGMAN: But well do well. There will be a lot of response. Ive talked, probably a dozen of them, into taking that survey.

MS. ELDER: Yeah. And EPA also talked about the Risk Management Planning Process and that comes around -- it comes around every five years and they have new software available for industry to do that. And there has been quite a bit of interest from GAO on how EPA is running the Risk Management Planning and whether or not they are looking for industry that has not

reported and so I think EPA will have a push for that.

And then Tom did a really great demonstration on CAMEO and uses -- novel uses for CAMEO that have been developed in Oklahoma. They -- we have some people using it for -- during search and rescue basically, operations. There are some places like -- that have mapped, basically mapped their infrastructure, that puts NGIF on all their locations of their fire hydrants, and all their special needs populations, and all kinds of great things. So that was an interesting presentation. And I think if anybody here is interested in that, you know, I'm going to volunteer Tom if you would like to have him come to your agency and talk about other uses of the CAMEO, I think we could do that.

I would volunteer him. Is there anything else you guys want to follow up on that?

MR. BERGMAN: I saw -- and I can't remember his name. That fellow from DHS CFATS --

MS. ELDER: Brian Harram
(phonetic spelling)?

MR. BERGMAN: -- Brian Harram,
was at the SERF meeting in Wyoming and I
talked to him briefly and he said that his
administration had agreed to put in that
line and would request it. Just because
we're exempting you from CFATS doesn't mean
you don't count for (inaudible).

MS. ELDER: Well, that was a big
thing. You know, they had, probably, as we
told them they would have; they probably
had over 50,000 people fill out a tox
screen. But they are only going to
require, like probably, 10,000 people to go
ahead and do any more information than
filling out the tox screen. So they were
going to send out a letter to facilities
that said, we don't think that you are a
high-risk facility, therefore, you don't
have to report.

We felt sure that facilities would
read that as, I'm done --

MR. BERGMAN: All that --

MS. ELDER: -- they have three

reports that I ever had to do.

MR. RABATINE: Yeah. Well, this year that might have been a blessing for them.

MS. ELDER: And so NASTTPO asked DHS to put in a line that says, Under our rules you dont qualify as high-risk, so you dont have to do a vulnerability test, however, all other regulations and other programs still apply to you.

MR. DAVIS: You said take a look, were over staffed.

MS. ELDER: Exactly. Okay. And I so, I think that covers most of the NASTTPO conference report.

And now we have a visitor. We are very privileged to have Commissioner Ward here with us. And youre going to talk a little bit about that bill that was out there on the Highway Remediation.

COMMISSIONER WARD: Yeah. Earlier this session, I guess at the beginning of the session, there was some legislation that was going to deal with highway remediation. From what I can

gather there was some concerns that maybe certain companies were being notified prematurely or out of -- I don't want to say this. Maybe not in a sense of fairness to other companies whenever they're summoned for remediation services. And so what I understood the bill was going to do, was basically provide a rotational mechanism, so that a remediation company would have to utilize or could only be utilized, if you will, in a sense of fairness and that when a company is needed that they would have to -- it would just be like what we do with our wrecker laws. We have whatever wrecker company in certain geographical areas wants to do business and they are licensed and meet all those things, then we call the first one up. And then after they've taken that call the next one moves up and it continues to go through that. Which, obviously some provisions that if that company can't make that call for some particular reason they just move down and rotate through. So I think that there was a desire to kind of create the

same kind of mechanism for remediation companies.

I know that the bill kind of rocked along and maybe at some point even died. I dont even know the status of the bill. I know that Major Gann gave me a copy of what had been introduced early in the session. And I know that Ive read some language since that time that doesnt contain some of the things that are in there. I think in this one that a police chief and sheriff will have rotational logs. But in one of the versions I read it didnt. It was only the Department of Public Safety would have a rotational log and then it would allow the fire chief or the law enforcement officer who needed the call would have to contact the Department of Public Safety for that next company that comes up.

I think there was a little bit of concern, too, about at what point should that decision be made. I know at the department, our policy is that the company that is involved in the collision or the spill or whatever that thing that has

occurred, is that we have put it off on, its the companies responsibility to make a determination on which remediation company ought to respond to the scene and clean that up.

The only caveat that we would have to do that is that Im going to kind of go on the extremes, but lets say we have a collision on an interstate system that has shut down traffic and the company says we want A&B Remediation out of Atlanta, Georgia. Well, we cant wait that long. There may be some times when there are certain circumstances or the contents of the load or such that time is a hazardous issue, so could be an opportunity to over-ride that if we needed to. But otherwise we dont want to do that.

And then theres been some times weve put a provision in there, in our policy, that if for some reason, either the drivers incapacitated or cannot and the company cannot, then we pushed it back on to the wrecker company that is summoned to the scene. It then falls on to them to

make a determination as to what company is notified.

And so, what I understood for the bill to occur is that DPS, at least the latest version -- and its been a little while back; is that DPS would create this rotational log that would be put in place, open for public inspection, and then it would kind of operate much like wreckers, with the -- well, you know, as I think about it, wreckers can be, the owners cars can summon their own wreckers and then -- but if they are arrested or they are incapacitated due to the injury of the collision, then we use a rotational log. But it would be patterned much after that.

