

MINUTES
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA HAZARDOUS MATERIALS EMERGENCY RESPONSE COMMISSION
August 10, 2004 DEQ Multi-Purpose Room

Mr. Larry Gales, Chairman, was unable to attend. Ms. Monty Elder called the meeting to order at 1:30 p.m. The meeting was recorded by Myrna Bruce, Secretary, Environmental Quality Board and Councils, and Christy Myers, DEQ court reporter. Miss Elder called the roll. Please note that the transcript attached becomes an official part of these Minutes. There is an index with the transcript. An example as to how to use the index – ‘above [4] 74:19 76:13 91:6 108:7’ means the word ‘above’ is used four times in the transcript on page 74 line 19; page 76 line 13; etc.

MEMBERS	NON-MEMBERS:
Monty Elder Terry Bobo Kary Cox Robert Doke Mike Grimes John Harris Dale Magnin	Steve Mason, EPA Betty Reaties Bob Rabatine Tim Gablehouse Jami Murphy Myrna Bruce

Mr. Cox made a motion for approval of the May 11, 2004 Minutes. Mr. Magnin made the second. All responded “aye” and motion carried.

Ms. Murphy and Ms. Elder provided the Commission Status Data Management Report Reports report in Mr. Bergman’s absence. A copy of the report is attached. Ms. Murphy mentioned that the information would be on the new OHMERC web page on the DEQ web site. Mr. Steve Mason provided information on the EPA Region 6 LEPC web page advising that the EPA page would be linked to the OHMERC site and the Ad Hoc Advisory Committee site.

The “Oklahoma Department of Emergency Management (OEM) Report to OHMERC” was provided by Mr. Dale Magnin. Mr. Magnin discussed the Report at length and answered questions and comments. A copy is attached.

Ms. Jami Murphy provided an update on the 2004 Contractor List report. Mr. Tim Gablehouse of Colorado was asked to provide information on how his state handles contractors. Ms. Elder called for a motion to approve the list as presented. Mr. Cox made that motion and Mr. Bobo made the second. Approval was a unanimous “aye”. Ms. Elder advised that Ms. Murphy had requested to change the timeframe for approval for the updates to be in April and approved at the Commission’s May meeting. Ms. Murphy advised that the information would be in the OHMERC Newsletter and on the web site.

Ms. Betty Reaties reported that she had attended the Regional Response Team meeting and was impressed with the information provided. Mr. Steve Mason advised that the EPA website also includes and RRT webpage. Ms. Elder discussed the Agency’s involvement with the Cochran Chemical fire in Wewoka.

Mr. Mason announced two upcoming conferences and provided scholarship information. Mr. Cox made motion to adjourn and Mr. Bobo made the second. Ms. Elder adjourned the meeting at 3:15.

Attachments: SARA III data management reports
ODEM status report

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE OKLAHOMA HAZARDOUS MATERIALS
EMERGENCY RESPONSE COMMISSION
OF PUBLIC HEARING ON ITEM NOS. 1-10
HELD ON AUGUST 10, 2004, AT 1:30 P.M.
IN OKLAHOMA CITY, OKLAHOMA

* * * * *

REPORTED BY: Christy A. Myers, CSR

MYERS REPORTING SERVICE
(405) 721-2882

MEMBERS AND ATTENDANCE

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3 LARRY HAWKINS
KARY COX
4 TERRY BOBO
TOM BURTON
5 CHRISTY TULLIS
BETTY REATIES
6 STEVE MASON
BOB RABATINE
7 MYRNA BRUCE
TIM GABLEHOUSE
8 ROBERT DOKE
MONTY ELDER
9 DALE MAGNIN
JAMI MURPHY
10 MAJOR GRIMES

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MEETING

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MS. ELDER: We'll just start at the back table, have everybody introduce themselves and then we'll convene this meeting.

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MR. HAWKINS: Larry Hawkins with the State Health Department.

MR. COX: Kary Cox, I'm the Director of Washington County Emergency Management and Washington County Volunteer Fire Department.

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MR. BOBO: I'm Terry Bobo with Environmental Management out of Guthrie, Oklahoma.

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MR. BURTON: Tom Burton, DEQ.

MS. TULLIS: Christy Tullis, I work for (inaudible).

21

22

THE REPORTER: How did you spell your last name?

23

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25

MS. TULLIS: T-u-l-l-i-s.

THE REPORTER: Thank you.

MS. REATIES: Betty Reaties, City

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1 of Oklahoma City.

2 MS. ELDER: We're going to have
3 to correct this.

4 MR. MASON: Steve Mason, EPA.

5 MR. RABATINE: Bob Rabatine with
6 Environmental Management out of Guthrie.

7 MS. BRUCE: I'm Myrna Bruce, I'm
8 the secretary to the Board and Councils
9 here at the DEQ.

10 THE REPORTER: Christy Myers,
11 Court Reporter for DEQ.

12 MR. GABLEHOUSE: Tim Gablehouse,
13 I'm with Colorado Emergency Planning
14 Commission.

15 MR. DOKE: Robert Doke, State
16 Fire Marshal's Office.

17 MS. ELDER: Monty Elder,
18 Department of Environmental Quality.

19 MR. MAGNIN: Dale Magnin,
20 Oklahoma Emergency Management.

21 MS. MURPHY: Jami Murphy,
22 Department of Environmental Quality.

23 MS. ELDER: Okay. So I am
24 sitting in for Larry Gales today. Larry is
25 out. And so for the purposes of this

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1 meeting, I have been designated by Steve

2 Thompson as the representative from the
3 Department of Environmental Quality.

4 MS. MURPHY: We have a letter, if
5 anyone wants to see that.

6 MS. ELDER: It's official for
7 this meeting only, I'm Larry Gales. So
8 I'll just call this meeting to order and
9 roll call of OHMERC Members. I've got this
10 somewhere?

11 MS. MURPHY: I'm sorry. We all
12 know who the members are.

13 MS. ELDER: Okay. Chief Doke,
14 present. Okay. Terry Bobo. Kary Cox.
15 Dale Magnin. Monty Elder. It appears we
16 have -- absent Grimes.

17 MS. MURPHY: Captain Grimes.

18 MS. ELDER: He is absent. But it
19 does appear we have a quorum.

20 MR: Major Grimes.

21 MS. ELDER: Major Grimes. All
22 right. Well, that's probably why he's not
23 here. He's outgrown us probably. Okay.
24 That's great. So our first order of
25 business is approval of the Minutes from

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1 the May 11th meeting. I think these were

2 mailed out to you all. The Membership has
3 had a chance to look over them.

4 MR. COX: Move to approve.

5 MR. MAGNIN: Second.

6 MS. ELDER: Second. All right.
7 Move and second.

8 THE REPORTER: I'm sorry. Who
9 did the move?

10 MR. MAGNIN: Dale.

11 THE REPORTER: Dale. Okay.

12 Thank you.

13 MR. COX: I made the motion.

14 MS. ELDER: Right. Kary moved,
15 Dale seconded.

16 THE REPORTER: Okay.

17 MS. ELDER: Okay. And so Jami,
18 do you want to call the roll on that?

19 MS. MURPHY: I beg your pardon?

20 MS. ELDER: I'm sorry. I thought
21 somebody called the roll.

22 MS. MURPHY: All in favor.

23 MS. ELDER: Okay. All in favor,
24 say aye.

25 ALL MEMBERS: (Unanimously) Aye.

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1 MS. ELDER: Okay. Back to where

2 we're calling the roll on that. Okay.

3 On the Commission Status Reports,
4 the Data Management Report. Jami.

5 MS. MURPHY: Let me pass these
6 out. Would you pass a couple of those
7 down? Thank you. Okay. As you can see,
8 Tom is not here today so I'm doing this
9 instead and there are some things I can't
10 discuss because they are related to cameo
11 or specifically something (in).

12 But the first thing you'll see is
13 the Secretary of Energy and DEQ are working
14 to have on-line filing for Tier II by the
15 time that the 2004 reports are due and it
16 looks as if this is going to happen.

17 MS. ELDER: Can I -- right. That
18 are due in 2005. I'll just elaborate just
19 a little bit on that. The Secretary of
20 Energy came to us several months ago. He
21 is -- actually has an oil and gas
22 exploration company. And he was aware that
23 in Louisiana and in other places that you
24 could file Tier II's on-line and he thought
25 that was a great deal and he wanted to get

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1 a similar project going in Oklahoma.

2 And he had money from the Department
3 of -- Secretary of Energy to give us a
4 grant to fund that. And so what we're
5 going to do is we're going to use Tier II
6 submit and we're going to make it possible
7 to file on-line using Tier II submit, so it
8 will go -- we can get the filing, put it
9 into CAMEO. We didn't want to get away
10 from Tier II submit, we wanted to keep
11 that. And so we are presently working with
12 a contractor to get that done. For the
13 next reporting cycle, it will be voluntary
14 whether or not people choose to report on-
15 line.

16 But we're looking seriously into the
17 possibility of in the coming years making
18 that a mandatory requirement. We'll also
19 be able to -- we're also looking into those
20 LEPC's that have capability to receive the
21 reports on-line, would be able to receive
22 it on-line. Those LEPC's that do not have
23 the capability could sign an agreement with
24 us whereby we could -- it's the person with
25 the promotion.

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1 MAJOR GRIMES: How are you all?

2 MS. ELDER: Major Grimes.

3 (Inaudible, due to talking over each other)

4 UNIDENTIFIED: Major, is it
5 really congratulations or not?

6 MAJOR GRIMES: Well, yes.

7 UNIDENTIFIED: Good.
8 Congratulations.

9 MAJOR GRIMES: Thank you, thank
10 you. Sorry for being a little late. Too
11 many meetings in one day.

12 MS. ELDER: We're glad you're
13 here.

14 MS. MURPHY: Let me explain
15 something to you. We have a court reporter
16 with us today and this is helping her see
17 who is who.

18 MAJOR GRIMES: Okay.

19 MS. MURPHY: So if you could turn
20 that around.

21 MAJOR GRIMES: Okay.

22 MS. MURPHY: Thank you.

23 MS. ELDER: And so hopefully then
24 we could receive Tier II's for an LEPC and
25 then send them on to them. So we're still

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1 looking at that. And also, we're going to

2 be able to accept payment of fees
3 electronically, also.

4 So that's a really great deal for
5 us. Like I said, the Secretary of Energy
6 provided grant money to implement that and
7 it will be good for us. Because as you
8 probably know, the vast majority of our
9 Tier II filings, if you look at numbers
10 alone, come from oil and gas exploration.
11 And we've had a bit of a difficult time
12 ascertaining exactly how much compliance we
13 have in that sector. On our good days, I
14 think Steve and I might say we had sixty
15 percent compliance on our good days.

16 But the thing is that the Secretary
17 of Energy and Oklahoma Independent
18 Petroleum Association are very interested
19 in this project and they have committed to
20 doing outreach to that sector to encourage
21 them, those who are not in compliance, to
22 come into compliance. So I think all in
23 all, this will be a great thing for us and
24 Tom is working with our computer folks and
25 a contractor to get that done. Thank you

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1 for letting me interrupt you, Jami.

2 MS. MURPHY: Sure. Calling your
3 attention to Item No. 3, this is related to
4 if your county doesn't have its individual
5 Tier II reports or its section Tier II
6 database, you can get in touch with Tom.
7 Cochran Chemical, I think everybody is
8 aware of that. There is going to be some
9 discussion of that later. We've got the
10 2003 -- excuse me, TIR reports and we'll
11 get the 2002 data summary report one day.
12 Has everyone looked at the new webpage?
13 Has anyone looked at it?

14 MR. MAGNIN: Well, I've tried to
15 --

16 MS. MURPHY: Dale.

17 MR. MAGNIN: -- I've tried to get
18 into it and I finally bounced around to the
19 right spot. The old webpage address was
20 different.

21 MS. MURPHY: Right.

22 MR. MAGNIN: It changed.

23 MS. MURPHY: Right.

24 MR. MAGNIN: It took me a little
25 while to find the new one, but it looked

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1 good.

2 MS. MURPHY: If you go to the DEQ
3 webpage, open -- you know, the different
4 divisions are across the top with drop-down
5 menus. And it would be the same thing as
6 before, you go to SARA Title III and then
7 there is a Tier II page, there is a TIR
8 page. There is an OHMERC page and there is
9 a spill reporting page.

