



**North Dakota Emergency
Response Commission
PO Box 5511
Bismarck, ND 58506-5511**

State Emergency Response Commission Minutes

**Commission
Members**

Office of the
Governor

Division of
Homeland Security

Office of
the State Fire
Marshal

Division of State
Radio

ND Health
Department

State Highway
Patrol

Office of
Management
and
Budget

Office of
The Attorney
General

Workforce Safety
& Insurance

Department of
Agriculture

Department of
Transportation

Office of the
Adjutant General

Oil & Gas Division
of Industrial
Commission

ND Insurance
Department

Dakota Plains
COOP

Tesoro Refinery

ND Motor Carriers
Association

The 100th meeting of the State Emergency Response Commission (SERC) was called to order by the State Emergency Response Commission (SERC) Chairman, Greg Wilz, on Wednesday, September 25, 2013, at 1:32 pm in the North Dakota Department of Emergency Services-Division of Homeland Security Conference Room, Building 35 Bismarck, North Dakota.

As the roll call was conducted, Chairman Wilz asked each member to introduce themselves and to identify the agency they represent. It was noted that a quorum was achieved; but the ND Attorney General's Office, ND Department of Agriculture, Office of Management & Budget (OMB), ND National Guard, and the following Private Industry representative Dakota Plains Cooperative were not represented.

After the roll call was completed, Chairman Wilz then asked John Nixon representing the Tesoro Refinery to step forward. Chairman Wilz then presented Mr. Nixon with a plaque recognizing his service of over 20 years to the State Emergency Response Commission (SERC) and the diligent work to improve the environment of North Dakota. Mr. Nixon then went on to say a few words. The most prevalent item he mentioned that he learned while being affiliated with the SERC and with Local Emergency Planning Committees (LEPC) was to listen. By listening to what other people have to say you learn things that you might not otherwise have known.

Chairman Wilz asked for a motion to accept the 99th SERC Meeting minutes, held June 5, 2013 which was made by Kathleen Spilman and was seconded by Jeff Bitz with a noted change on page "4", paragraph 3, line 1 of the 99th SERC Minutes changing (HB11499) to (HB-1149).

Secretary Ray DeBoer distributed correspondence consisting of a State Emergency Response Commission (SERC) Contact List and he identified all items in the folder setting in front of each SERC Member.

Committee Reports

Secretary DeBoer provided copies of the ND Department of Emergency Services

(NDDDES) Reporting, Planning & Outreach Activities Quarterly report which was discussed.

Karen Hilfer from the ND Department of Emergency Services Grant Section discussed how the agency was coming to the end of the 2013 Hazardous Materials Emergency Preparedness (HMEP) grant period. She indicated that there will be some funding left over and that not all of the planning dollars were allocated as there were not enough requests for that money. Karen went on to state that the agency received the federal contract for 2014 but it was for less than what the original allocation that had been announced last March. The explanation was that the budget problems happening in the District of Columbia affected that allocation. Instead of receiving \$205,927, the state will receive only \$193,000. She further mentioned that for the 2014 grants she already has more than enough requests within planning to meet the funding received.

Renee Loh, representing the ND Firefighters Association (NDFFA) presented information regarding training. She reported that NDFFA had a great year and approximately 2,012 personnel were trained. Haz Mat Awareness training was conducted for staff from the ND Department of Transportation (NDDOT) Districts. Renee also went on to report that the ND Firefighter's Association will be conducting nine National Fire Academy courses in key departments throughout the state. There will also be a Wildland Methodology Workshop, an Incident Command System (ICS) for ND fire departments. A course is planned on responding to new vehicle/hybrid incidents. There is also a Incident Command System (ICS Course for Structural Collapse). She also indicated that NDFFA will be purchasing an Incident Command Training Simulator. An Instructor's Course is planned for November 1 – 3, 2013. A Leadership Conference is scheduled for January 10 – 12, 2014 and lastly the State Fire School is scheduled for February 27 – March 2, 2013.

Old Business

Karen Hilfer presented information on grants for the New Year. She related that the Department of Emergency Services is in the process of accepting grants for the 2014 Homeland Security Grant Year. This upcoming Monday, September 30, 2013 is the last day for applications and the category is Physical Protection.

Chairman Wilz then added that this year, that the agency has opened up local grants to schools, court houses and these type of public facilities to increase their security. There have not been many applications received and Chairman Wilz related that maybe many of them will wait until the last minute to apply. One of the problems associated with the grant process is that by Federal Law the state only has 45 days to obligate those funds once the grant funding is received.