I dont know if that language is even still alive or not. Ill admit that probably in the last couple of weeks I got another call on it from a legislator that was still interested in pushing it, because I think there is this perception, true or not -- but certainly some allegations have been made that weve not been able to substantiate, but you certainly want to

stay away from that perception. But there is allegations that certain collisions that -- and in this particular case they said troopers, and Im also told there may be some firefighters that may be doing it, but that they are calling particular remediation companies through whatever -- whatever relationship or for whatever reason, they have been calling particular ones and they would show up at the scene. And so what this bill would do is prohibit that kind of conduct or contact. It does make a provision that if the fire Chief or the law enforcement officer needed to make that contact that they could, or if they had a cell phone or communication device where they could. But that they had to log that as part of the rotational log thats in place.

Im not so sure why someone onsite would need to contact the remediation company, initially. I certainly can see that once that decision has been made as to what the company is, I certainly could see some communication about this is what weve

got out here; kind of give some preliminary information so that maybe they could load the kinds of equipment or personnel or those kinds of things that they need, but Im not so sure that in the bill there needs to be a provision that a law enforcement officer or firefighter onsite would necessarily make the call to make that initial notification. I think that dispatch ought to do that and dispatch ought to keep a log of that, so we dont have a perception issue.

There has also been a concern that some remediation companies are either self-deploying or theyre being notified by individuals that might have knowledge that this event is going on --

MR. MAGNIN: They're just listening to scanners.

MS. MURPHY: Yeah.

COMMISSIONER WARD: -- or listening to scanners. Absolutely. I mean there are mechanisms. And the companies are self-deploying.

One of the recommendations that I

would make and I did make -- I dont know if its going to make it into the bill or not -- is that we would prohibit a company from self-deploying. That they may only respond if they are requested to by the company who -- where the spill occurs or by either the fire department or the law enforcement agency that would be responsible for making that notification.

It would be my recommendation that -

-typically on all these kinds of scenes, whether its an accident scene or it's a Picher tornado, you have a -- at least an informal incident command structure thats in place. You get into bigger events like the Murrah, you're going to have a very formalized structure in place. And so if fire would be the incident command at this particular thing, I think fire ought to make that notification. If its a collision in the middle of a highway, and its a law enforcement event, then have law enforcement, just for incident command decision purposes. Im comfortable -- although it needs some more work on our

dispatchers, Im comfortable with creating one rotational list thats out there so that you dont get into some confusion about, well, hes getting more calls than I am because they are going through this dispatch instead of this one. I say I'm comfortable -- Im willing to take on that responsibility if it will help eliminate, certainly at least the perception, and maybe the reality that there are companies that are maybe unfairly getting more business than they should.

So I dont know exactly where that bill is at or where that language is at, other than like I said a couple of weeks ago there was a call and they had a couple of questions and wanted to know if we would still do it. And Im willing to do the rotational log if we need to do that.

MS. ELDER: Well, thank you. And of course, DEQ keeps the list of licenses, so we just provide that --

COMMISSIONER WARD: Right.

MS. ELDER: -- list to you.

COMMISSIONER WARD: Right.

MS. ELDER: And then that --

COMMISSIONER WARD: Yeah. From what I've read in the previous bill in the last one that I had, is that it talked about the Commissioner would set up the areas of rotation.

As an example, what we do in -- for wreckers, because, obviously we have a lot more car wrecks than we are remediation. A lot more, certainly -- we have like 800 wreckers. We do it by county. And so within the county, and I'll take Canadian where I was a trooper, if I had a collision at I-40 and Mustang Road, which is there by Yukon, what they allowed the wrecker rotation to include is Mustang, Yukon, and I think, all the way up to Piedmont, which I found that kind of a little bit -- it took a little bit of time for a wrecker to get there. So any wrecker that's within that area, if I called for a wrecker, then whoever was next up, that's what they would do. Because we don't have that many remediation companies staff working --

MS. ELDER: Right.

COMMISSIONER WARD: -- that would
-- Im sorry.

MS. ELDER: Yeah. We have 14.

COMMISSIONER WARD: Fourteen.
Yeah. I dont know that I would set that
up by county. We might set it up by
troops. And in Oklahoma, the highway
patrol, we have 13 field headquarters and
each one has about six or seven counties.
So we might look at doing it by troops.
The other thing that I told Major Gann that
I absolutely want to do is -- especially if
14 is the number, instead of us as law
enforcement trying to create these
imaginary boundaries, if you will, I think
that it would be helpful if the remediation
company or representatives of the companies
-- if we could come together, maybe come to
some agreement on what they believe would
be good rotational areas for service, in
terms of where those boundaries are, how
large they should be, those kinds of
things. And so what we want to do is,
should this bill pass where it creates a
rotational log and those things that are in

place, what we would -- oh, the other thing that I asked them to do is I want them to put in a provision that we can create rules, so we can kind of drill down on what determines -- when can an officer override? When those kinds of things are going to click into place. But what I'd like to do is sit down with the industry and say, okay, this is the law and this is the authority to create rules. What makes this work for both your industries, the industry that is transporting this stuff and then the first responder industry come together with that stuff. Create rules with all three of those entities being involved and then see if we can't -- for this discussion I'm not saying anybody has done anything wrong or they haven't done, but a sense of fairness in terms of how business is distributed for remediation cleanup.