10 MR. MAGNIN: The trick is, when
11 you go to the DEQ web page, you've got to
12 go to Customer Service.

13 MS. MURPHY: Right.

14 MR. MAGNIN: That particular
15 division.

16 MS. ELDER: Or there is another
17 way you can get there and that's to go --
18 on the webpage there is a tab that says DEQ
19 programs. And if you click on programs,
20 you'll see an alphabetical list of programs
21 and you can go down to SARA Title III or
22 Tier II or Tier -- you know, you can roll
23 down that to SARA Title III, click on that
24 through programs and that will get you into
25 it, also. And I would encourage you all to

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1 look at that.

2 Jami has done a really great job
3 designing really what needed to go on
4 there, setting that up, and then she's
5 worked with our computer web page gurus to
6 get that done. And I really appreciate her
7 work and I think it's about time that we
8 finally had a presence on the web and we
9 do. And thank you, very much, Jami.

10 MS. MURPHY: RRTs, someone is
11 going to discuss that with us.

12 MR. MAGNIN: Steve, actually,
13 since he's here.

14 MS. ELDER: Dose he know that?
15 Well, I think you're on the agenda to
16 discuss it. So the two -- please do.

17 MS. MURPHY: Well, you can thank
18 Tom Bergman for that, Steve. And then, do
19 you want to tell the Commission about this
20 LEPC page thing, it's in our data
21 management.

22 MR. MASON: Well, basically the
23 same thing. After twelve years, we decided
24 we needed a Region 6 LEPC web page. And so
25 we finally got it up. But it's for all

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1 five states and all the LEPC's and it's

2 actually capable for anybody around the
3 country. We've got tons of stuff on it
4 that we've worked on for probably six
5 months to put it all on.

6 One of the big things that we are
7 going to be working on that -- and I'm
8 going to be asking everybody to help us out
9 on this is, there are hundreds of different
10 outreach projects that LEPC's have
11 developed around the country. And
12 unfortunately, most of them end up staying
13 just in their LEPC and nobody else ever
14 gets to see them. So what we would
15 like is to get a lot of LEPC's to start
16 submitting stuff to us of what they've
17 developed and putting it up on the web, if
18 they're willing to let other people use the
19 same thing. Because I know, for example,
20 Ingham County in Michigan has developed a
21 ton of stuff on sheltering in place and
22 they are very good brochures and very
23 easily understood. And I've already talked
24 to them and they said, yeah, they would be
25 more than happy for us to put them on our

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1 webpage, their PDF files and everything.

2 So we feel like that's going to be a really
3 good thing.

4 We've got about seventy LEPC's that
5 we've got their bylaws from to put on there
6 so that people that are trying to reform
7 LEPC's or redo their bylaws can see how
8 other LEPC's around the country write their
9 bylaws. So there's -- so there's a wealth
10 of information. And that's the website
11 right there.

12 We try -- I see you all kind of run
13 into the same thing we did. Our original
14 URL was about two hundred characters long
15 to get through and EPA Region 6, Superfund,
16 Response and Prevention Branch, Contingency
17 Planning Section, so I convinced them to
18 give us an alias, which is the Region 6,
19 slash, LEPC (Region 6/LEPC) and it makes it
20 a lot easier for people to find. But we do
21 have links to all the state webpages too,
22 so we'll make sure we've got the link to
23 the new OHMERC web page so, to send them to
24 that.

25 MS. ELDER: And the ADHOC

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1 Advisory Committee, Betty is the Chair of

2 that, to the OHMERC. And Jami just worked
3 together on developing a shelter in place-
4 brochure for us, as well.

5 MR. MASON: I'll be happy to put
6 that on there and share that.

7 MS. ELDER: I'll have you send
8 that. They did a great job.

9 MS. MURPHY: There is probably
10 half a dozen requests from out of state
11 shelter-in-place brochures.

12 MR. MASON: But there is a lot of
13 other stuff, too. I mean, I've seen LEPC's
14 that have developed guidance on household
15 hazardous waste and what to do with your
16 waste stuff and things like that, so I
17 think that will be good stuff to put up
18 there, too, for other LEPC's to see.

19 MS. MURPHY: (Inaudible).

20 MR. MASON: Okay.

21 THE REPORTER: Jami, can you talk
22 up just a little.

23 MS. MURPHY: Sure.

24 THE REPORTER: I'm having a hard
25 time getting you down here.

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1 MS. MURPHY: I'm sorry.

2 THE REPORTER: That's okay.

3 MS. ELDER: Okay. And so Mr.
4 Magnin, the Oklahoma Emergency Management
5 Update.

6 MR. MAGNIN: I've got copies
7 here. I'll speak up. If you'll get those
8 passed around, I'll just go down the
9 highlights here.

10 LEPC grants, we continue to work the
11 LEPC grants. We've got seventeen active
12 LEPC's that are getting grant money. We
13 mailed out applications about a month ago
14 to have them apply for the FY05 money.

15 I talked to Charlie RoGraff
16 (phonetic spelling) Monday, I think it was,
17 and he says that everything is kind of
18 still in committee. He doesn't have a
19 firm, you know, belief that the money is
20 going to increase, but he is hoping that
21 the grant will increase. But Charles is a
22 very careful-type guy, he's not going to
23 commit himself until it's really a done
24 deal.

25 Anyway, with the new request for

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1 applications, I've received four so far,

2 one of which was a new county, Dewey
3 County, so that will at least kick us back
4 up to eighteen. I assume that the
5 seventeen that we've got active and will
6 continue to remain active. Did you get
7 your application in, yet?

8 MR. COX: No, she's working on
9 it.

10 MS. ELDER: And Dale, there are -
11 - aren't there a couple of counties, at
12 least, who are active but don't apply for
13 the grants because they have funding?

14 MR. MAGNIN: Tulsa is active and
15 they don't need the money.

16 MS. ELDER: Right.

17 MR. MAGNIN: That's for one that
18 comes to mind.

19 MS. ELDER: Right.

20 MR. MAGNIN: And there are
21 discussions up in the panhandle, I heard a
22 couple of counties up there that are
23 talking about maybe combining because, you
24 know, there's more cows than people up
25 there.

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1 MS. ELDER: Yeah.

2 MR. MAGNIN: And they think it
3 might be more efficient if they have one
4 committee versus trying to have three or
5 four.

6 MS. MURPHY: Dale, when are those
7 due?

8 MR. MAGNIN: The applications are
9 due on the 1st of September. Basically,
10 all that application consists of is a
11 couple of forms signed off on and the --
12 and a report, an initial report for FY05
13 which coincides with being the final report
14 for FY04. So I tried to make it as easy as
15 possible on the paperwork side of the
16 house.

17 HAZMAT training, you can see the
18 numbers there. Five hundred and eighty-six
19 have attended twenty-five HAZMAT classes.
20 I sent an email to Steve George, he's our
21 guy at OSU Fire Service Training, about
22 this and these numbers are kind of low.
23 And I think we've been distracted by a lot
24 of training that's coming down from
25 Homeland Security and the Health

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1 Department. There's a lot of training

2 available for people out there now. And as
3 a matter of fact, it's almost overwhelming
4 the amount of training that's available.

5 So guys, in the past, maybe the only
6 training they could get was HAZMAT
7 awareness. And now they've got things they
8 can't attend all the training that's
9 available. So that's slowed it down a
10 little bit. But we are intending on
11 working with OSU again this coming year to
12 continue those HAZMAT classes.

13 ERG's. Emergency Response
14 Guidebooks. I'm the point of contact for
15 the state for those coming in. You can
16 see, I requested 40,000. I talked to the
17 Department of Transportation a couple of
18 days ago and they are telling me that their
19 funds have been cut. So we're probably
20 going to get about twenty-seven thousand
21 versus forty thousand that I wanted.

22 And their thought process on how
23 they are managing the cuts nationwide is
24 they are basically taking the ERGs away
25 from training. What they want to do is

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1 ensure that the guidebooks are in the

2 emergency vehicles and not in people's
3 pockets or their POD glove boxes. So in
4 playing with the numbers this year, it
5 appears that the locals are going to get
6 about the same amount that they got four
7 years ago. Our state agencies are going to
8 remain about the same and what I'm talking
9 about there is, you know, in twenty or
10 forty or sixty, I think we've got --

11 MAJOR GRIMES: A thousand.

12 MR. MAGNIN: Yeah, I think we had
13 about fifteen hundred previously or I was
14 going to give you fifteen hundred and I
15 think that number is down by a thousand.

16 And also, four years ago -- and we
17 had about thirty-five requests and then we
18 got twenty-five and then a few months
19 later, they sent us more that they got from
20 some of the other states. They're saying
21 twenty-seven thousand right now, but we
22 might get more to augment that. I did have
23 OSU on tap for thousands and I think we can
24 only afford to give them about eight
25 hundred now. So that's a significant

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1 change there.

2 How we're going to get those out,
3 I'm working with the Emergency Management
4 Association, the regional vice-presidents
5 have volunteered to assist in getting the
6 ERGs distributed out to the counties and
7 their regions. I've got spreadsheets,
8 seventy-seven spreadsheets that I've put
9 together, basically with each city and town
10 and every county and I've played around
11 with the numbers on scientific wild-ass
12 guesses on how many vehicles they have out
13 there, but it's pretty accurate.

14 My intent is if somebody -- some
15 community out there really is upset with
16 the numbers they got, then I'll just ask
17 them to provide me the license plate
18 numbers and vehicle descriptions of all
19 their emergency vehicles and then if they
20 need more ERGs, we'll give them more ERG'S.
21 Fun with that. I get about 10 calls a week
22 on ERGs for the last four years. Everyone
23 wants those things.

24 Regional Response Team. Tom Bergman
25 sat in for Larry Gales on that.

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1 UNIDENTIFIED: Mike Murphy -- was

2 Mike there? Mike was there.

3 MR. MAGNIN: I don't think he
4 was. But anyway, Steve is one of the main
5 six there with the Regional Response Team.
6 They're trying to crank this up primarily
7 to include the non-coastal states which,
8 you know, Oklahoma and New Mexico, we don't
9 really play.

10 The briefings that were given at the
11 regional response team were coast guard,
12 coast guard, coast guard and I think there
13 was another one on coast guard. They are
14 geared for those major oil spills. But you
15 know, Steve's trying to encourage the non-
16 coastal states to participate and I kind of
17 think that's a good idea, even though we
18 don't have the same types of problems that
19 they have in Galveston or Houston or, you
20 know, New Orleans. We still need to be
21 part of the team. And, if nothing else,
22 you know, participate by listening.

23 Steve's in the process of putting
24 together some bylaws and I reviewed those
25 the other day and they looked good to me.

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1 I think the next regional team meeting is

2 going to be down in south Texas. Are they
3 quarterly or annually? Semi-annual?

4 MR. MASON: Twice a year.

5 MR. MAGNIN: But anyway, that's -
6 - Oklahoma really hasn't been playing in
7 this for a couple of years. I think Tom or
8 Ron Hill went to a couple of the meetings
9 and he kind of died out and I think Larry
10 went to a couple of meetings and he kind of
11 lost interest. So we're going to try and
12 maintain interest in this again.

13 Conferences. We've got a fall
14 Emergency Management Conference coming up
15 the 24th through the 26th of August. It's
16 going to be held at Northwest Marriott,
17 right across from the Baptist Memorial
18 Hospital. I think we start at about 10:00
19 on the morning of the 24th and we'll go to
20 early afternoon on Thursday the 26th.

21 The agenda is still a moving target.
22 The committee is still working on putting
23 that together. The Marriott is a nice
24 facility. We've got a hundred and thirty-
25 one people signed up for the conference so

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1 far, which is about the norm. I think

2 sometimes we've been up to maybe a hundred
3 and fifty, but we'll have some walk-ins
4 come in.

5 And we always advertise, you know,
6 the agenda is important to have good stuff
7 there, but at the same time it's more
8 important to have all these people come in
9 from all parts of the state and rub
10 shoulders together and discuss things, or
11 how things are going in their particular
12 jurisdiction.

13 Shortly after that in September,
14 15th through the 17th, that's the flyer
15 you've got here on the Terrorism
16 Conference. This will be the 2nd Annual
17 Terrorism Conference held at the Marriott
18 on 71st Street in Tulsa. Following along
19 the same vein as the one we had last year.
20 The one we had last year was pretty dang
21 good. We had three or four or five hundred
22 people in and out at various times and it
23 went very well.

24 Oklahoma Emergency Management is
25 going to be assisting local emergency

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26

1 managers attendance by picking up the

2 registration for the first sixty-five
3 emergency managers, one per jurisdiction,
4 that attend the conference. Conference
5 Committee is advertising or thinking that
6 the rooms will be covered by grants that
7 they have. What they say in the flyer is
8 that limited grant funding is available.