Chairman Wilz then went on to Legislative Updates. The Chairman went on to indicate that this is the time in the biennium where the agency starts building files to keep track of for the next legislative session. Wilz then asked SERC Members to consider any legislation and laws that they feel needs to be addressed.

Next Chairman Wilz and Secretary DeBoer presented information on the LEPC Survey that went out in August of 2013. Wilz related that the Department of Emergency Services – Division of Homeland Security sent out a LEPC Survey to all 59 Local Emergency Planning Committees (LEPCs) and Tribal Emergency Response Commissions (TERCs). Only 33 LEPCs responded which averages out to approximately 59%. The normal average is about ten percent (10%). Of the 33 responses, four (4) were partially completed, 29 were completed which is a 52% response rather than a 59% as was originally reported and 10% to 20% is an average for a survey response.

Chairman Wilz related that he was not happy with these results. He went on to state that the SERC requested this survey be completed by all LEPCs and they were provided ample time for them to respond to and return the survey. Wilz related that he expected a 100% response. He went on to indicate that the SERC has some challenges here and he feels that the SERC needs to take some action. What kind of action he is not sure of yet. Wilz also mentioned that from reviewing some of the responses, SERC members will see that some of the LEPCs have never updated their local emergency response plans.

Secretary DeBoer then presented a graph chart showing the initial 33 responses to the nine (9) questions asked in the survey. DeBoer also provided SERC members with a copy of all nine (9) questions in the survey. The charts were provided to be able to show their responses; like ‘when did your LEPC last review and update its emergency response plans?’ Thirty-five percent (35%) never have been reviewed or updated as the Chairman brought forth. Next one, ‘How familiar are your LEPC members with your emergency response plans?’. You can see the figures there. Somewhat familiar, not at all, slightly familiar, familiar. A very small minority of personnel in the LEPCs even understand it. ‘When did you exercise the plan?’ Forty-one point four percent (41.4%) have exercised the plan but they don’t know when it was done. And it goes on to ‘How do you use Tier 2 data?’ Responses in a chart here for Hazard Analysis Identification, Emergency Response Inquiries, Preparedness Recommendations. Very, very low. The only question for planning, ‘How do you interact with the facilities?’ ‘What’s their greatest obstacle?’ DeBoer replied that It’s apathy for this survey question. Fifty-one point seven percent (51.7%) low membership. Well that falls to them on that and it’s something the SERC will have to look at, and how can we make that change? ‘Where could you use assistance?’ You can take that and determine what needs to be done or what we

would like to do is provide them with what they need. And then the last page, 'What do you consider to be the top three (3) hazards?' and their response were, HazMat, severe winter weather, and severe summer weather.

Chairman Wilz then continued with his comments. He indicated that from one question, which dealt with the organizational make up of the LEPCs showed that there was a pretty good cross section of individuals. Maybe not the whole community, but fairly decent. Other questions he was disappointed with, like "when was the last time they've exercised their plan", "how does your LEPC interact with the local facilities in your area?" and the survey indicated that there has not been any formal interaction. Wilz went on to state that from the survey it is obvious that the SERC has a lot of work to do to get the LEPCs to do what is required of them. Chairman Wilz then opened it up for general discussion.

John Nixon, formerly the Morton County LEPC Chairman, related that with his LEPC, usually the County Emergency Manager set the agenda and the LEPC had no say of what was to be discussed at their meetings. He provided an example of one occurrence in which the primary topic was dealing with grant funding coming into Morton County. If there was quite a bit of money coming into the county, then there were more meetings. If there was not a lot of money coming into the county, then the meetings were less frequent. The agenda for the meetings was always set by the Emergency Manager. Nixon went on to also state that Morton County always had a good turnout of personnel at their meetings. Mr. Nixon then related that from reviewing the survey it was an eye opener for him and it was obvious that the LEPC should have been doing more. There was never any discussion with or from fire department personnel on what type of inspections there were accomplishing in the county. There was never any discussion about the Local Emergency Operations Plan (LEOP). He mentioned that they could have been updating the LEOP, but it was never discussed with all the members. There was nothing discussed about having drills or exercises. Nothing was being shared with LEPC members. Mr. Nixon then mentioned that he believed that things were about to change in Morton County as there is a new Emergency Manager. Lastly Mr. Nixon mentioned that possibly the other LEPC Chairs were or are having the same type of situation as he encountered and could be reason that they are probably struggling with the survey and did not want to look bad.