MS. ELDER: Well, you know, again, I'm not familiar right now where that bill is. I do think it has been up and down --

COMMISSIONER WARD: Uh-huh.

MS. ELDER: -- in the session.
And its interesting because the original
bill surfaced and passed in the last 30
minutes of the session, two years ago. We
know that things can come up --

COMMISSIONER WARD: Yeah. They
can.

MS. ELDER: -- quickly.

COMMISSIONER WARD: This is a
very dangerous week this week.

MS. ELDER: Right. Its a very
dangerous week. Yeah, right.

MAJOR GANN: I think the last I
heard -- and I do apologize, I dont have
the specific details, but the original bill
has been set aside --

MS. ELDER: Yes.

MAJOR GANN: -- but now its gone
through a conference committee substitute
and been reborn as that.

MS. ELDER: Okay.

MAJOR GANN: And its got a
different number now.

COMMISSIONER WARD: Yeah. What
my experience in the legislative sausage-

making process is that this week --

MS. ELDER: Right. Whatever is out there is going to get --

COMMISSIONER WARD: -- well, in the last two or three weeks, it could have been a bill about child restraint seats and after it comes out of a committee it now has to do with remediation cleanup.

MS. ELDER: Right.

COMMISSIONER WARD: Im not sure I see the nexus, but they are both in Title 47 and so you can kind of see just how -- you have to really kind of watch those bills.

MR. RABATINE: You dont recall that new number, do you?

MAJOR GANN: I do not..

(Inaudible conversation)

MS. ELDER: That number is not there. It is now a new number.

COMMISSIONER WARD: 1630.

MS. ELDER: Well, if there is anything that the OHMERC can do to assist that, and you know, DEQ does have the list and I think that DEQ can certainly -- I

dont know that we would have a roll in it with you but if you think there is, I can certainly get you in touch with --

COMMISSIONER WARD: Well, this may or may not be actually the forum in which we want to have that discussion about setting up boundaries and when eminence takes place in terms of overriding -- Ill call it, the drivers request et cetera. This may or may not be the forum.

MS. MURPHY: Just one observation I think is on everyones mind is that unlike wreckers, remediation can be a lot more specialized -- is much more specialized and I think if the troopers or firefighters seem to favor one company over another, it may be because they have the experience or knowledge of -- expertise.

COMMISSIONER WARD: It may be. I dont know. The thing I dont want to get into, though, is favoritism. I think, as the government, its improper for me to divert business to a particular company over another. I think that as the government, I have a responsibility to

provide you, the driver or whomever, with information and let you just make that informed decision.

MS. MURPHY: Which is how it works, ideally.

COMMISSIONER WARD: I do. Yeah. I agree. Now I'll admit, when I was a trooper out there 20 years ago, and you had a family broke down from California and they are just needing a local mechanic, there was a particular place in El Reno that I would send them to, because it's one of those things, I know that he treats people right. I didn't know the guy that well, but he was always -- he always seemed to have a good reputation .

MS. MURPHY: You weren't related to him?

COMMISSIONER WARD: Oh, no. Not at all. And so in that kind of case sometimes it's not that -- you know, there's certainly no kickback kind of an issue; there was no quick pro quo kind of thing. But I did know that he treated people right and sometimes you get into

those deals. But because of the wrecker industry and the financial component, frankly, that's there and with the remediation companies.

MS. ELDER: Right. There is a --

COMMISSIONER WARD: There's a lot of dollars that are out there.

MS. ELDER: -- there are a lot of dollars there and I think you're absolutely correct.

COMMISSIONER WARD: I think that as the government I have a responsibility to provide the best information to that individual so they can make an informed decision.

Now one of the things that I do see to be problematic, looking at your website, is that some companies only do certain kinds of hazardous materials.

MS. ELDER: Yes, exactly.

COMMISSIONER WARD: And so for rotational purposes that may be somewhat problematic for us, we're going to have to have some kind of a --

MS. ELDER: Right. I think

thats what Jamie was really referring to.

COMMISSIONER WARD: -- for our --
right. For our --

MS. ELDER: Some of them only do
certain work.

COMMISSIONER WARD: -- right.
And because we dont call them that often
it could be, you know, for a communications
person thats doing so many other things
and occasionally has to do this, that KISS
principal needs to be in place. We need to
keep it simple so that we dont have any
kind of -- any kind of inadvertent foul-ups
that then cause problems and hardships and
those kinds of things.

But kind of the main purpose of what
I wanted to do was just commit that if this
bill passes, that while it is an additional
burden on our communication section, I do
see the benefit of trying to eliminate this
favoritism, perception or not, that may be
out there, so that we can be fair about it.
If the bill doesnt pass, you know,
obviously I have no authority to do
anything different there and we continue to

do business as we do on the patrol side.