9 They are pretty sure that they are
10 going to have enough money to take care of
11 the rooms for the attendees, particularly
12 for those in-state. So the rooms are taken
13 care of, the registration is taken care of.
14 For some of the emergency managers, this
15 would be kind of an expense-paid trip to
16 Tulsa to what I think is going to be a good
17 conference again.

18 If you all got copies of this flyer,
19 if you would, take them back with you. You
20 can access the web page, it's identified on
21 here. Pass this out to your friends and
22 neighbors and co-workers and the more we
23 get to the conference, the better.

24 Let's see, what else here. We are
25 continuing to work on -- we talked about

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27

1 lots of training out there. There is also

2 lots of grants there available out there
3 that we're working. The EOP planning
4 grant, we've got one point two million
5 dollars from Homeland Security. We
6 assisted communities in updating about
7 ninety-five emergency operation plans.
8 That's about to wind down.

9 Hazard mitigation plans, I heard
10 this morning that we've had twenty-five
11 hazard mitigation plans approved by FEMA
12 and there's another twenty-five that are
13 sitting down there to be approved. These
14 are geared primarily at the county level.
15 There's a lot of stuff going on.

16 Citizens Corp, CERT, you might have
17 read in the paper the other day where
18 Oklahoma got thirty-two million dollars for
19 various things. One of them was --
20 Citizens Corp got, like, a half a million
21 to continue what they are doing. The bulk
22 of the rest of it, twenty-nine and a half
23 million dollars, I think is going to end up
24 going towards communication. Does that
25 sound about right to you?

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28

1 MS. ELDER: Yeah. What are you

2 all doing with the Citizen Corp?

3 MR. MAGNIN: EOC assessments. We
4 are attempting to update or upgrade our
5 emergency operation center for the state.
6 We did have FEMA money to the tune of a
7 couple of million dollars, but we couldn't
8 get the matching from the state, so that's
9 not looking good right now.

10 We talked a little bit about the
11 HMEP grant. We're expecting that at the
12 end of September and Charles Rogroff, the
13 grant manager, is thinking that that's
14 going to almost double. So that, you know,
15 whatever we can do to encourage more LEPC's
16 to play, you know, this is money that can
17 help them with their administrative costs,
18 coffee, donuts, fires, whatever, it's some
19 money they can play with.

20 And the EMPG grant is the primary
21 grant that we have at our agency to run the
22 place and pay the salaries. And I
23 understand that we took a little bit of a
24 budget cut on that and we're not getting
25 any of the money from the Homeland Security

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1 as it stands right now. Exercises and
2 plans.

3 MS. ELDER: Dale, do you know
4 what's happening with Citizen Corps?

5 MR. MAGNIN: Linda Sue Davis is
6 our primary point of contact at Citizen
7 Corps. And it's geared primarily toward
8 organizing citizen councils out there and
9 that kind of flows with the LEPC's.

10 MS. ELDER: I was going to say,
11 is she looking at using LEPC's? Because I
12 know in Colorado, don't you all do that?

13 MR. GABLEHOUSE: Our Commission
14 has recommended that LEPC's be used as a
15 Citizen Corps Councils and, in fact, every
16 Citizen Corp Council organized in Colorado
17 is also the LEPC.

18 MR. MASON: I know there's a lot
19 of states, Massachusetts has done that now
20 and quite a few other states. Their state
21 emergency management director actually put
22 out letters and said, the Citizen Corp
23 Council will be the LEPC, so.

24 MR. COX: There have been several
25 communities in Oklahoma that have done

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30

1 precisely that.

2 MR. MAGNIN: Woodward comes to

3 mind.

4 MR. COX: Yeah.

5 MR. MAGNIN: And Jake Caster out
6 in Woodward has pulled together the LEPC,
7 the emergency planning, the regional
8 council for the Homeland Security and the
9 citizens corp. So they've got four groups
10 they've pulled together which makes so much
11 sense.

12 One of the problems we have with the
13 LEPC's is they are an unfunded mandate and
14 really nobody is responsible for the LEPC's
15 in Oklahoma. The county commissioners are
16 not responsible for them nor are the mayors
17 or city councils responsible for them.
18 It's a volunteer organization out there.
19 And it would be really nice, you know, to
20 have somebody responsible for them, but
21 we're not there yet.

22 MS. ELDER: Dale keeps working on
23 that. Dale, is there any way that perhaps
24 OHMERC could talk with Linda and see if
25 she's encouraging LEPC's and citizen corps

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31

1 to be the same group or if there is any way
2 she can -- I mean, what do you think about

3 that?

4 MR. MAGNIN: I think it's a good
5 idea. The problem is, the citizen corp are
6 only getting like a thousand bucks.
7 That's, you know, hardly enough money to
8 turn on the lights or --

9 MS. ELDER: But if you've already
10 got the LEPC meetings anyway.

11 MR. MAGNIN: If you've already
12 got the function, yeah.

13 MS. ELDER: Right, so.

14 MR. MAGNIN: And I think I
15 mentioned it to Linda several times and,
16 you know, it probably wouldn't hurt to come
17 on board and mention it again to encourage
18 her. But I'm not really sure what those
19 citizen corps or councils are doing out
20 there.

21 MS. ELDER: Right.

22 MR. MAGNIN: To begin with, with
23 a thousand dollars you can't do a whole
24 lot. The biggie that Linda is working is
25 the CERT teams. And we've got lots of CERT

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32

1 training going on, lots of CERT teams
2 organized throughout the state and they're

3 kind of a subset but separate from citizens
4 corp and there is money coming down for the
5 CERT teams, and I don't know --

6 MS. ELDER: Maybe --

7 MR. MAGNIN: -- for CERT
8 training, I don't know how much that is.

9 MS. ELDER: Maybe in November or
10 something, maybe Linda will come over and
11 visit with this group about that and see if
12 we can't get some coordination going; what
13 do you think?

14 MR. MAGNIN: Sounds like a good
15 idea.

16 MR. BOBO: What's her phone
17 number, Dale?

18 MR. MAGNIN: 521-2481.

19 MS. ELDER: Would that be all
20 right with the rest of the OHMERC Members,
21 if we have Linda come over and see if we
22 can't get some coordination going on that?
23 Okay. I'm seeing people nod yes, so I'll
24 just have Jami invite Linda to come over
25 and we'll put that on the agenda for next

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33

1 time.

2 MR. MAGNIN: Might even ask her

3 to give about a ten minute pitch on it.

4 MS. ELDER: Exactly.

5 CHIEF DOKE: I had the
6 opportunity to visit with Linda and her
7 brother, John, that assists her now in
8 dealing with the CERT teams. It's very
9 interesting to see what they've done as far
10 as business-wise, if disaster strikes a
11 business, how do they get out, how do they
12 relocate and such. And so it was very
13 interesting, with what little time I had to
14 visit with both of them.

15 MR. MAGNIN: Sort of, kind of
16 along that line, I got invited up to
17 Ennisberg (phonetic spelling) a couple of
18 weeks ago. They're putting together or
19 trying to put together training for
20 continuity of operations, not only for
21 state and local government, but also for
22 businesses, that kind of flows together.
23 There's just a lot of money out there
24 coming down for things like this,
25 continuity of operations, continuity of

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34

1 government.

2 And those of you that are familiar

3 with our state emergency operation plan and
4 our county emergency operation plans, when
5 I went out to Enniserg, primarily what I
6 was selling those guys was, you know, we
7 don't need to invent a totally new product
8 here for continuity of operations or
9 continuity of government.

10 And continuity of operations is
11 being able to continue your operation from
12 a different location, i.e., having an
13 alternate location identified, making sure
14 you have the documentation and all that
15 stuff that can go over there in
16 communications. That's not complicated.

17 And continuity of government is kind
18 of the same thing with the documents that
19 have succession where you have one, two, or
20 three people for each position in case
21 somebody is not there or injured or killed
22 in a particular disaster. And that's
23 really all continuity of operations,
24 continuity of government is.

25 And the feds, you know, have whole

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35

1 departments and agencies that are geared
2 towards taking care of that, and that's

3 okay. But I'm trying to impress upon them
4 that in rural American/Oklahoma, when you
5 have three or four or five people in the
6 entire town that are involved with
7 everything that's going to happen and
8 they're working out of a pickup truck, you
9 know, their alternate location might be
10 another street corner with that pickup
11 truck. To ask them to come up with a four
12 hundred page plan on how they're going to
13 move that pickup truck to the next street
14 corner is kind of silly.

15 Now, if you're in New York City,
16 maybe, or Los Angeles, you know, you have
17 lots of money, you can hire forty or fifty
18 people to take care of your alternate
19 location. But in Gotebo, it ain't needed.
20 I'll get off the soap box on that one.

21 Exercise/plans are coming along.
22 I've been tasked to assist the Health
23 Department in a couple of things. I said
24 bio-terrorism tabletop here. Actually,
25 it's going to be a full-scale exercise in

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36

1 July of next year, similar to the Sooner
2 Spring --

3 MR. HAWKINS: S and S.

4 MR. MAGNIN: -- for the national
5 strategic stockpile, which always reminds
6 me of nukes. It's not the nukes. Okay. I
7 used to deal with the national strategic
8 stockpile, it was not nukes. (Inaudible,
9 due to talking over each other).

10 This is going to be a big exercise
11 and we're supposed to have a meeting in
12 September to start going and I think I'm
13 one of the trusted agents now to help put
14 this together. But it will be a neat one.

15 Catastrophic Health Powers Act came
16 on board last summer. We're required by
17 the law to have a plan to the governor by
18 the end of December. Somebody in the
19 Health Department is supposed to be putting
20 this together and I'm supposed to be
21 helping them.

22 (Inaudible, due to talking over each other)

23 MS. ELDER: I think the key word
24 is supposed to, on that one.

25 MR. MAGNIN: Yeah. I'm a little

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37

1 bit nervous about this, but we --

2 MR. HAWKINS: Can we talk
3 afterwards?

4 MR. MAGNIN: Yes, we can. My

5 intent on helping the Health Department put
6 this plan together will be to make it an
7 appendix to the health annex in our State
8 Emergency Operation Plan. And I've heard
9 some other people kind of move in that
10 direction, too. Rocky mentioned that,
11 also. That would be a good idea.

12 MR. BOBO: Dale, let me insert
13 something that you didn't mention, that
14 you're involved with in Logan County with
15 the -- Logan County is trying to combine
16 the business corp and a couple of other
17 groups and the LEPC, and there is actually
18 going to be a full-scale exercise August
19 25th of a ruptured chlorine cylinder in
20 transit with several other things going on.
21 And Mark Schultz has been assisting in the
22 planning of that with the hospital system
23 there and then in -- and Larry, is Mark --
24 I think it's the first week of November,
25 we're supposed to do an event site in Logan

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38

1 County? Since Logan County was chosen as a
2 mass immunization site by somebody, it was
3 nice that they let us know that they chose
4 Logan County to do that. So there's going

5 to be an exercise then with the Health
6 Department. Mark Schultz is going to be
7 involved in setting that up and putting it
8 on, too, and actually have the flu vaccine
9 to immunize. And Mark wants to immunize
10 lots more people than what I think we're
11 going to have.

12 MS. ELDER: Yeah. We're doing
13 the same thing in Cleveland County. And
14 they're going to do flu vaccines.

15 MR. BOBO: Right.

16 MS. ELDER: They've got plans for
17 thousands.

18 MS. MURPHY: When is the mass
19 vaccine --

20 MR. BOBO: The first week of
21 November, I think is the correct date. I
22 don't have it in my calendar, yet.

23 MR. MAGNIN: Just in time for flu
24 season?

25 MR. BOBO: Right.

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39

1 MS. MURPHY: The simulated
2 chlorine rupture, that's just Logan County?

3 MR. BOBO: Yes. Well, it's Logan
4 County and City of Edmond. Edmond Fire
5 Department wants to try out their B-kit

6 that they were given through Homeland
7 Security because they haven't had one in
8 thirty-seven years or something.

9 MR. MAGNIN: They're going to
10 train first, right?

11 MR. BOBO: Well, the kit was
12 given to them two years ago and they did
13 come up and put it on some of our
14 cylinders, to look at to see how it worked.
15 And a couple of our guys worked with them
16 and then they're going to come up and use
17 it in this exercise.

18 MR. MASON: So your exercise is
19 during the Emergency Management Conference,
20 the same day?

21 MR. BOBO: This exercise was set
22 up before we knew the dates of the
23 Emergency Management Conference.

24 MR. MASON: I'm just thinking you
25 can send all the emergency managers up

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40

1 there to watch the exercise.