Chairman Wilz then indicated that he thought it was a fair assumption that the statistics would actually be worse than perhaps what's shown on the charts because he thought that many of the non-respondents, quite frankly, exactly what John Nixon mentioned are not aware, were not aware and so by not answering they didn't have to show their lack of knowledge.

Ray Lambert representing the State Fire Marshal's Office then stated that he was very, very concerned about the non-responses because in his visits with the Fire Chiefs around the state they are very active. He went on to ask if anyone from the state had called any of the LEPCs to see why they were not responding to the survey.

Chairman Wilz responded by replying that the survey was run, but there was no direct contact with the LEPCs hounding them or suggesting that they assemble their LEPCs and answer the survey.

Secretary DeBoer then mentioned that there had been two (2) reminders sent out by the agency. The first reminder was sent out approximately two weeks after the initial send out and then also after the suspense date had passed, another reminder was sent out which resulted in only three (3) responses.

John Nixon then mentioned that it might be nice for the emergency managers to send out a request for agenda items ahead of their scheduled LEPC meetings that could or would be discussed. Example, say a Fire Chief was going out to conduct various visits to Tier II reporting facilities, or general safety visits. This kind of activity could be discussed at their meetings. Mr. Nixon also then mentioned that he was not saying that this wasn't done all the time, but it wasn't shared with the LEPC. He also said, maybe he should have pursued as well, but when the agenda came out it was pretty much cut and dried what would be discussed.

Fred Anderson representing the Oil & Gas Division of the ND Department of Mineral Resources asked Chairman Wilz if the results of the survey had been sent out to all the LEPCs so they could see what was reported.

Chairman Wilz replied that it had not been done.

Ray Lambert from the State Fire Marshal's Office then mentioned that this might be a consideration in the future so the LEPC's could see the results and maybe next time they would realize the importance of the survey.

Fred Anderson then mentioned that maybe they should be sent out and request what their action plan would be.

Chairman Wilz then asked for any other thoughts or ideas.

Mr. Anderson continued and indicated that maybe the SERC would want to send out the responses as a preliminary set of survey results and communicating that to the other LEPC members with the notion of giving additional opportunity to respond to the survey.

Bernadette Rose representing EPA Region 8 then mentioned to the SERC members that one of EPA's responsibilities is to do outreach to the LEPCs and she offered to advertise a LEPC 101 Course that EPA could provide for LEPCs. She went on to relate if it's just the LEPC not

understanding their responsibilities, EPA could assist them in planning-updating planning. She stated that EPA would be more than happy to look at their plans and comment on them. EPA has the funding available to conduct outreach of this type. It was mentioned also that there is no cost for these classes sponsored by EPA. Request for any type of course could be made through the SERC or they could go direct to EPA. Bernadette then mentioned that they need to have a commitment from the LEPCs as they utilize contractors to assist them with outreach and training.

John Nixon then mentioned that this was a great idea from EPA because when he was elected the LEPC Chairman for Morton County, he indicated that he was to facilitate the meetings. He went on to relate that he is sure that there are other LEPC members out there from all walks of life and disciplines that have never been told what their responsibilities are as being a member of the LEPC.

Kathy Spilman representing the ND Motor Carriers Association then provided the following comments. She related that the typical membership of the LEPC will involve the county emergency manager, probably one or more of the local fire chiefs, but there are, she used the phrase "community". Maybe the largest fuel oil distributor in the county or other people who are not governmental employees and these people do not get paid to serve on the LEPC.

Ms. Spilman went on to relate that several years ago a state legislator got upset that the county was spending grant money to provide food and refreshments for the meetings. It appears that we are stooping very low and not rewarding the member's for their time with at least coffee and cookies or donuts. These personnel are donating their time, and as part of the community outreach, the SERC might find a bit more participation if they were made to feel a little bit more welcome. She felt the wrong message was being sent.