MR. DAVIS: Commissioner, does this seem like this is something that started in the last couple of years -- this favoritism appearance?

COMMISSIONER WARD: No. In terms of my exposure to it -- I know back in the mid-'90s there was a big problem of a perception. There's a big company out east and there were some smaller companies in central Oklahoma, one up in Tulsa, that at least it was their perception that the company out east was getting a lot more business than they were. And whether they were or not is not relevant to me. The relevancy is, companies felt like that we were doing business wrong which then cast a shadow over the department. And so to the extent that we can clear that out, that's what I want to do. I don't want there to be the perception that a government agency is directing business to a particular private business when there are others in competition that as far as we know can do the same level of work, et cetera.

MR. DAVIS: The reason I asked that question is in 2003 there were four hazardous materials response teams in the state, since we've put so much money into hazardous materials we now have 18. So we've really kind of changed the face of the hazardous materials response out there. And I was just thinking, well, if that happened in the last couple of years it could be some reason to call those other people out there. And there may be something we could do out there and do some training on our side.

COMMISSIONER WARD: Okay.

MS. ELDER: Yeah, I think you know, what were looking at here, Gary, is you guys have the response teams. They are the people who are going to go out and stop the leak or put up berms or whatever.

MR. DAVIS: Right.

MS. ELDER: These other folks are remediation and so they are going to come in --

COMMISSIONER WARD: And actually clean it up.

MS. ELDER: -- have to clean up
after you guys have --

COMMISSIONER WARD: And if
everything worked as we would like, we
would never have to use a rotational log.
These companies would already have a
mechanism in place, that if there is that
spill, they just notify whoever they may
have business association with --

MS. ELDER: Right. Thats right.
The companies should --

COMMISSIONER WARD: -- they
respond and --

MS. ELDER: -- be calling.

COMMISSIONER WARD: -- law
enforcement or fire fighters never really
have to get involved in that process.

MR. MAGNIN: It would be the last
resort?

COMMISSIONER WARD: Right. But
this is really, as I understand the bill,
this is really kind of a contingency plan
should other options fail that should take
priority, well have a mechanism. And then
hopefully it will stop this -- if we have

people that are inadvertently or purposely

(Noise)

MS. ELDER: Apparently there is a large gas cylinder in the lab.

MS. MURPHY: There is a lab next door.

COMMISSIONER WARD: -- that we dont have people inappropriately contacting just certain companies or directing business just to certain business's and we can get that stopped.

And what I will probably do if this bill passes, and we didnt get the language in the law, is within the rule process, I want to put a rule that prohibits self-deployment. You can only deploy if youre notified by the company which you have a contract with or by fire or law enforcement when they've done exigency notification.

MS. MURPHY: And I would think that most of the HazMat teams, OKC Hazmat would really appreciate it if there was some language out there that the companies

can self-deploy.

COMMISSIONER WARD: Okay. And its like I say, its something, that should this bill pass, I want to get the stakeholders involved in this and lets see if we can come up with something that we can all live with. Because I know that Major Gann is much smarter than I am but I dont have all the answers when it comes to setting all that stuff up. But, in fact, if I were going to do it on my own, I would have to revert back to 20 years ago when we had wrecker rotations and how we kind of did things then. And because we have a company difference in geography and those expertise differences, I think that we are going to have to take all that into consideration.

MR. MAGNIN: Geography is probably going to be a hiccup in some of the remote areas of the state.

MS. ELDER: Yeah.

COMMISSIONER WARD: Yeah. We have some very large --

MR. MAGNIN: It might just be one

and company. And boy, I --

MS. ELDER: Yeah.

COMMISSIONER WARD: Well, now --

MR. MAGNIN: But that would be hard not to have that favoritism for -- you know, when I call Bubba, Bubbas shows up here pretty dang quick and he does the job and were in Guymon or wherever -- some remote place. Thats got to be --

COMMISSIONER WARD: As long as there is not an imminent health threat or its not shutting down a highway for an extraordinary period of time. If you have

MR. MAGNIN: More than 10 minutes for a trooper is too long.

COMMISSIONER WARD: Well, and frankly, when I ask for the rulemaking authority, thats what I want to put in there. To declare this imminent, these conditions have to apply. You have to have -- for us to be able to over-ride, you have to have either imminent --

MS. ELDER: Well the initial bill has a provision in there that you dont use

a person off the list if it gets -- you know, the trooper could decide if there is a threat.

COMMISSIONER WARD: Right. Hes

MS. ELDER: He might even use --

COMMISSIONER WARD: -- he could -- thats right.

MS. ELDER: They could, absolutely, I think that's a great idea.

COMMISSIONER WARD: Thats right, but -- yeah, but I think that needs to be -- lets put that into rule as to what articulates when can that occur. You know, if the spill occurs on the shoulder off to the side and traffic can flow and people are not going to fall over dead from inhaling the fumes --

MS. ELDER: Right.

COMMISSIONER WARD: -- who cares how long it takes them to get out there?

MS. ELDER: Right.