2 MR. MAGNIN: The Health
3 Department -- we're doing a lot of
4 exercises. The Health Department has got
5 eight area coordinators on board that are

6 out and they're really working hard on
7 pulling these communities together and
8 they're looking at the emergency operation
9 plans and they're looking at the health
10 (inaudible) which the Health Department in
11 the past, it was really tough to get them
12 to play. Now, they're out there playing
13 and it's a good thing. They've got the
14 money to play and that's important and
15 that's one of the reasons they're out
16 there. So there are a lot of exercises
17 going on in the state constantly.

18 MR. COX: Dale, I would just like
19 to add a little bit to that. Mixed
20 exercises being one of the communities that
21 got tagged for this mixed exercise early
22 on, has probably been one of the best
23 things, if not the best thing, to happen
24 within the communities in this state.
25 Because it's opened a lot of doors that

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41

1 have in the past been bolted shut pretty
2 tight. We knocked those doors down and
3 allowed some really good planning to take
4 place. And we actually did a series of
5 exercises in Bartlesville, starting with
6 tabletops and really did more for our

7 emergency planning than anything else that
8 we've ever tried in the past.

9 MR. MAGNIN: I heard a lot of
10 good comments, too, on the ninety-six or
11 ninety-seven or ninety-eight communities
12 that we provide funds to to update their
13 plans. There are a lot of good things
14 about -- they actually had planning
15 committee meetings. They sat around and
16 talked with people that they hadn't talked
17 to before, and they really, you know,
18 worked as a group on updating the plan and
19 in almost every case had some type of a
20 tabletop exercise or a full-scale exercise.
21 So people are realizing that exercise is a
22 good thing.

23 MR. COX: Early on, I thought it
24 was going to turn into a riot. But it
25 calmed down and everything came out great.

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42

1 MR. MAGNIN: The last thing I
2 have noted here is foreign animal diseases.
3 I've been talking to Dr. Leslie Cole from
4 the Department of Ag, who's replacing
5 Carrie Floyd. And she wants to work on
6 putting together an appendix to the annex

7 for the county plans on foreign animal
8 disease. We've got a meeting tomorrow.
9 And again, we're trying to --

10 MS. ELDER: Are the diseases
11 foreign or are the animals foreign?

12 MR. MAGNIN: Foreign animals.

13 MS. ELDER: I just want to know
14 if the disease or the animals were foreign.

15 MR. MASON: I had the same
16 question.

17 MS. ELDER: I'm sorry, Dale, that
18 was irrelevant on my part.

19 MR. MAGNIN: But anyway, the
20 trick of getting people and getting across
21 to people that are doing planning is that
22 plans need to lay out general
23 responsibilities, general areas of
24 responsibilities and not produce hundreds
25 of pages of planning material.

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43

1 And, hopefully, working with her
2 we'll come up with three or four or five
3 pages to add to the county EOP's on what's
4 going to happen in that county, who's going
5 to do what to whom if they have a foreign
6 animal disease strike that community. And
7 we've already got a foreign animal disease

8 appendix that we reference in the state
9 EOP, so we'll kind of hopefully downscale
10 this, so we answer the mail on that. Other
11 than that, I'm not doing anything.

12 MS. ELDER: Our next item of
13 business is Approval of the 2004 Contractor
14 List Update. Again, Jami Murphy is
15 responsible for this and I think everybody
16 has a copy, all of the Members have a copy.
17 The change, and I think the only change --
18 is this right, Jami?

19 MS. MURPHY: Right.

20 MS. ELDER: Was the addition
21 under hazard categories, the addition of
22 the capability of putting chemical residues
23 from clandestine drug labs. And so of our
24 twelve that made the list, off the top of
25 your head, do you know how many responded

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44

1 with that?

2 MS. MURPHY: I don't.

3 MS. ELDER: Okay. I noticed that
4 we had, it looks like to me, probably not
5 half -- two, three, four, five, six, seven,
6 it looks like seven out of the twelve
7 responded to that.

8 MR. COX: If we could, since
9 we've got the benefit of having a
10 distinguished visitor from one of our
11 neighbors here, could we inquire how does
12 Colorado handle contractors?

13 MR. GABLEHOUSE: Well, Colorado,
14 like many states, is quite schizophrenic
15 about that. We have -- the only certified
16 contractor program in the state dealing
17 with environmental issues is in the
18 underground storage tank cleanup arena. So
19 as it turns out, that ends up being a
20 default to a lot of other programs. If you
21 aren't on that list and get yourself
22 certified there, then you don't end up on
23 any of the other lists dealing with things
24 like roadside HAZMAT or drug labs.

25 We are in the process by virtue of

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45

1 the state legislation just passed, of doing
2 a meth lab/clan lab cleanup program with a
3 massive rulemaking program. It will
4 include cleanup standards, as well as
5 protocol reporting, and so forth. That was
6 driven by a desire of the property owners,
7 apartment owners, to get some sort of
8 immunity, given the fact that there is no

9 insurance. And they find themselves
10 getting sued for labs they didn't know
11 existed.

12 So in order to get immunity, you
13 have to certify that you have cleaned up to
14 a certain level. And in that case, we're
15 relying on the community of people that are
16 already certified industrial hygienists.
17 And that will be -- that will be the
18 certification upon which we rely.

19 So if you are a certified industrial
20 hygienist under that national program, then
21 you can certify that a cleanup has occurred
22 in accordance with the state standards and
23 the protocol.

24 Now, the cleanup contractor, per se,
25 will not be certified. It's much like

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46

1 asbestos, for example, you're going to end
2 up with, you know, consultants certifying
3 the work of a contractor. It creates
4 layers of complexity and I suspect
5 dramatically increases the cost of doing
6 this sort of activity.

7 We're probably going to adopt a
8 statewide standard of what amounts to

9 essentially non-detectable levels of
10 methamphetamine and also probably some of
11 the other chemical residuals. For those of
12 you that are familiar with meth labs, we'll
13 probably adopt a non-detectable level four
14 for a variety of the other components. We
15 see a lot of these labs being split into
16 component pieces, red-p labs, for example,
17 so you'll get part of the reaction down
18 here and you wouldn't expect to get a
19 methamphetamine residue in that location.

20 So we'll have regulatory standards
21 to deal with a variety of chemicals there,
22 probably anything from heavy metals through
23 some of the organic acids and things like
24 that.

25 MR. COX: But did I hear you say

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47

1 that your, like your roadside HAZMAT --

2 MR. GABLEHOUSE: Roadside HAZMAT
3 people are not certified anywhere. If you
4 are not a contractor certified under the
5 underground storage tank program, as a
6 practical matter, nobody will hire you to
7 do that. So that ends up being -- well, it
8 is definitely apples and oranges. It ends

9 up being the default.

10 We also have in the state a
11 voluntary HAZMAT responder certification
12 program that was originally intended
13 primarily to benefit the first responder
14 community. Since Colorado, I think, is
15 still the only state in the union without a
16 state fire marshall, we therefore have no
17 uniform fire code. We have no uniform
18 firefighter training standards. It's
19 pretty much department self-certification.

20 So doing the voluntary HAZMAT
21 certification program, which pretty much
22 follows national protocol tech-ops
23 awareness, people go through that process
24 in an effort to try to create some
25 credential that they can hang their hat on

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48

1 as a roadside contractor.

2 MR. BOBO: One of the things that
3 I would like to commend Colorado on is that
4 the HAZMAT troopers in Colorado will
5 require you to show them a forty-hour
6 certification and refresher card prior to
7 letting you to go to work on the site,
8 which is a very good thing.

9 MR. GABLEHOUSE: Yeah. We have a
10 -- Colorado does several wonderful and
11 curious things. But among them we have a
12 statute on HAZMAT response that creates a
13 creature in our state called the Designated
14 Emergency Response Authority or DERA.
15 DERA's are appointed by local governments;
16 counties and cities are each supposed to
17 have one. And then the state patrol is the
18 DERA for state highways.

19 The function of the DERA is
20 primarily to make sure you have some sort
21 of person in the community who is
22 responsible for knowing who to call if you
23 have a HAZMAT incident rather than be the
24 responder. So the state patrol being the
25 DERA for the highways takes that duty

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49

1 pretty seriously and state patrol even runs
2 the small HAZMAT, we call them teams,
3 although clearly they're not, but you at
4 least have got some troopers out there with
5 technician level training, frequently
6 sophisticated training in tankers and
7 things like that and they are very careful
8 in checking the contractors and others to

9 make sure that they've got appropriate
10 training and protocols to work on the road.

11 MR. BOBO: One of the things here
12 in Oklahoma that we're lax on is any agency
13 that controls a verification that you are
14 forty-hour trained when you roll up to a
15 site and go to work, that doesn't happen
16 with us.

17 MR. GABLEHOUSE: Yeah. And
18 understand that what the state patrol is
19 doing there is not in regulation nor in
20 statute, that is simply a practice.

21 MR. BOBO: Correct.

22 MR. GABLEHOUSE: And that's
23 practice that, you know, that was put into
24 effect by virtue of a strong state patrol
25 captain and was responsible for these

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50

1 HAZMAT teams who just insisted within the -
2 - within the patrol generally that before a
3 trooper allows some contractor to show up
4 and start working on the side of the road,
5 they've got some verification of minimal
6 qualifications. So I mean, I agree, it's
7 been very useful. And since, you know,
8 Colorado, like Oklahoma, has a lot of rural

9 stretches in it, the state patrol really is
10 the statewide agency that you can pretty
11 well count on showing up at any scene.

12 MAJOR GRIMES: How do they
13 enforce that?

14 MR. GABLEHOUSE: Well, what they
15 basically say is, no, we're not going to
16 allow you to shut down the highway to work.

17 MAJOR GRIMES: That's it.

18 MR. GABLEHOUSE: That's it. I
19 mean, it's -- it becomes just simply FIAT.
20 The patrolman, you know, the trooper is
21 controlling that accident scene, is
22 controlling access to that highway.

23 MAJOR GRIMES: Right.

24 MR. GABLEHOUSE: You're not
25 working unless the trooper is happy.

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51

1 MAJOR GRIMES: So that doesn't
2 take any enforcement action, just your --

3 MR. GABLEHOUSE: No. You're not
4 going to, you know, you're not going to
5 cite somebody and not write them the ticket
6 or whatever, you're just not going to allow
7 them to work. What that means is that the
8 national trucking chains, when they

9 contract with a HAZMAT contractor, they're
10 pretty careful about letting them through
11 that program.

12 MAJOR GRIMES: Right.

13 MR. GABLEHOUSE: The same thing
14 is true about insurance companies, they're
15 quite careful about letting people in
16 advance.

17 MAJOR GRIMES: Right.

18 MR. GABLEHOUSE: Where you run
19 into trouble, of course, is the independent
20 trucker and people like that and, you know,
21 some fly by night group that --

22 MAJOR GRIMES: Right.

23 MR. GABLEHOUSE: -- may hire
24 them.

25 MR. GRIMES: (Inaudible) scoop

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52

1 shovel.

2 MR. GABLEHOUSE: Right. And
3 every once in a while, you'll find that,
4 you know, troopers just completely
5 dissatisfied with somebody or the local
6 fire department is completely dissatisfied
7 with somebody and the project just sits
8 there with nobody working it until they can

9 get a contractor to the scene.

10 MS. MURPHY: Excuse me. On the
11 tanker mediation contractors, what's the
12 nuts and bolts of your certification?

13 MR. GABLEHOUSE: Nuts and bolts
14 of the certification is primarily an
15 experience major. Education, staffing.

16 MS. MURPHY: How do you verify
17 that?

18 MR. GABLEHOUSE: Well, it's
19 basically done by an application form,
20 self-certify.

21 MS. MURPHY: Which is essentially
22 what we do, we verify insurance coverage at
23 the time.

24 MR. GABLEHOUSE: Yeah, there is a
25 -- yeah, verify insurance coverage. There

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53

1 is a check and balance on that which is, if
2 the contractor performs the work
3 inappropriately, then their client is not
4 going to get reimbursed through the state
5 fund, which is going to make the client
6 very upset. And so we have sort of a
7 system of check and balance that depends a
8 little bit on the marketplace. If the

9 contractor does a lousy job, they don't get
10 reimbursed and they're not going to be in
11 business very long.

12 MS. ELDER: Thank you. Do we
13 have any further questions, comments on our
14 contractor list?

15 MS. MURPHY: I have just one.

16 MS. ELDER: Okay.

17 MS. MURPHY: You guys know that
18 as soon as this is approved, it goes out to
19 all the LEPC chairs and it will be in the
20 news letter and it will be posted on the
21 website, and this is an annual thing. When
22 I inherited this thing, this is the time of
23 year that the update was occurring, about
24 the middle of the year and then it waits
25 for CERT's approval before it's

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54

1 distributed. I would like to move the date
2 on this back, with your permission, and the
3 reason for it is this: Those applications
4 are coming in when the TRI reports are
5 coming in every year. I don't want it so
6 early that it's coming in when Tier II
7 comes in, but I would like to have it in
8 between the two.