Chairman Wilz agreed with her statement and continued by saying that participation is certainly part of it. Even though it's fairly nice to see a chart that has, more than just the fire chief being represented at the LEPCs, the bottom line is it's the more, the merrier at that level and how do you get those people? In terms of the problem at its core, it comes down in one of two ways; either the LEPC chair does not know what the base duties and responsibilities are of the LEPC or he doesn't care. If he doesn't care, I don't quite know how to fix that other than, they need to find a new chair. But if he doesn't know or the group doesn't know that they have base inherited responsibilities, that part I think we can fix. We can fix that through outreach, we can fix that through, at some level, some more direction, letters coming from the SERC, with some information that helps and some additional resourcing whether it's EPA or whether it's the division's chemical preparedness section. The SERC can help educate those folks. At a minimum, there's some real basic things that when these LEPCs meet, they ought to be discussing and making people aware and they are not.

Kathy Spilman then brought the following: I go back to the boss/employer relationship. I would like to entertain discussion on, if it is in fact appropriate for the SERC to send a letter at least once a year to every county commission and identify five (5) simple criteria. Say, whether or not they responded to the survey, plus or minus; how-what's the average attendance of members at the LEPC meeting for the last meeting? Or the last year, how many meetings they held; when was the last time the plan was updated, you know, four (4) or five (5) very simple discreet metrics and say 'this is the expectation and this is what your LEPC did' and just a brief assessment. "It's our assessment that your LEPC is or is not performing the tasks that's been assigned. Please contact us for additional information.' You have to get back to that county commission because they are the individuals who the county emergency manager reports to and if they are oblivious to the problem in their own community, they can say, 'Hey, I didn't know. "I would have done something," and at some point, it has to get back to the county commission.

Secretary DeBoer mentioned that the information has been provided to all of the County Emergency Managers that they report to the County Commission. Once again it falls on apathy of that commission.

Ms. Spilman then responded by saying that the report should go to the County Commission Chair and not the Emergency Manager because we do not know if the appropriate person would be provided the information.

DeBoer then again reiterated that the Emergency Managers have been told that they need to provide their County Commission with what their duties and responsibilities are. They have been told that if they do not want to inform them, then the department of Emergency Services – Hazardous Chemicals Coordinator can do that for them. It has been done numerous times around the state.

Kathy Spilman responded that they should be provided with a grade, say A, B, C, D or F. Or you could use a scale of 1 to 10. Most people understand a grade, pass or fail. She then related that the Regional Coordinators could probably provide a letter grade for each of the LEPCs in their jurisdiction. If the LEPC felt that the Regional Coordinators got the wrong grade, then let the Emergency Manager respond with why they do not deserve that particular grade and have them provide documentation of what they have been doing. Lastly she indicated that if you do not engage the personnel responsible to perform, you are not going to change performance.

Curt Zimmerman representing Workforce Safety and Insurance (WSI) brought up a point that Kathy Spilman had mentioned. By having people on the LEPC that represent private industry, say a large oil firm or a large oil company that has money, they could possibly obtain some equipment for training or exercising that would benefit the LEPC in a crisis.

Mr. Zimmerman mentioned that it is worth having some kind of publication, brochure, whatever go out to all the LEPCs saying, "Here's why you should be on the LEPC." Do outreach or other promotional things that can go to the Emergency Managers to be distributed or to the LEPCs directly to be distributed to encourage people to be on the LEPC. Show how it would be in their best interest long term to indicate how the resources coming in can be used and are used by the trained fire personnel when there is a problem.

Ms Spilman then responded, it's the apathy and maybe your emergency manager is not even calling a meeting or your emergency manager is not even taking time to fill out the survey even though they are getting paid to do emergency management for the county. I agree with the supposition, a lot of these people did send in the survey because it'd make them look even worse, and I don't know how you're going get the other. I do like your other suggestion, let's make it preliminary and we are going to publish if you didn't submit your response. Again, you have to highlight where the deficiencies are because we don't have authority to replace an emergency manager if we think they are not doing the job. Only County Commissions have it and if the County Commissioners wants local control, and based on the very adamant response they had from the emergency manager, they need to know his/her positions at risk if they are not doing their job.

Chairman Wilz then responded with: Well I think if you would concur through some motion, I think, as a SERC one of the things we could do, is send out a letter to the County Commission Chairmen, with a CC to the EM, quantifying the survey preliminary results. Make them aware of what their responsibilities are and highlight the mere fact of the results so far are far less than what would be called acceptable. We can find the verbage to do that and ask for their stewardship , if you will to, a) complete, if they have not yet completed the survey for their particular county and start asking some basic questions as to, how did we (the SERC?) do specifically, and educate them and see if we can't get a second round by opening up. Extend the survey for another thirty (30) days or forty-five (45) days to do that.