COMMISSIONER WARD: I mean as far as were concerned, we mark up the accident and were on our way. So --

MS. ELDER: Well, anything that we can do to assist you and I think, you know, we dont know where that bill is and who knows what it will end up as --

COMMISSIONER WARD: Yeah. Do you

MS. ELDER: -- but --

COMMISSIONER WARD: Yeah. Let me just suffice it to say that should that pass then well probably either be back with this group or get back with some of you all that would recommend how we should facilitate that interaction.

MS. ELDER: Great.

COMMISSIONER WARD: Okay.

MS. ELDER: Great. Thank you so much.

Gary, I had a thought when you were talking. I would be interested in knowing where the DHS or Homeland Security Emergency Response teams are located. And, for example, who calls them out. You know, we get a lot of calls that -- not a lot, but there are occasional calls to us at DEQ of emergencies and you know, at DEQ we

dont put on the suits. And so many times communities are a little frustrated because DEQ is not driving out there to respond to that incident. And you know, maybe we could get together to talk about, is it ever appropriate for DEQ to call and say we need the response team out at X location.

MR. DAVIS: I can put something together and with our schedules and everything, Ive been trying to come over here and do a presentation for you, but I

MS. ELDER: I know.

MR. DAVIS: -- for the whole -- well actually its a big process. But one of the other things that they do provide is technical assistance.

MS. ELDER: Right.

MR. DAVIS: So they may not need to respond out there but if you think --

MS. ELDER: But like, to the fire department thats responding --

MR. DAVIS: I can get that information to you of who to call or give a location of where they are.

MS. ELDER: You know, we may need to get together when you have time maybe come over here and talk to our local -- we have a complaint emergency --

MR. DAVIS: Sure.

MS. ELDER: -- spill notification and complaints hotline that people call in when there is an emergency. Maybe we could -- Id love for you to talk to those folks, so we could maybe figure out some kind of interface with your folks.

MR. DAVIS: Okay. Ill get with you on both and maybe do the presentation to the Commission and then also some procedures --

MS. ELDER: That would be great.

MR. DAVIS: -- in our work.

MS. ELDER: That would be great.

MR. DAVIS: Its a baby that weve created, so its been an experience out there and thats why I was asking the Commissioner, maybe we were causing some problems with all these new fumes out there all over.

MS. ELDER: Well, I kind of think

that a lot of us can utilize that expertise out there and I dont want it to go wasted. And like I said, we get way to many calls in which we have to say, I dont -- our local person can go out and provide advice but were not taking any action. And EPA, many times will come up from Dallas, but it takes them a while to come up from Dallas.

MR. DAVIS: Uh-huh.

MS. ELDER: So if we could get some sort of process worked up that would be great.

MR. DAVIS: Okay.

MR. MAGNIN: Does the Corporation Commission have any kind of response for hazardous materials.

MR. DAVIS: Not that I know of.

MS. ELDER: No.

MR. DAVIS: They have some people that Ive trained in the -- you know, thats in command but as far as I know they are not --

MS. ELDER: Yeah. They --

MR. DAVIS: -- on, like, hazardous materials.

MS. ELDER: -- have kind of the way that DEQ has. They have people that will go to the incident commander and provide papers on this, how it should be handled.

MR. BERGMAN: I think it depends on if its a pipeline ruptured corporation or the railroad HazMat, I think corporation is involved. I dont think they are involved with highways.

MS. ELDER: No, theyre not. But they do have -- right. They are involved, but I dont think they have response teams.

MS. REATIE: Even for the pipeline. I mean the Corporation Commission doesnt.

MS. ELDER: But they -- but a pipeline spill, depending on the product will fall under their jurisdiction.

DEQ and the Corporation Commission have different jurisdictions based on what the product is, what their location is and its often confusing.

MAJOR GANN: But they dont have any response capabilities?

MS. ELDER: No. They dont.

MAJOR GANN: But they know who to call?

MS. ELDER: Right. Exactly. Theyve got those numbers on who to call.

MAJOR GANN: Okay.

MR. BERGMAN: Gary, how many HazMat teams did you say we have, statewide?

MR. DAVIS: We have 18 right now.

MR. BERGMAN: Is that including

MR. DAVIS: When we started in 2003 there was four.

MR. BERGMAN: IS that including BPS? Any of our people?

MR. DAVIS: No. No. Thats just actual teams.

MR. BERGMAN: Okay, Im going to need to get a list also for the Health Department on some other project they are working on.

MR. DAVIS: Okay.

MR. BERGMAN: They were asking me that question the other day.

MR. DAVIS: I can shoot you some,
we've got --

MS. ELDER: Was that the dreaded

MR. BERGMAN: White powder
protocol?

MS. ELDER: Oh, yeah.

MR. BERGMAN: Which is white
powder protocol.

MR. DAVIS: Speaking of that, the
Health Department has trained all of our
people in biological containment and what's
their responses, because that's a little
bit different than their specific hazardous
materials. So we have been working closely
with them and I can get that for you.

MS. ELDER: Right. Well, I just
think that would be -- the whole Commission
needs to figure how those teams interact.
And like I said DEQ would be real
interested in talking to you and seeing if
we could figure out something.