9 So with your permission, there could
10 be some complaints, contractors will have
11 to do this again in about nine months. But
12 with your permission, I would like to move
13 the date of annual certification back to
14 May.

15 MS. ELDER: So I think basically
16 what we'll do is handle this in two parts,
17 then. First of all, on just flat approval
18 of the 2004 contractor list update, so we
19 can get this out to folks, so I know there
20 is lots of highway patrol people also carry
21 this with them. All in -- I need a motion
22 then to approve the contractor list.

23 MR. COX: Move to approve.

24 MS. ELDER: Move. Second?

25 MR. BOBO: Second.

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55

1 MS. ELDER: All in favor, say
2 aye.

3 ALL MEMBERS: (Unanimously) Aye.

4 MS. ELDER: Opposed. Okay. That
5 passed. Now, the second thing is -- I
6 know, yeah, I'm slow, but not that slow.

7 And the second thing is, changing
8 the date of the update from basically

9 updates coming in July to -- would you like
10 them to come in April?

11 MS. MURPHY: April and then it
12 could be approved at the May meeting.

13 MS. ELDER: Okay. So I don't
14 know that we need a motion on this. All I
15 need to know is, is there any discussion on
16 that, moving the date of the contractor
17 update? I know I have contractors in the
18 audience. Do you have any opinion on that?

19 MS. MURPHY: No problem?

20 MS. ELDER: You guys? Okay. So
21 what I think I'll do is just go ahead and
22 have Jami move this up to April and that's
23 -- I don't think that needs a vote, I just
24 want to make sure everybody is aware of
25 that. Okay.

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56

1 MR. MAGNIN: I want to pass this
2 out, the LEPC's and --

3 MS. MURPHY: Every year.

4 MR. MAGNIN: -- and are you going
5 to send them to the OHMERC Members, too,
6 electronically or at least access the
7 webpage.

8 MS. MURPHY: Right.

9 MR. MAGNIN: And what I'll do, is
10 I'll attach that and send it out to all our
11 groups and managers.

12 MS. MURPHY: Exactly.

13 MR. MAGNIN: Mike, can you do the
14 same? (Inaudible).

15 MS. MURPHY: Now that it's
16 approved, it will go on the DEQ webpage.

17 MAJOR GRIMES: You'll send it to
18 us, also?

19 MS. MURPHY: I can. I will, of
20 course, the next newsletter will have the
21 contractor list update available and we'll
22 provide the website and if you need a hard
23 copy, contact me and we'll send you a
24 copy.

25 MS. ELDER: We'll just send it

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57

1 electronically out to OHMERC Members and
2 that will take care of that. That's good.
3 Okay. Do we need any discussion of the
4 Regional Response Team? You're good to go,
5 Steve? Okay.

6 MS. REATIES: I have a question.

7 MS. ELDER: Yes.

8 MS. REATIES: I attended that and

9 I was just really impressed by all the
10 coast guard, of course, but all the talk
11 that went into remediation chemicals and
12 there was going to be an update put out on
13 that, Steve. Is that being done? On
14 chemicals to apply to oil spills?

15 MR. MASON: That was the near-
16 shore dispersal policy.

17 MS. REATIES: Yeah.

18 MR. MASON: And they are still --
19 what the vote was on it that they
20 tentatively approved it pending further
21 review by the Department of Interior out of
22 Albuquerque. Because they were happy with
23 it, but they had still had one more level
24 of management to look at it before they
25 could sign off on it, too. That has not

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58

1 happened, yet. So I imagine that will
2 happen probably by the next time that they
3 have a conference call, the DOI will say
4 either yea or nay. And at that point, if
5 they approve it -- what we will do is --
6 and one thing I didn't bring up.

7 We have an RRT webpage now, too,
8 that we got up about the same time as the

9 LEPC one and we will post that onto the RRT
10 webpage. We've already got like the
11 (inaudible) burn policy and, you know, a
12 couple of other policies. So that will go
13 on to that also in the near-shore. That
14 again is a more of a coastal thing,
15 unfortunately, but we're trying to make it
16 more of an inland RRT, too. So we're
17 fighting for it.

18 MS. REATIES: We're very
19 interested in that because we have a canal
20 now.

21 (Inaudible, due to talking over each other)

22 MR. MAGNIN: Hey, Steve, why
23 don't you tell us about your shirt, too?

24 MR. MASON: Well, I didn't know
25 if I was supposed to bring that up now or

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59

1 during the miscellaneous discussion or
2 when?

3 MS. ELDER: Okay. Thank you,
4 Dale. Although, wait a minute, I think
5 we've covered the OHMERC webpage. Is there
6 anything you wanted to add?

7 MS. MURPHY: Just that I would
8 please ask the Council to take a look at

9 this. You know, we think it looks good. I
10 want you to look at it and see if there are
11 any corrections and get in touch with me.

12 MR. MASON: I would like to add,
13 though, in our discussion of our LEPC
14 webpage, I would be remised if I didn't add
15 that Christy back there did a whole lot of
16 work on it, also. So thank you, very much,
17 for that. It was quite an experience. I
18 don't know if you all go through the same
19 thing in working through the EPA webmaster
20 on what you can put on a government web
21 page versus what you can't, you know. I
22 never knew you weren't supposed to have
23 flashing letters on there because it could
24 cause epileptic fits or seizures with
25 people.

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60

1 MR. MAGNIN: Who would have
2 guessed?

3 MR. MASON: You can't have
4 scrolling letters because it effects
5 people, you know, so we have a very plain
6 webpage, unfortunately. But it's got a lot
7 of information.

8 MS. ELDER: Okay.

9 MAJOR GRIMES: One question I
10 have for you. Have you talked to any of
11 our people from the lake patrol division in
12 reference to your response team -- regional
13 response?

14 MR. MASON: No.

15 MAJOR GRIMES: Potentially, I
16 would like to see them included in that
17 because we have a responsibility for all of
18 the lakes.

19 MR. MASON: Okay.

20 MAJOR GRIMES: State lakes and
21 major waterways in the state of Oklahoma.

22 MR. MASON: Okay. If we have a
23 spill in a marina --

24 MAJOR GRIMES: Yeah.

25 MR. MASON: -- who is

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61

1 responsible?

2 MAJOR GRIMES: Well, we're the
3 IIC by state law. And our next phone call
4 is going to be to DEQ and several emergency
5 agencies and say help.

6 MR. MASON: If we see a big
7 spill, we're out of here.

8 MAJOR GRIMES: No, we can't -- we

9 can't bail out.

10 MR. MASON: Okay.

11 MAJOR GRIMES: We would be in
12 trouble for that, so we've got to --

13 MR. BOBO: The state statute will
14 lock them in to that one.

15 MR. GRIMES: But we, having no
16 emergency response teams ourselves for that
17 purpose, we've got them for everything
18 else, but we have to start looking for help
19 and, of course, we're going to private
20 contractors for the remediation, et cetera.
21 But probably waterways presents a whole
22 different avenue and as such, we have water
23 -- I forget what the title is, basically
24 responsible for water safety
25 administration, boating laws, et cetera.

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62

1 Get with me after this and I'll get your
2 card and I'll get him in touch, that or the
3 lake patrol trooper will be in town.

4 MR. MASON: Okay.

5 MS. ELDER: Okay. And I think
6 we've covered the contractor update, which
7 leads us to the interesting thing on the
8 recent and pending developments related to

9 emergency response. I'm sure you all are
10 aware that last month we had the fire at
11 Wewoka at Cochran Chemical.

12 And you know, I think this really
13 pointed out one of the reasons that Sara
14 Title III exists in the first place. I
15 think it's unfortunate that sometimes we
16 have to have reminders with incidences like
17 that. But I thought it would be a good
18 exercise for the OHMERC to kind of look at
19 what happened in that fire, kind of hear
20 about that. Because this is one of the
21 things we're all here for.

22 So Chief Doke, do you want to talk
23 about from the Fire Marshall what went on
24 with that?

25 CHIEF DOKE: I want to jump back

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63

1 a few months, although it was dealing with
2 personal protection equipment. In Alfalfa,
3 there was a tornado, high winds, that hit
4 the fire station. The personal protective
5 equipment, the bunker gear, the coats and
6 such, had the insulation driven into the
7 fabric, they were not able to extract that
8 out. So they have thousands of dollars of

9 equipment gone.

10 On this one, at the Cochran chemical
11 fire, apparently it sounds like they were
12 mixing chemicals. We had our supervisor on
13 the scene there and either a spark from
14 equipment, static electricity, whatever, it
15 ignited. As the fire department responded,
16 battling the flames and such and runoff and
17 all types of other activity going on at
18 that time, they decided that they needed to
19 check their equipment.

20 And it sounds like at this time that
21 those who had responded, that their gear
22 has become contaminated. I haven't bought
23 bunker gear since 1999, but I would imagine
24 it's probably eight hundred dollars, foot
25 to head, not counting your air pack or

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64

1 anything else, is probably the price on
2 that. And so their equipment may be
3 contaminated as far as that. Now, their
4 air packs and such, I don't know if -- what
5 type of contamination it may or may not
6 have on that one. If it takes an air pack,
7 then you go another, I don't know, Kary,
8 two thousand now?

9 MR. COX: Yeah.

10 CHIEF DOKE: Okay.

11 MR. COX: I just bought sixteen
12 sets of bunker gear at a little over eleven
13 hundred.

14 CHIEF DOKE: So if they were
15 fully protected going in and it was
16 contaminated to where it cannot be
17 (inaudible) you're probably talking about
18 three thousand dollars per.

19 MR. MAGNIN: The Fire Chief
20 called us looking for money. He did say
21 that his bunker gear was contaminated and I
22 think he had twelve air packs contaminated.
23 We had -- we had no money, no grants that
24 we knew of.

25 CHIEF DOKE: If they drug their

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65

1 hose through that, and it's a fabric hose,
2 then that's contaminated. So you're
3 talking probably, minimum if we're lucky,
4 forty thousand, just a quick estimate on
5 the damages on that.

6 MS. ELDER: Can they apply for,
7 you know, the reimbursement, Steve?

8 MR. MASON: They can, but the

9 first thing that they have to look toward
10 is whether the responsible party or their
11 insurance company will pay for those costs.
12 And so that's -- that's always obviously
13 EPA's first option, is whoever had the fire
14 needs to be paying for the damaged
15 equipment. We'll find out if they're doing
16 that. If that is not covered, then they
17 can apply for the reimbursement program.

18 MR. MAGNIN: When I talked to the
19 fire chief -- what's his name, Kevin?

20 MR. MASON: Kevin Anderson.

21 MR. MAGNIN: Kevin. I told him -
22 - and he said that the insurance guy was
23 on-site. And I said, you know, those
24 people are responsible to pay for that
25 stuff any response related to it. I said,

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66

1 make sure you're getting with that guy and
2 letting him know --

3 CHIEF DOKE: Cochran's insurance
4 person was there?

5 MR. MAGNIN: Yes. He was on-
6 site, I think it was the day after, that I
7 was talking to the Fire Chief that I told
8 him, hey, Wewoka and their fire department

9 should be talking to the insurance company
10 for that company to reimburse any costs.

11 MR. MASON: Normally, the
12 insurance company is going to be very
13 willing to work with them and everything
14 else. The only time we've ever run into a
15 problem with it was at BPS in West Helena,
16 Arkansas. Their insurance company, and I
17 had never heard this before, said that they
18 would not pay because it was a volunteer
19 fire department who did not charge for
20 fighting fires and that their insurance
21 coverage only covered for either municipal
22 fire departments or ones that actually
23 charged. And so volunteers didn't count.

24 And we were suggesting that the fire
25 department present them a bill for a dollar

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67

1 and tell them, that's our bill, and they'll
2 pay us for the insurance. But I don't know
3 how that ended up working out. But most of
4 the time, the insurance companies, I think,
5 usually will cover if they feel like it was
6 a reasonable cost.

7 MR. GABLEHOUSE: Do you have a
8 HAZMAT reimbursement statute in this state?

9 MR. MASON: Not this state, no.

10 MR. COX: And the secondary
11 problem here, and I'm not sure how big
12 Wewoka is, but you've got a certain number
13 and maybe all the department is now without
14 structural protective clothing and even if
15 they get a check today, it's going to be at
16 a minimum four to six weeks before they get
17 gear. So what are they supposed to do?