Kathy Spilman responded: My only addition to what Chairman Wilz said was, and it might be as simple as a chart with all fifty-six (56) or fifty-nine (59) entities, who turned in the survey and who didn't. So it is apparent to each county commission whether or not their LEPC Chair answered the survey or not.

Fred Anderson then responded: In doing similar things like this in the past, is it important to consider whether or not we would be happy with a second tier response. If we are not, if we don't get, let's say half the people to respond, do we then say, okay, how are we going to go ahead and try to determine what those values are for each entity that didn't respond. That way you've have

a comprehensive analysis at the end and there's no gap. Does that need to be considered? Maybe it doesn't. It doesn't leave people out and still try to, by some action of our own, determine what those values are, then add that into the summary, then you can always tell folks that didn't respond or whatever.

Chairman Wilz then replied: At this stage of the game where we're at, I think at a minimum we need to try to get the non-respondents to respond and then decide where we go from there. If I could get a motion to support from the SERC, a letter, (signed by the SERC Chairman) to go to commission presidents, copied to EM's If you've have some ideas to add to a letter to make it better, let us know and if not we'll get it out within the next period of time and see if we can't drive additional survey results by the next quarterly meeting. A motion was made by Kathy Spilman to send a letter to the Commission Chairs concerning the recent surveys mentioned in the preceding paragraphs. The motion was seconded by Curt Zimmerman and was approved unanimously.

Chairman Wilz then presented information on the Stark County Flow Study which was done in November 2012 and presented to Stark County in January 2013. The Chairman related that this is not the first survey he has seen that has been generated at the county level. I have now seen two (2) or three (3) of them that have been forwarded to us. As you go through these charts, we all know that we're being heavily developed in terms of energy especially in the western part of the state and thus, there is an increased flow of hazardous material through the State of North Dakota. My personal belief is that this type of knowledge would be valuable to every LEPC so that they understand what's moving in and out of their jurisdiction and I firmly believe that even for those counties that aren't enjoying the fruits of the oil industry that there would probably or likely be enough funding that can be made available through various grants and use of their LEPC money for a survey of this type and would assist them in their planning endeavors. The LEPC funding can be used for planning. When you look at this one that was done for Stark County you can see what is moving through the county. Chairman Wilz continued and stated that it just amazed him and if this survey doesn't provide a reason to update plans and make sure that they are ready for potential hazardous materials accidents, spills and discharges out there, I don't know what does.

Kathy Spilman from Keitu Engineering whose company completed the survey for Stark County provided some comments. There was really nothing unexpected. Everybody knows that the rail shipment's out in Stark County as in other locations throughout North Dakota is just overwhelming so with the total volume being so obviously high everybody needs to be prepped for a crude oil spill. Now if you didn't believe this result from January, the little incident up in Canada should have heightened it. The rail in Stark is huge now but if you look, if you throw the rail out, there's still a

significant amount of gasoline, diesel fuel, propane, ammonia that's being moved on the highway and I don't think any of that is unexpected. You have an occasional unidentified chemical being transported on the interstate, something that is not manufactured in the county and not being delivered to the county, as it's just being transported through the county or state. The big traffic is typically on Interstate 94 and you can say the same thing on the other studies that we've been involved with. The vast majority of highway traffic comes on high volume roadways, US Highway 85, US Highway 83, the Interstate, so that's where the big risk is. So if you're going to pre-deploy personnel or resources, that's where it needs to go. It was interesting to me, not so much in Stark County, but the one flow study that was done for Burleigh County, included radial nuclei that the hospitals use. The good news is those are relatively low dose but again you need to be aware of it. This study helps summarize the products that are being transported throughout the counties and the state and I believe that this provides some insight the emergency managers and LEPC's. But again, I actually thought it was very interesting and rest a little bit better knowing that there wasn't anything surprising that was found.

Chairman Wilz then went on to state that he has not talked to the Stark County Emergency Manager about the survey but one of the thoughts that he had was, even prior to the previous discussion, was from a SERC perspective, getting permission from Stark County to use their flow study as an example and send out a letter to all of the LEPCs, and within that letter, ask them to consider doing such a study within their county because it will help educate them. It will also be a basis for planning but also within that letter, we could attempt to identify potential funding sources should they chose to take on this type of a study for planning purposes. It's a great basis so if you want some discussion on that I'm all for it. If not, I would certainly entertain a motion that the SERC formally work with Stark County to use this as an example of what can be done and send out a letter. I'm not endorsing one engineering firm or another here, there are many possibilities, but at the end of the day, I think it's worthwhile. So, thoughts?