MR. DAVIS: Well, Ill definitely
do that project then Ill present. Because
its not only hazardous materials, its a

system. Its got 65 vehicles in it now for them. Weve got AG response; weve got rescue capabilities, which one of the teams went to Picher, up there. I think you went up there, too, in Picher.

MR. BERGMAN: Uh-huh.

MR. DAVIS: And it is appalling.

MS. ELDER: Thats great. Thank you.

MR. DAVIS: Okay.

MS. ELDER: Im just going to -- really maybe we'll go into discussion of emergency responses.

I just want to give a little update on some of the national issues out there. And one of the things that has just come up today, the US Department of Transportation is going to attempt to re-authorize -- thats not right, but anyway, the re-authorization of the legislation that created the Hazardous Material Emergency Planning Program, HMEP, and if its making sausage at the state level. I dont know what you call it at the national level. But several at the state level are going to

have the opportunity to meet the first week in June with USDOT and look at some ideas for what re-authorization will look like, and thats very important. Because, truthfully, those funds come from fees on the hazardous materials transportation industry. And they would like to pay less, you know. I mean, well thats normal. So I think that there will be some attempt by that lobbying group to either lower fees or put restrictions on how they can be used and that sort of thing. And I think its very important that states -- because we all benefit from those fees, make a strong case to USDOT and then add legislation thats forward on that. So, Im going to have the opportunity to go to DC, thanks to each of the HMEP funds, to talk to USDOT about that. And I think that is an important thing to do.

In addition, we will also be talking about USDOT in the HMEP regulation. There is a qualification that if a state charges a hazardous transportation fee, and they use that fee for -- to train for HazMat or

for LEPCs, that DOT can then decrease the HazMat grant to that state by the amount of fees raised.

Well, what they are trying to determine -- and I think that's actually been done in a couple of cases since the law was passed, there are a number of, for example, in Oklahoma, the Corporation Commissions licenses hazardous materials transporters. So it's possible to view that as a fee. But none of those funds goes into HazMat; none of them go to LEPCs, but they all go to just managing the program at the Corporation Commission. And so we have some concern DOT is now attempting to find out what all different kinds of hazardous materials transportational fees are out there. And what happens to that. And they have proposed a sample. They are just going to sample a few states and then they are going to extrapolate to the whole country, based on those few states. And so we are going to have discussion with them that we all -- that's another idea that we don't think is

very good, because we all know that in every state, every state has different agencies; they function differently. You know, I think that is not a good idea. I think there are better ways for DOT to get out that information. So that's also going on and we will be talking to them about that.

I think we will continue to be interested in what happens with the KEMCO facilities anti-terrorism standards. I think that it's important that DHS encourage facilities to interact with local fire and police, because if they're putting in safety mechanisms that will hinder entrance or exit from a facility, the fire department and highway patrol need to know about that or law enforcement does in case of an emergency.

MR. BERGMAN: Absolutely.

MS. ELDER: And I think that you're going to be looking at the Chemical Safety Board that was -- the Chemical Safety Board also came to Savannah at NASTTPO. The Chemical Safety Board is

coming up with some recommendations for dust explosions. It turns out we always think of dust in grain elevators as exploding but now it turns out that dust in a number of different kinds of dust situation all over the country have caused explosions and I think that a Chemical Safety Board will be trying to get OSHA and EPA to look at doing regulations on dust, not just in grain elevators but in all kinds of industry.

MR. DAVIS: Right. There was a sugar refinery there --

MS. ELDER: Right.

MR. DAVIS: -- in Savanna that it was a significant --

MS. ELDER: It blew the heck up.

MR. DAVIS: -- kaboom.

MS. ELDER: Right.

MR. BERGMAN: I think that just about anything that can be particalized, can explode.

MS. ELDER: It can.

MR. BERGMAN: Yeah.

MS. ELDER: It can. And so you

know, I think the Chemical Safety Board will be looking at that. So we may, on down the line, there may or may not be regulations on it but I think thats something to keep in -- just to be aware thats happening.

So I think thats all I have. Do we have further discussion from around the table?

MR. MAGNIN: I think Tom has taken care of all my training Ive got set up. Ive written that down and was going to talk about it. He already knew about it.

MS. ELDER: Well, thats great.

MR. BERGMAN: There is a lot of training out there. Thats just the CAMEO stuff.

MR. DAVIS: Arvest is (inaudible) during consult.

MR. BERGMAN: Yeah.

MR. DAVIS: One thing about these (inaudible) Im going to talk about the training just a little bit.

MS. ELDER: Yeah.

MR. DAVIS: These are all trained the same. They have the same requirements. Rather than this group gets a little bit of training and this group gets more, so that -- and our whole reason for doing that in two of these or three of them can work together -- interchange with each other, because they are aware of what their training is and they can feel safe with them working right beside their team members. Were doing chemistry class. You would think that they wouldnt do the chemistry, but this is an 80 hour -- I mean its, you know, its up to 10 hours a day. Its a killer class, but they asked for it. We have some people out there that are really sharp. Like, you mentioned Midwest City winning that. (Inaudible) won last year the first time theyve been there they won one of the divisions, so weve got some

MR. BERGMAN: They've got one of the best of the states here --

MR. RABATINE: Right.