18 MR. MASON: Well, again, I can
19 only speak for what happened at DPS and
20 this is a few years ago that they were in
21 the same situation that basically every
22 bunker gear and OCBA and the whole fire
23 department -- I'm not suggesting that this
24 would happen, but what happened there was
25 the Arkansas Fire Academy came in and

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68

1 provided them with bunker gear and OCBA's.
2 I don't know whether OSU has that kind of
3 ability to do something like that or not.
4 But it may be something that you could look
5 at.

6 MR. MAGNIN: I did mention to
7 them, you know, they needed to tap into
8 mutual aid to make sure that, you know,

9 they were covered.

10 MR. BOBO: There used to be a
11 pool of old or outdated gear that your
12 large departments used to put into, through
13 Oklahoma City, Tulsa, and Lawton, they used
14 to do that and they would go out to your
15 smaller volunteer fire departments on a
16 pass-out type basis. Now, I haven't been
17 involved with that in several years. I
18 don't know if that's still available or
19 not, but that's something that --

20 CHIEF DOKE: I haven't heard of
21 it in quite a while. I don't know if it
22 got to the lawsuit liability issue that
23 it's probably put the scare on them.

24 MR. MAGNIN: I know that Norman
25 just a month or two ago got money for SBCA,

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69

1 self-contained breathing --

2 MR. BOBO: SCBA'S.

3 MR. MAGNIN: SCBA's. And they
4 were giving their old ones to the rural
5 volunteer fire departments there in
6 Cleveland County.

7 CHIEF DOKE: I think if you can -
8 - as long as they meet the standards for

9 that, you're probably safe with some of
10 that. But the bunker gear, with the
11 standard has changed. I imagine your
12 department is still ask a little --

13 MR. MASON: Tim, going back to a
14 question about the state HAZMAT. Again, I
15 don't know that any of our states
16 necessarily have that. Texas might. But
17 normally whenever we get a call from a
18 local department that's having a problem at
19 all or there's even just a discussion about
20 whether the facility is going to pay, what
21 we do is give them the language under the
22 national contingency plan, you know,
23 300.700, which says the responsible party
24 will pay for all reasonable costs for the
25 response.

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70

1 And normally what happens is that
2 the city or county attorney will write a
3 nice letter to the facility and say, by the
4 way, under federal regulations, you're
5 required to pay this. And ninety-nine
6 percent of the time, that usually takes
7 care of it.

8 MR. GABLEHOUSE: We have both,

9 the state HAZMAT statute, HAZMAT
10 reimbursement statute but dealing primarily
11 with roadside response. But we have also
12 used CERCLA superfund directly in federal
13 court to seek reimbursement on behalf of
14 fire departments, municipalities,
15 especially in the drug lab arena. You
16 know, we've used CERCLA to go after meth
17 lab response, which is pretty much a two-
18 by-four to take a fly, but it works, you
19 know, it works effectively. And we've done
20 that a fair amount. I mean, it's sort of
21 along the lines of one of our missions,
22 which is to try to encourage local efforts
23 to get response costs rather than a
24 statewide basis, because none of the state
25 agencies have nearly the tools of the

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71

1 LEPC's and the small fire departments.
2 So when you can go in and use a
3 federal law in federal court to get a
4 reimbursement, that works pretty well. And
5 that reimbursement is pretty expansive. I
6 mean, it can include everything from
7 overhead expense, you know, through
8 equipment and expendables. And more and

9 more companies are discovering that they
10 don't have insurance coverage for some of
11 these incidences. They certainly don't
12 have insurance coverage for meth labs.

13 MR. MASON: We try to encourage
14 the local departments to take the recovered
15 chemicals from the labs and sell them to
16 the start-up labs, but they frown on that.

17 MS. ELDER: Steve. Stop it.

18 MR. GABLEHOUSE: Yeah, that could
19 work pretty well, especially the cranberry
20 colored cookware, because that's not made
21 anymore. So if you really want to cook in
22 the cranberry cookware, you've got to buy
23 that from the -- buy that from police
24 agencies.

25 MR. BOBO: I think a guy in

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72

1 Austin did that for a little while.

2 (Laughter)

3 MR. MAGNIN: Steve, on this
4 bunker gear problem, is there a possibility
5 if these guys are subject to fine for not
6 doing what they are supposed to do, could
7 that money be funneled back into the town
8 for things like bunker gear?

9 MS. ELDER: I think we're about
10 to get to Steve Mason on that, unless Chief
11 Doke has something else about the
12 investigation of the fire.

13 CHIEF DOKE: It was determined
14 accidental. And as a lot of fires across
15 the state and even those that I have been
16 involved with in my local home, there is no
17 statute against stupidity. And that's not
18 to sound rude or mean or facetious against
19 any company or organization, but things
20 happen. And we've pretty much closed our
21 part of the -- well, we have closed our
22 part of the investigation. And now it's up
23 to the courts to see what happens.

24 MS. ELDER: Do you make
25 recommendations to them on changing

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73

1 procedures for handling what they're doing?

2 CHIEF DOKE: We pretty well go
3 exactly off of what statute allows us or
4 administrative rules allows. We try not to
5 venture off of that at the advice of our
6 Assistant Attorney General. Now can go
7 drink a cup of coffee down at the store
8 after everything is done with that shop,

9 you know, and talk what if's, we can do
10 that and that has been done before. But as
11 far as being official recommendations, no.
12 Now, if they are going to go back in and
13 rebuild -- let's see, it's Wewoka?

14 MS. ELDER: Uh-huh.

15 CHIEF DOKE: If their code
16 enforcement people do not have the skills
17 or request our skills to go back in and
18 rebuild, look at the structure and the
19 codes and such, then we're there to assist
20 them, but only if they request it, or if
21 they're a rural area, they do not have
22 authority or jurisdiction, we're available.

23 MS. ELDER: Thank you. Now, we
24 also, I think had an issue with the fact
25 that these folks had not reported Tier II

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74

1 to anybody and initially Christy and then
2 Jami and then others from EPA Region 6 went
3 out and did an inspection. And Steve --
4 who wants to talk about that, what you
5 found, what maybe --

6 MR. MASON: Well, on the advice
7 of our legal attorneys and since Tim is an
8 attorney, he could probably speak to this,
9 too. It is still an ongoing investigation,

10 so we really can't talk about it a whole
11 lot.

12 Christy and Angie and Jami did go
13 out there and do an inspection. They did
14 provide them a list of the chemicals with
15 an approximate amount of what they had of
16 each one of them and we have reviewed that
17 list. You know, it's not a surprise to
18 say, yes they did have some chemicals that
19 were above the thresholds that should have
20 been filed for the Tier II.

21 What I will tell you is that they do
22 have an attorney now that we are working
23 with on this. As a matter of fact, we are
24 meeting with them this evening to discuss,
25 you know, the inspection and the results of

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75

1 it and potential, you know, where we go
2 with it on that. Without getting into
3 specifics of their facility, I think all of
4 you are aware anytime that we do an
5 enforcement action under CERCLA or RCRA in
6 our region, our regional administrator is
7 very big on us doing supplemental
8 environmental projects. He thinks it's a
9 great idea and we have settled probably
10 four or five hundred cases in ten years and

11 probably ninety-nine point nine percent of
12 them have a SEP involved with it. I think
13 out of all of them, we've had two that
14 didn't. And so we are very big about that.

15

16 So if this does result in an
17 enforcement action, I'm sure that we will
18 look at SEP, you know, with the community
19 of Wewoka or the county there. And it will
20 be -- the way we do those is we don't feel
21 like it's up to EPA to tell them, you know,
22 what to buy for the community or anything
23 else. So what we would do is simply
24 establish a dollar amount and then the
25 facility would work with the LEPC chair or,

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76

1 you know, they can work with the Fire Chief
2 or whoever to determine what's the best
3 approach on buying emergency response
4 equipment or whatever.

5 Again, I want to be very careful
6 about this, but hypothetically -- before if
7 this did result in an enforcement action,
8 before we suggested to them to use the SEP
9 money to buy bunker gear, I would like to
10 see if, again, their insurance isn't taking

11 care of it already, you know, because that
12 way you could use any potential SEP's for
13 something above and beyond.

14 MR. MAGNIN: So the insurance
15 could be tapped for that stuff and then --

16 MR. MASON: Right.

17 MR. MAGNIN: -- in addition to.

18 MR. MASON: Radio equipment,
19 computer equipment, training, you know, if
20 they determine that they could use some
21 more HAZMAT training there, we could look
22 at that. You know, there is a lot of
23 different options that we can work with.
24 And I talked to Monty before the meeting
25 about that.

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77

1 Cochran Chemical understands the
2 seriousness of this, I think, and I know
3 the attorney does. It's kind of
4 interesting. The attorney actually used to
5 be a an on-scene coordinator for EPA. I
6 used to work with her seventeen years ago,
7 so we've known each other for a lot of
8 years and I kind of explained to her
9 there's a lot of people that are real
10 interested in this, so they know about it.
11 So we'll work with them on that and try to

12 come up with a resolution on however it
13 goes. It appears that there are multiple
14 facilities that may have --

15 MR. MAGNIN: That was my next
16 question. Are there multiple?

17 MR. MASON: They were going to
18 pull the information together on all their
19 facilities and bring it this evening to the
20 meeting, you know, to see which ones should
21 have filed and which ones should not have
22 filed, if any of them, so we'll find that
23 out.

24 MR. MAGNIN: Is Herb the --

25 MS. ELDER: Herb Gunther.

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78

1 MR. MAGNIN: Yeah, Herb is the
2 LEPC Chair. To my knowledge, that's not a
3 real active LEPC out there, at least
4 they're not getting any money.

5 MR. MASON: They will be after
6 this. Usually it takes a pretty good
7 incident like this to get -- to spur on an
8 LEPC and say, we got to get going on this.
9 You know, if you want to, we can go ahead
10 and move -- you know there's two fronts
11 that we're working on with --

12 MS. ELDER: Right. And I do want

13 --

14 MR. MASON: -- yeah.

15 MS. ELDER: -- to talk about

16 that, too.

17 (Reporter changes tape)

18 MR. MASON: One of them

19 MR. MASON: My boss -- my boss,

20 Craig Carrell, a few months ago asked us to

21 start doing these community emergency

22 response reviews. And what they are,

23 basically, is a hotwash of an incident

24 after it occurs. What we're focusing on is

25 those ones where there was an evacuation or

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79

1 something because of a chemical fire, a

2 chemical spill or whatever.

3 And we started out kind of slow on

4 them, but they've been picking up very

5 rapidly. We just did one last night down

6 in Marietta, Oklahoma, after the result of

7 the train derailment that they had last

8 month and it was interesting and we learned

9 a lot from it and hopefully we'll be able

10 to make some good recommendations.

11 The whole idea of these is we, after

12 it's over with, we write up a report with a

13 summary of the incident and then our
14 observations and our recommendations back
15 to the community on how they can maybe not
16 have to go through this in the future, at
17 least have a more efficient response to it.
18 We are going to do the same thing for
19 Wewoka tomorrow night. And we invited DEQ,
20 which Jami is coming to it and we invited
21 Dale. You were supposed to have been
22 invited.

23 MR. MAGNIN: Not to my knowledge.

24 MR. MASON: Dale, you are
25 formally invited to come to this tomorrow

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80

1 if you would like to.

2 MR. MAGNIN: Where and when?

3 MR. MASON: It's at 6:00 tomorrow

4 --

5 MS. MURPHY: At the community
6 center.

7 MR. MASON: -- at the community
8 center. In Wewoka or Seminole?

9 MS. MURPHY: Wewoka.

10 MR. MASON: Wewoka. And we've
11 invited the LEPC Chair of Emergency
12 Management, Herb, and the Fire Chief and

13 Cochran Chemical, you know, to actually be
14 there. This part of it is a non-
15 enforcement thing -- activity. It is,
16 again, to try to get a lessons learned and
17 see how the response went and if there's
18 things that, you know, we may be able to
19 recommend to them in the future.

20 Just give you an example and not to
21 be picking on anybody, but one we went to
22 recently where they had a railcar on fire
23 and the local fire department responded to
24 it, it was a volunteer fire department.
25 They did not actually try to put out the

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81

1 fire of the railcar, thank goodness, but
2 they were fighting fires at the other cars
3 with which were about fifty feet from it.
4 And we were discussing with them and their
5 PPE was bunker gear. And I said, well,
6 what did you use for respiratory? And they
7 said, nothing. Which we weren't real
8 thrilled about, because it is a hazardous
9 chemical that was on fire. And they said,
10 but we're really used to fighting railcar
11 fires all the time. And I said, really,
12 what kind of training do you all have? We
13 all have awareness level training. And I

14 said, oh, man. So we still have some work
15 to do.