Kathleen Spilman then related, this was actually done before the latest big rail facility started operations so you're probably looking at another thirty percent (30%) additional rail volume than what's pointed out here.

Jeff Bitz representing the ND Insurance Department replied, I think this is invaluable for the other LEPCs in terms of providing this information so that they can do their own. I would want to know what's going through the county so they can prepare how to respond. What's their greatest exposure? Are they prepared for it? If not, then they need to develop a plan. I would support sending this out.

Kathleen Spilman then stated that there is funding available from Oil & Gas Research firms, in their next grant sequence which is coming in November 2013. I'm not so sure you couldn't approach them for some money if the counties need some. I think they do grant cycles twice a year so if they can't be ready in November, it might be something they can explore if they need assistance with funding, if there's not enough especially when you use this to justify flow studies for the eastern part of the state too because the rail yards roll through there. Chairman Wilz then related that he felt that there would be no problem with justifying a statewide study.

Kathleen Spilman then replied, maybe contact could be made with the oil and gas commission and ask for a statewide comprehensive study. She went on to relate that the Stark County survey was based on statistical sampling; a couple of days of watching traffic. There is about ten percent (10%) error in it but it's probably still very useful as far as not getting the number of ammonia trucks correct, but knowing that it constitutes somewhere between five and fifteen percent (5-15%) of the volume. I think that's good for planning purposes.

Fred Anderson representing the Oil & Gas Division of the ND Department of Mineral Resources replied: The first question I had was the notion of if there is any seasonality in the results?

Kathleen Spilman responded that her firm did use it in Stark County. They did point out that they had expected some ammonia, but it might have been just the wrong two (2) months that they picked to do this study, whereas a Burleigh County survey had quite a bit of ammonia vehicle traffic when their study is conducted.

Chairman Wilz responded that the SERC would identify the survey as a best practice and a good way for future planning. Wilz then went on to ask if there was a motion that the SERC obtains authority from Stark County to use their flow study as an example to be presented to the LEPC's throughout the state.

Jeff Bitz made a motion to use the Stark County study. The motion was seconded by Fred Anderson. Kathleen Spilman abstained from the final vote as her company could be called on to conduct a study in the future. The motion was voted on and passed.

Chairman Wilz then excused himself from the meeting as he had other matters to attend to. He then turned over the Chairman's duties to Mike Lynk, the SERC Vice Chairman. Secretary DeBoer then indicated that the State Emergency Response Commission Meeting had been turned over to the SERC Vice Chair.

Vice Chairman Lynk then continued on with Old Business. He indicated that the Southwest Regional Coordinator Dwight Stewart had been scheduled to attend the meeting to make a presentation to the SERC, but had to excuse himself due to other matters. He will be contacted and

we will attempt to have him speak at the next SERC meeting.

Secretary DeBoer then presented information on maps on the number of hazardous materials incidents reported in the state for the most recent quarter and then the total of incidents for the year.

Fred Anderson from the Oil & Gas Division then asked if there was anything else that could be done as far as putting graphics together regarding spills and other incidents.

DeBoer responded by indicating that originally, this format is what the SERC Chairman had been looking for as he wanted to show the increase from quarter to quarter. DeBoer then also related that if there was something specific the members might want, that could be worked on.

Anderson then mentioned that it might be interesting to consider looking at county by county, not necessarily a map view, but just trends over time. That's something that always is interesting to view. What county is dropping or increasing in incidents.

Curt Zimmerman representing Workforce Safety and Insurance then asked if the figures were just for those incidents that meet or exceed reportable quantities for spills/releases or certain sizes? DeBoer replied that the figures were for anything reported in the state from oil spill reports (OSR's) to environmental incident reports (EIR's) to National Response Center (NRC) Flash Faxes and lastly reports coming in by telephone.

Ray Lambert representing the State Fire Marshal's Office then mentioned that it was possible that there are a lot more spills out there that haven't been reported. DeBoer replied that, yes there are. He explained that on some incidents if the product/chemical does not get off site, then it does not have to be reported. But some companies are being good stewards and they report anything that occurs on the sites.