MR. BERGMAN: -- out there.

MS. ELDER: You know, Im telling you Oklahoma is good in many aspects. We are always leading the nation in good things. People dont realize that.

MR. DAVIS: Weve got some young 25 to 28 year-old kids out there that they eat and breathe this HazMat stuff. I mean the tools, the toys they call them, with all the things that goes with it. I mean, its a good thing that we put together. I called them together, all of the teams together, including the 24 decontamination members to a cleaning session. I thought, well, Ill get maybe 15 or 20. I had 80 people show up to that. Their plans, their responses, their standard operating procedures and so forth. So weve put together a really great team. Thats all I have --

MS. ELDER: Thats great and like I said, DEQ would like to hook up with you and particularly if those HazMat teams have some sampling monitoring capabilities.

MR. DAVIS: Uh-huh.

MS. ELDER: Because, we, all the

time get requests for that and we dont

have those capabilities.

MR. DAVIS: Uh-huh.

MS. ELDER: So that would be
great.

MR. DAVIS: Well, in fact, I just
got a call from DEQ yesterday from one of
the teams. There is a new military
contractor apparently moving into Ada.
Whats that called?

MS. ELDER: Oh, no. I got a call
from Stillwater.

MR. DAVIS: Now this is Ada.

MS. ELDER: I got a call from
Stillwater that -- and Gary, they said you
referred them to me. That was Stillwater
that about this --

MR. DAVIS: You know what, it
was. They said it was in Gracemont.

MS. ELDER: It was Stillwater
about.

MR. DAVIS: Im sorry, Ada was
another circumstance. They told them that
this was coming, they told them what the
chemicals were. It was Sarin and --

MS. ELDER: Live agents.

MR. DAVIS: -- a couple of live agents. And thats about all they told them. Enough to scare them but didn't tell them the total amounts. So I said the only person I know to call is DEQ. And I said I really dont know the correct person, but I sent them to you.

MS. ELDER: Right. We -- Ive looked into that. I dont -- for example, there are no reporting requirements on spilling those things, because any -- I mean, you know, there --

MS. REATIE: Any quantities.

MS. ELDER: -- any quantities.
There is no safe quantity.

MR. DAVIS: Its all military grade.

MS. ELDER: Right. And I dont -- first of all they have to be under DOD Contract, because private companies cant get that stuff. And I can understand Stillwaters concern. And he was going to email me some information on that, but bless his heart hes like afraid to email

me stuff because he didnt know what he could email me.

MR. DAVIS: I can't imagine them moving that stuff without having that umbrella of response capabilities.

MAJOR GANN: Well, they are actually moving to his town. Stillwater.

MS. ELDER: Right. Stillwater. Wait a minute, and Im there frequently, as we all know, in my orange. So Im very concerned about this.

MR. DAVIS: Well, I did tell the chief, you know, the good news is that they told you it was coming. The bad news is they told you it was coming.

MS. ELDER: Right. Exactly.

MR. DAVIS: ??? two ways there.

MS. ELDER: Well, clearly this is a good example. Clearly that facility, I think, even though they are DOT Contract, is going to have to participate in the ultra secret DHS/CPAP and Im certainly going to tell the Stillwater fire department the first thing they need to do is get that CVI Certification so that then

they can request information. You know, I dont know what to do about that. But I think that what needs to happen is if they dont feel like they have response capabilities, then they need to make sure that the Army DOD or whoever as the contractor has response capabilities in place.

MR. DAVIS: Thats kind of what I talked to him about. I said youre setting with a trained team there with all the capabilities, but you need to know what their capabilities are and what they are expecting you to do. And he said it was such a brief meeting that very little was discussed.

MS. ELDER: Well, he told me that they said, "Oh, that this isnt that bad. If I were to pour this into a glass of water and drink it, I would be very, very sick but I wouldnt die."

Stillwater called the 63rd Battalion and asked them about this stuff and the amount. I guess they had some amount. And the 63rd support team told them if that got

stolen or if the vial broke that there would be fatalities from that, because there is a difference between an inhalation hazard that you're drinking and I don't know. So anyway, that's an interesting thing. I don't know that there is a good answer but I think we all need to be looking at that. And I think they just need to give more information to the Stillwater fire department. I think that, and I'm also interested on where they are planning to move it. Because he was -- I'm concerned and I don't even know where they are going to move it. But I'm concerned because he was mentioning that it might be city property and there is an industrial park in Stillwater that is surrounded by housing. And we've had enough --

MR. DAVIS: He said it was -- he didn't tell me exactly where it was but it did have a school close by. It did have neighborhoods close by and (inaudible).

MS. ELDER: Yeah. It sounded to me like if they were talking about that industrial park. And we have had

complaints over the years from just your normal companies being there and in close proximity to the neighborhoods. So that --

MR. BERGMAN: That sounds like a recipe for a good table top exercise. And that --

MS. ELDER: It does sound like the recipe for a good table top exercise.