16 And Tom, last night, when he was
17 talking during this one in Marietta,
18 brought up about the fact that under your
19 state law, who should be the incident
20 commander? Within municipal city limits,
21 it's municipality. Outside the city limits
22 it's the closest municipal fire, you know,
23 department, unless it's on roads or
24 railroads, then it's the state highway.
25 And they were kind of shocked by that.

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82

1 Nobody really ever knew that that state law
2 was out there. So that's going to be a
3 recommendation that all -- everybody within
4 the state needs to understand that that
5 state law is out there and the implications
6 of it.

7 MS. MURPHY: We put it in our
8 newsletter last year.

9 MR. MAGNIN: We advertise and
10 tell these guys.

11 MS. ELDER: We may need to figure
12 out if there's some other outreach we can
13 do about that, because --

14 MR. MASON: Well, and Christy was
15 there. It was -- they were shocked by it.

16 MS. ELDER: They were shocked.

17 MR. MASON: Nobody had any idea
18 about that. But overall it was pretty good
19 and we will do the same thing tomorrow.

20 And what we will do, we will do a draft
21 report of the review and we will send it to
22 the state, DEQ and Dale, if you come to it
23 or even if not, we'll send it to you, and
24 the community so they get a chance to look
25 at it. Then when we finalize it, we send

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83

1 it back to everybody and we put it up on
2 our webpage.

3 MS. ELDER: And any enforcement
4 actions against Cochran will be -- send
5 those to the state. How are we going to
6 handle that?

7 MR. MASON: Once we settle it and
8 we sign the consent agreement, we will send
9 you all a copy of the consent agreement.

10 MS. ELDER: Okay. You would like
11 for us to see the draft ahead of time?

12 MR. MASON: Well, in terms of --
13 again, I think we have to be very careful,
14 because I'm not saying there's any

15 enforcement action to it.

16 MS. ELDER: Right, exactly.

17 MR. MASON: We have a standard

18 KFO that we use on every single one of

19 them. I mean, I would be more than happy

20 to send you all that one. The only thing

21 that basically changes is the responsible

22 party and the chemical and how much of a

23 penalty they're paying and what their SEP

24 is, so that doesn't change a whole lot.

25 Obviously, I think in this situation,

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84

1 because of the state involvement, I will

2 talk to Cochran, if there is anything, I'll

3 tell them that we're going to run this by

4 you all first before, you know.

5 MR. MAGNIN: What happened to the

6 contaminated water? Where did that go?

7 MS. ELDER: I am all about

8 contaminated wastewater, which is around

9 about seven hundred thousand gallons and it

10 is sitting in seventeen FRAC tanks in

11 property owned by Cochran in Seminole. And

12 it's been tested and I guess we're testing

13 it again. The initial thought was they

14 were going to send it to the Wewoka

15 wastewater treatment plant, but since just
16 the initial runoff caused like six to ten
17 feet of foam in the wastewater treatment
18 plant -- and then we had -- and then we
19 thought maybe they would just release it
20 into Wewoka Creek. No, no. So now it's
21 sitting in FRAC tanks and what's going to
22 happen is when they finally give our land
23 protection folks the characterization of
24 that wastewater, then they will tell us
25 what, you know -- we told them you can't --

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85

1 where it can't go and then they'll tell us
2 what they want to do. The last I heard,
3 they were thinking about --

4 MR. MAGNIN: Is Cochran going to
5 tell you what to do?

6 MS. ELDER: No. January
7 Environmental -- January Environmental is
8 the contractor that's been hired to handle
9 that. And so they'll tell us what they
10 plan to do and then we'll either approve it
11 or say, once again, another thing. They
12 are starting to do sampling of the soil and
13 the drainage ditches, you know, that came
14 off the land, they are sampling soil this
15 week. The fire debris itself was

16 determined to be non-haz and so the fire
17 debris is being taken to the municipal
18 landfill in Wewoka, which is a subtitle --
19 it's a municipal landfill -- what is it, a
20 Subtitle C? C is RCRA, D is -- okay.
21 Thank you. It's a Subtitle D and so --

22 MR. BOBO: Does it meet some
23 Title D standards, Monty?

24 MS. ELDER: It has -- if it's a
25 municipal landfill, it --

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86

1 MR. BOBO: No, it doesn't have to
2 because it was open before Subtitle D
3 requirements. So it may not be a Subtitle
4 D landfill.

5 MS. ELDER: All I can tell you is
6 that land protection approved the waste
7 going there, so whatever waste stream it
8 is, according to our land protection folks,
9 it can go to that landfill. And so that's
10 what's happening on that front and lots of
11 media attention on this and I am continuing
12 to get media calls from reporters who want
13 to know what -- especially what's going to
14 happen with enforcement, and what's going
15 to happen with the wastewater. So I think

16 when that enforcement comes down that
17 they'll -- there is a couple of reporters
18 who are very interested.

19 MR. MASON: Yeah, up to this
20 point, we've received about three phone
21 calls from reporters and I just keep on
22 telling them to call Monty Elder.

23 (Inaudible comments)

24 MS. ELDER: Anybody else want to
25 add anything about Cochran? Anybody want

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87

1 to ask a question about it?

2 MR. GABLEHOUSE: I would tell you
3 what we would do with this. One of the
4 great missions that we have as a state CERT
5 is to encourage LEPC enforcement effort.
6 And so we have LEPC's suing facilities for
7 failure to report. We have LEPC's suing
8 facilities to obtain data when they are
9 told to go pound sand.

10 We believe very strongly in 303 (d)
11 (3) and so we have LEPC's that ask
12 companies for facility contingency plans
13 that go well beyond Tier II and sue
14 enforcement requirements, as well. We also
15 have LEPC's that are very aggressive in the
16 304 follow-up reports and sue facilities

17 for those, as well.

18 So as a result, most of the
19 companies in the state are real eager to be
20 friendly with their LEPC and so we don't
21 end up with a lot of these situations where
22 you end up with facilities that fall
23 through the radar screen. But we've done a
24 bunch of those and are universally
25 successful. And frankly, universally

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88

1 successful, before you get very far into
2 litigation -- in fact, I don't think there
3 has actually been an answer filed. I think
4 they've all been settled before answers
5 were due. So that's been -- that kind of
6 local enforcement has been a very powerful
7 thing frankly and it's not a matter of the
8 state CERT doing it, it's a matter of the
9 LEPC in its own name doing it, which is
10 kind of a cool thing, frankly. But as has
11 worked well to put a definite local flavor
12 on it rather than having even Region 8 come
13 pound on somebody or having a state agency
14 come pound on somebody. It ends up being,
15 you know -- it ends up being people in the
16 neighborhood who are upset that are taking

17 the opportunity to do it, and will probably
18 end up being direct enforcement actions.

19 And since LEPC's have all kinds of great
20 cool things it can do under RCRA that --

21 MR. MAGNIN: I think the
22 community in Wewoka was concerned that they
23 were going to lose the business.

24 MR. GABLEHOUSE: Well, I'm sure
25 they are. I'm sure they are. That ends up

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89

1 being, you know -- that ends up being quite
2 the balancing act. Sometimes we see LEPC's
3 that bring these actions in an effort to
4 keep Region 8, for example, from doing it.
5 They'll take the action in an effort to be
6 able to say, wouldn't you rather deal with
7 us than the feds.

8 MR. MASON: And I think it's a
9 situation that each region works
10 differently in each state. I think it's a
11 great thing that's going on there and I've
12 thought about actually bringing you down to
13 our LEPC conference and talking about that,
14 about what goes on. For whatever reason,
15 and I don't know what the reason is, in our
16 region over the last fifteen years the way
17 it's kind of worked is that the LEPC's

18 here, if they find somebody that they think
19 is, you know, out of compliance, they send
20 it to the state and normally, like in
21 Oklahoma, Tom or Jami or whoever, will
22 contact the facility and try to get them to
23 file. And if they don't, then they call us
24 and we go in. So there's usually a level,
25 you know, that they try to get them to do

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90

1 it first but we've never had, in our five
2 states, any LEPC's sue anybody. And quite
3 honestly, at the state level, Texas does
4 some Tier II enforcement and Louisiana does
5 a very little bit of it. Louisiana is big
6 on the score reporting side of it but Texas
7 --

8 MS. ELDER: Well, you know, I
9 think that might be a good idea to have Tim
10 talk. Because we're always looking for
11 people to talk at the LEPC conference, just
12 to say that there are options.

13 MR. MASON: Right.

14 MS. ELDER: That people might not
15 be aware of.

16 MR. MASON: Yeah.

17 MS. ELDER: You know, that

18 there's just different ways to do that.

19 MR. GABLEHOUSE: Especially the
20 304 follow-up reports.

21 MS. ELDER: And again -- that
22 reminded me, I'm sorry to interrupt. Did
23 they do a 304, is that something you're
24 looking at? That they should have done it
25 -- a 304 on that?

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91

1 MR. MASON: We are going to look
2 at that. When you have a fire, it's a very
3 hard thing to prove a 304 violation because
4 it's very hard to prove that they actually
5 released something out of the facility
6 above the reportable quantity. And
7 especially with the chemicals that they
8 had, the RQ's are pretty high on those, you
9 know. The ones that I saw either have a
10 thousand or I think five thousand pound
11 reportable quantity. And unless you could
12 show that a non-burning part of it leaked
13 out, you know, it's very hard to prove in a
14 fire because most of it's going to be
15 consumed with the fire. And it would be
16 real hard to prove in that wastewater how
17 much of that is actually the chemical that

18 came out.

19 MS. ELDER: Yeah.

20 MR. MASON: You know, so I don't
21 know that there would be a violation of
22 that.

23 MS. ELDER: Okay. I just
24 wondered about it.

25 MR. MASON: We will look into it,

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92

1 but I don't think that there's going to be
2 something on that.

3 THE REPORTER: You don't think
4 what?

5 MR. MASON: I don't think that
6 there would be a violation on that, just
7 simple because it's so hard to prove that.

8 MS. REATIES: Is the drinking
9 water clear now for Wewoka?

10 MS. ELDER: Drinking water always
11 has been.

12 MS. REATIES: Okay.

13 MS. ELDER: It went to the waste
14 -- some runoff went to the DOTW, the
15 wastewater treatment plant.

16 MS. REATIES: Okay.

17 MS. ELDER: If I said water

18 treatment plant, I apologize.

19 MS. REATIES: No.

20 MS. ELDER: Wastewater treatment
21 plant and they had a mess.

22 MR. MAGNIN: It killed the bugs,
23 right?

24 MR. MASON: You know, what I
25 might suggest to them, if they are

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93

1 interested, we just went through this in
2 January in Arkansas, in Conway, Arkansas,
3 where -- I can't think of the name of the
4 place. I was there. They had -- it was a
5 chemical company that had a fire, too, and
6 they had massive amount of runoff water and
7 that actually got down into the creek and
8 they ended up damming the creek and
9 catching all the water and then pulling it
10 back out into FRAC tanks. And they went
11 through the exact same thing on determining
12 what to do with the water and everything
13 else.

14 MS. MURPHY: What was ultimately
15 done with it, do you know?

16 MR. MASON: You know, at that
17 point it was turned over to ADEQ.

18 MR. MAGNIN: I think they pumped
19 it into Oklahoma.

20 MS. ELDER: You know, that's what
21 Arkansas usually does.

22 MR. MAGNIN: In the Illinois
23 River.

24 MR. MASON: Right along with the
25 chicken parts.

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94

1 MS. ELDER: Right. And that's
2 what they usually do.

3 MR. MASON: See, unfortunately,
4 at that point -- I'm not going to say
5 unfortunately, but at that point it's a
6 remediation thing, that's turned over to
7 the state. So ADEQ dealt with them on all
8 that, just like ODEQ is dealing with them
9 on this. But I'm just suggesting that if
10 they are thinking about putting it back
11 into the wastewater treatment or something,
12 that the city might want to talk to the
13 City of Conway, because I think that's what
14 they ended up doing.

15 MS. ELDER: We have told them
16 they cannot.

17 MR. MASON: Okay.

18 MS. ELDER: We have told them
19 clearly and adamantly, no, no. And what
20 part of no do you not understand. It took
21 us a few times, but they have the message,
22 no. This little wastewater treatment plant
23 can barely, barely handle the municipal.
24 Barely.

25 MR. BOBO: Almost none of the

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95

1 facilities in Oklahoma or even around the
2 country want to accept trucked wastewater
3 anyway. They just don't want it in their
4 systems.

5 MS. ELDER: Yeah.

6 MR. GABLEHOUSE: We have a place
7 in Colorado that is especially designed to
8 accept that kind of stuff.

9 MR. BOBO: Right.

10 MR. GABLEHOUSE: It's more than a
11 buck fifty to go there. They see it coming
12 a long ways off. But it operates under a
13 pretreatment permit with Denver metro
14 sources, but boy it's expensive.

15 MR. BOBO: Can't Chris treat it
16 in their facility in Oklahoma City?

17 MS. ELDER: You know, I think

18 that's one of the options. But -- again,
19 they haven't decided, they haven't told us,
20 yet. We're still waiting. It's still in
21 trucks and we're still waiting. But,
22 right. You know, they could take it here
23 and treat it.

24 (Inaudible conversations)

25 MR. MASON: And I don't want to

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96

1 speak for Cochran or anybody but I'm sure
2 that that was their first thing, if we send
3 it to the city, it's a whole lot cheaper
4 than having it pretreated at a private
5 facility.

6 MS. ELDER: Right. But it
7 wouldn't have been -- it would not have
8 been cheaper if you would have to rebuild
9 or replace the water treatment plant. That
10 really probably not have been cost
11 effective.

12 MR. BOBO: We have an incident
13 that's going on out where a facility closed
14 and they have a wastewater treatment
15 lagoon. The facility's closed, it's been
16 vacant for almost a year, it's a pretty
17 good-- I don't remember the gallons, but

18 it's a lot of gallons in a lagoon of an
19 industrial facility. And I say it was --
20 industrial facility but it was all domestic
21 sewage that went into the sewer lagoon.
22 There was a company that made Christmas
23 lights and we've tried numerous towns --
24 (Inaudible, due to talking over each other)

25 MS. ELDER: Okay. Now, wait a

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97

1 minute, I'm pulling this back in. Do you
2 see me pulling this back in? That's me.

3 MR. BOBO: Anyway, we have talked
4 to four or five cities -- four cities, Bob?
5 And nobody will accept the water. One of
6 them in the city where it's located, we
7 could actually just pump it about two
8 hundred yards and we said, we'll do it very
9 slowly, no. So we're going to be talking
10 to some of the land application to take it
11 and spray it on. It should be very good to
12 do that with.

13 MS. ELDER: Yeah.

14 MR. BOBO: But nobody wants it
15 because it's not -- it's coming out of
16 something other than a toilet. But it
17 already went through the toilet process.

18 MS. ELDER: Yeah, right. Okay.
19 Any new business? Because Larry would not
20 be proud that our meeting has gone way past
21 Larry's standards. But we attempt --

22 MR. GABLEHOUSE: One of the other
23 missions we have is to go out and meet --
24 and usually that would be me, meeting with
25 neighboring states to talk about RMP's

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98

1 worst case scenarios that overlap state
2 boundaries. Odds are (inaudible, due to
3 talking over each other) and giving
4 prevailing winds (inaudible, due to talking
5 over each other) anywhere accepting on
6 those kind of scenarios. For example, I
7 don't have access to any state other than
8 Region 8 in terms of RMP's. I've got -- I
9 am the reading room for RMP's in Colorado,
10 but so I don't know if there's anything out
11 there in the panhandle of Oklahoma that's
12 an RMP or not. But I do know that we've
13 got RMP facilities, a bunch of them, you
14 know, around Holly and places like that,
15 you know, with a fair amount of ammonia.
16 So what I would love to be able to do is
17 find some mechanism so that local

18 responders that are next to those
19 facilities have good communication with
20 local responders across the border so if
21 you end up with a big release, you can have
22 some communication. We plan to do this
23 with Wyoming, we're trying to do it with
24 New Mexico. But it turns out where we have
25 the big facilities that are real

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99

1 problematic, because there are some big
2 facilities in Cheyenne, Wyoming, with RMP's
3 that are plenty big enough to reach into
4 Fort Collins and (inaudible) Colorado. And
5 then we have these facilities, in fact,
6 several places where we have facilities on
7 the border between Colorado, Kansas --
8 Colorado, Nebraska, Oklahoma. So if there
9 is a mechanism for which we can, you know,
10 foster better communication across the
11 state boundaries amongst the first
12 responders, we would like to play in that
13 arena, see if we can make that happen. So
14 if anybody has got any ideas, let me know.

15 MR. MASON: My first suggestion
16 would be, don't those states have emergency
17 management compacts already or?

18 MR. MAGNIN: Well, we have that
19 EMAC.

20 MR. GABLEHOUSE: This is very
21 local. The problem is --

22 MR. MASON: But I'm saying, if
23 you could at least start from that point
24 and maybe work down and have the local
25 emergency managers for those counties talk

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100

1 to each other under that umbrella of the
2 EMAC --

3 MR. MAGNIN: Part of the EMAC is
4 for the counties that are sharing the
5 borders.

6 MR. GABLEHOUSE: What needs to
7 happen is, what we worked out in trying to
8 do this is absent support from the state
9 agencies, local folks are not terribly
10 motivated. You know, it's sort of like,
11 please, leave me alone, I have enough to
12 do. So in dealing with various CERTs
13 around the around Colorado, we discovered
14 that it's fine for emergency management
15 people to call up city emergency management
16 people but you've got different structures.
17 And while our state commission sets pretty

18 close to our emergency management folks,
19 that is not true in all states by any
20 stretch of the imagination. And so the
21 LEPC function in a lot of states has very
22 little relationship to emergency management
23 in some places. In some places
24 (inaudible). So, you know, the question
25 is, what's the right point of contact here,

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101

1 you know, so I know the right point of
2 contact -- I know what the right point of
3 contact is in Colorado. So if I know what
4 the right point of contact is here, we can
5 try to share that information. Because I
6 want to make sure -- in fact, I want to
7 make sure that those LEPC's are aware of
8 those RMP facilities across the border, so
9 they anticipate that they could get an
10 ammonia cloud rolling out.

11 MR. MAGNIN: One of the key
12 things that we push and stress and yell at
13 is you've got to have an emergency manager
14 on the LEPC and most cases that emergency
15 manager is the chair, just kind of almost
16 by default in a lot of cases, because he's
17 responsible for the emergency operation

18 planning and we have said that the county
19 or the city emergency operation plan, you
20 know, get -- given that, we put in the site
21 specific information from facilities who
22 have to report, that is a response plan for
23 the LEPC, also. One plan.

24 MR. GABLEHOUSE: Well, I just
25 want to make sure that I trade cards with

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102

1 you so we can do that.

2 MR. MAGNIN: But we're still
3 faced with seventeen or eighteen, nineteen
4 active LEPC's out of seventeen counties.

5 MR. GABLEHOUSE: Sure, I
6 understand.

7 MR. BOBO: Another thing that's
8 going in Oklahoma right now which -- and I
9 don't know if this effects Colorado in the
10 rural areas, but the rural farmers coops
11 are starting to just shut down their
12 ammonia in-house systems, they're just
13 refusing to even deal in it anymore because
14 of the pressure from DEA and all the
15 activity from the (inaudible) coming in and
16 doing things, they're just actually
17 shutting -- they're just saying, we're not

18 going to handle it anymore, you're going to
19 have to drive somewhere else to buy
20 (inaudible) to fertilize your fields.

21 MR. GABLEHOUSE: Yeah, the
22 problem we're getting is we're getting
23 farmers that get together with some of
24 their neighbors and they'll attain
25 shipments. And so we've got badly

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103

1 designed, unregulated, unknown large
2 quantity storage of ammonia sitting in God
3 only knows where.

4 MR. BOBO: There's a couple of
5 farm coops that I'm aware of actually put a
6 hose with a valve with a pipe thread on the
7 end of it.

8 MR. GABLEHOUSE: Yeah.

9 MR. BOBO: And left it on their
10 tank so that the guys could just open it up
11 and fill their containers. But because,
12 you know, they're going to steal two or
13 three dollars worth of (inaudible) and
14 they're going to cut a two hundred dollar
15 hose.

16 MR. MASON: We had one dealer
17 that was actually sitting out five pound

18 bottles at the end of the road saying, take
19 these first. That was how (inaudible).

20 MAJOR GRIMES: Let me interject
21 something here. The new Pseudophedra
22 (phonetic spelling) bill that was passed is
23 going to make a major dent in the -- in
24 just the first ninety days that that goes
25 into effect. Clandestine meth labs went

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104

1 from a hundred a month to the first thirty
2 days, it went to seventy and the second
3 thirty days it went to twenty-nine. So
4 we're aggressively working the meth or the
5 ammonia along with that. We've got
6 airplanes up with flares and everything
7 else at night. So we're aggressively
8 working and we'll continue to aggressively
9 work it.

10 MR. MASON: Does Texas have that
11 state law, too?

12 MAJOR GRIMES: No. But Texas
13 does not -- no states around us have that.
14 They'll be going to the surrounding states.
15 All states, we've been in constant contact
16 with the Colonel down in Texas. We were
17 just in a meeting in Arkansas with the

18 Colonel that's over there. All the
19 surrounding states are looking at it.
20 National -- Congress is looking at that.

21 MR. COX: I know being up on the
22 northern edge of the state, the Kansas guys
23 are just howling about it.

24 MAJOR GRIMES: Yeah.

25 MR. COX: They said it's driving

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105

1 it across the line.

2 MR. MASON: Well, I don't know
3 how much has changed, but a couple of years
4 ago we were talking to people in Little
5 Rock and they said in downtown Little Rock,
6 a pound of ammonia was selling for six
7 hundred dollars a pound. Because they make
8 enough meth to make it worthwhile.

9 MR. BOBO: Have you seen any of
10 the -- I was told that there was some
11 evidence that some of the PTP labs, the big
12 labs, showing back up.

13 MAJOR GRIMES: I think that will
14 follow. Yeah, I think that's easier to
15 inter-(inaudible) and work than these mom
16 and pop operations we're beseeched with.

17 MR. COX: I would like to make a

18 motion to adjourn.

19 MR. MAGNIN: Second.

20 MR. MASON: I just wanted to
21 bring up our two conferences real quick.

22 MS. ELDER: Okay. Yes.

23 MR. MASON: We have a fall
24 conference in mid-October, which is for
25 first responders. The application for

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106

1 scholarship is already closed but Oklahoma
2 will get five full scholarships and five
3 partial scholarships and then --

4 UNIDENTIFIED: Different.

5 MR. MASON: -- yeah. And then
6 randomly they pick another twenty-five
7 scholarships, so there may be some more out
8 of that. The one thing I would ask that
9 you all might consider for next year,
10 Arkansas actually puts up enough money from
11 their state to pay for another twelve
12 people.

13 MR. BOBO: We've got four four
14 hundred dollar scholarships, emergency
15 management is using the Emergency
16 Management Association to select four.

17 UNIDENTIFIED: If you could

18 convince Dale to do four more, so that
19 we're eight, so we're at least close to
20 Arkansas.

21 MR. MASON: I think they're using
22 HMEP money or something, so, enough on
23 that. But anyway, anybody is invited to
24 come to the conference. It's, again, in
25 mid-October. The registration fee is a

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107

1 hundred and fifty dollars, which is not
2 bad.

3 UNIDENTIFIED: In Houston.

4 MR. MASON: Yeah. It's four days
5 of very good training for first responders.
6 And then we -- our LEPC conference this
7 year will be in February in Houston. We
8 have changed a little bit. We are not
9 going to give out the reimbursement checks
10 to LEPC's this year. Instead, what we're
11 doing is pay for the hotel room, direct
12 bill. So basically it worked out to the
13 same amount and that way, you know, we'll
14 just pay the hotel bill and we will again
15 pay for five people from each state that
16 want to come to it. And I have talked to
17 Tom a little bit about potentially having

18 the conference back up here next year.

19 MS. ELDER: Mr. Cox, I have a
20 motion?

21 MR. COX: Yes.

22 MR. BOBO: I'll second.

23 MS. ELDER: Second. All in
24 favor, say aye. Thank you.

25 (END OF PROCEEDINGS)

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108

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C E R T I F I C A T E

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STATE OF OKLAHOMA)

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ss:

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COUNTY OF OKLAHOMA)

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I, CHRISTY A. MYERS, Certified

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Shorthand Reporter in and for the State of

7

Oklahoma, do hereby certify that the above

8

proceedings is the truth, the whole truth,

9

and nothing but the truth; that the

10

foregoing proceedings were tape recorded by

11

me and thereafter transcribed under my

12

direction; that said proceedings were taken

13

on the 10th day of August, 2004, at

14

Oklahoma City, Oklahoma; and that I am

15

neither attorney for nor relative of any of

16

said parties, nor otherwise interested in

17

said action.