MR. BERGMAN: With school and houses real close.

MS. ELDER: Im telling you, heres what I thought, though. You may or may not know that we just had that deal over the past year about discovering those live chemical agents in chemical identification kits out in the Great Salt Plains. And weve done removal on that and thats been such a huge thing. And now hes talking -- he said, you know, starts talking to me about Sarin and Lucite stuff and Im like, why is this happening in Oklahoma? Why is weapons of mass destruction coming to Oklahoma? I dont understand that.

And -- but I think we all need more

information on that, you know, because I cant give him any -- I cant point him in the right direction unless I have a little bit more information and Im sure you feel the same way about that. Yeah.

MAJOR GANN: That's why he came to us. He said, "Who do we alert for regulatory."

I said, "Its not Homeland Security."

MS. ELDER: Right. And Im not sure its regulatory, and, you know, for DOD contractors and those folks, there is presidential directives telling them they should report, like under SARA Title III and things like that, but they dont have to. So that will be interesting, too.

MS. REATIE: Thats kind of new isnt it, Monte.

MS. ELDER: Yeah. Its very new. So I -- if I get an email and I get more information on it I think well be able to find out a little bit more. I do know for sure that EPA doesnt do any regulations of those types of agents and so -- and I dont

think -- he did say there would be hazardous waste produced but, you know, if you dont have hazardous waste produced in great enough amounts then its not going to be regulated by us. I dont believe theyre going to need any kind of air permit or water permit. Again, you know, you just dont expect to have live agents out there in any amount. So I dont think that we have permitting in place. But anyway, well look into it. And if we get more information from him and like I said, hes supposed to send me an email and anyway -- well see how that -- what comes from that. It will be interesting. We might be calling the -- you guys. I need a perimeter.

Okay. Well, in that case are we going to --

MR. BERGMAN: Can I ask Gary a question? On the teams that are around the state, are those fireman, principally, or are they --

MR. DAVIS: Principally, but not all. There is law enforcement, also.

MR. BERGMAN: Right. And then they volunteer to serve on these teams?

MR. DAVIS: Yes.

MR. BERGMAN: So you -- you -- I guess I have this image that if someone calls them up at 2:00 in the morning that there is a mechanism to run down and get into their vehicles and rush out to contain a situation. Is that how its set up?

MR. DAVIS: Well, just like if its a fire or most likely the HazMat. Most of them are already in fire agencies. So weve got one in tribal nation and weve got some in emergency management agencies. I think weve got a couple of sheriffs offices. So it varies, depending on which geographic of what we are trying to cover and the capability of that agency.

MAJOR GANN: One of the participants in the training thats going on in Edmond, I think its one of the team members from Clare more, he approached me just this morning with an idea of the all of those trainers and all of those teams are getting standardized training. And

part of that, and youre offering these CAMEO courses and hes attending one and Ive heard from some of the other folks that have been, and I tend to agree with them that the class they are getting from LSU is not specifically aimed at them. And he was wondering if I could do something that would be just specifically for those guys and bring them in maybe twice a year and run them through whats going on with software and whats new because it is constantly changing. The class that they get is, you know, utilized. Its more of a broad approach stardardized class. But the emergency management gets parts out of it, and law enforcement gets parts out of it, and industry gets parts out of it but they have some things that would just be more specific for them and I think we could accomplish that if we could get them two or three volunteers from each of the teams, maybe a couple of times a year for a day or two. So --

MR. DAVIS: Sounds like a good project. Because it's like I say, that is

an emphasis that's growing. And that's one of their things, you've got the team you allow to do additional training numbers, refreshers, training phases. That would be an excellent project for them.

MR. BERGMAN: I thought it sounded like not a bad idea.

MR. DAVIS: I'll work with you on it.

MS. ELDER: Great.

MS. MURPHY: Before we have cake

MS. ELDER: Yes.

MS. MURPHY: -- we all have these. Would everyone check your calendars? Check your schedules. Look at August the 12th and December the 9th, if you have any conflicts, the sooner you let me know, the sooner we can reschedule the meetings.

MS. ELDER: Okay. Thank you. Thank you very much. So do we have any new business? (No verbal response). Great. Hearing none, I will take a motion to adjourn and have cake. Do I hear such a

motion?

MR. BERGMAN: You are sweetening

the offer.

MS. ELDER: Right.

MR. MAGNIN: Here, I'll make a

motion for you.

MS. ELDER: Okay. And a second.

MR. BERGMAN: You can't you're

retired.

MR. DAVIS: I'll second that.

MS. ELDER: All right. All in

favor.

COMMISSIONERS: (Unanimously)

Aye.

MS. ELDER: Thank you.

(Meeting Concluded)

C E R T I F I C A T E

STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA

)
)

ss:

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the State of
Oklahoma, do hereby certify that the above
meeting is the truth, the whole truth, and
nothing but the truth; that the foregoing
meeting was taken down in shorthand by me
and thereafter transcribed under my
direction; that said meeting was taken on
the 21st day of May, 2008, 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
27th day of June, 2008.

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