Mike Kisse representing the ND Department of Transportation (NDDOT) then asked if there was any way to reflect, say by way of the color of a "dot", the magnitude of the spill, to try to give some sort of differentiation between the type of spills?

Secretary DeBoer then replied that approximately 90% of those shown on the current maps are oil field related spills. Incidents in the eastern portion of the state are going to be more agriculture related. (e.g., anhydrous ammonia, round-up, trucks rolling over into ditches and spilling a liquid fertilizer, etc.) He went on to mention that this is something that could be looked at. What is considered a small or medium or large spill based on gallons and/or barrels of product/chemical. He also indicated that he would be open to any SERC member providing any ideas that they might have.

Jeff Bitz from the ND Insurance Department indicated that it might be nice if the incidents could be categorized as what they are. (e.g., oil spills, saltwater, agriculture related, etc.) Bitz went on to relate that the reports that he sees is anything from saltwater to agriculture related to crude oil. It

would be nice if some of that could be categorized by say a color code differentiating oil related from ag related.

Kathleen Spilman then mentioned that maybe they could be classified in say five categories, using circles for a spill and then a different symbol for a transportation related incident. If you get crude oil, salt water, you can throw all the ag chemicals together, ammonia and maybe gasoline, propane, or petroleum refined products, five (5) categories, that might provide some additional useful information, but you're probably only looking at maybe five (5) to thirty (30) a year that are transportation related.

Mike Kisse then asked Secretary DeBoer if there was some size that makes sense that generates the amount of response effort needed to address an incident, say one gallon versus a couple of tankers?

DeBoer replied that it all falls back to the ND Department of Health (NDDOH). Because if it affects the environment of North Dakota, be it air, water, soil, it's, as I been informed, that anything less than twenty-five (25) gallons and does not get off site, it doesn't need to be reported. But once any of that gets off site, the Health Department is required to be notified under state regulations, as they are tasked with monitoring clean up, and anything that falls within that realm.

Vice Chairman Lynk then added, maybe what could be done, is look at the spill reports that are reported and come up with something that could be considered based on amounts that are reported and develop some standard or something. Bring that information back to the committee something that we would recognize to put in the chart as a small, medium, or large, at least three.

Mike Kisse then responded with, and the other thought he had was dry versus liquid. If those are addressed differently, or easier, more difficult to address. Just some parameters that would help differentiate between the massive dots.

Mike Lynk then replied; we'll look and see what we can do and I do know, because we deal with a lot of these maps, if we go to a different symbol you're not going to see the different symbol on this one page. You would if it got bigger and maybe we want to come up with a scheme of color codes versus a different symbol and we'll try to work through this with our GIS person to see what we can do here as far as colors go and then we'll bring back to the committee to see what is acceptable to the committee and what we want to see in the report.

Kissee then related, the thing is, is that it doesn't necessarily have to be presented graphically. If we have an idea of what's being spilled, where, or some of this additional detail. I think you could put it in a table and hand it out rather than try to incorporate a map. There's no reason we can't go to a table to look at this information. What's the average size spill in North Dakota for calendar year

2013, is it fifty (50) gallons, how many, what percentages above a thousand (1,000) gallons, it could be presented in a table.

Lynk then related that maybe it's a combination of the two. Some people like to see graphics, some like to see tables and we could put information on the back of a spreadsheet that would show by county what has been reported because the table will be used to do the GIS map anyway.

New Business

Secretary DeBoer then presented information on putting SERC and LEPC information on the ND Department of Emergency Services website. DeBoer mentioned that other states have added this information to their websites. Some states include a copy of their SERC minutes, the SERC Membership to include the agency and discipline they represent. We're looking at adding that information in there for the future as well as information with regards to the LEPCs. We are looking at providing the LEPC Chair email and phone number and mailing address, but we will first have to poll them first to see if they are willing to share that information. We already have the Emergency Manager Listing on the website. DeBoer then discussed about where this information would be placed on the website. He mentioned that he was considering placing it under the Haz Chem Preparedness site as a link.

Fred Anderson then related that he thought that the site should be on the Home page so people would not have to go looking for it under some other location. DeBoer agreed that this could be done.

Secretary DeBoer then presented information on an Integrated Emergency Management (IEMC) Exercise involving hazardous materials that is tentatively planned for February 2014. The present scenario calls for a large hazardous materials spill (crude oil) on Lake Sakakawea. As mentioned the original was a pipeline spill in Lake Sakakawea. Tesoro Pipeline has a twelve (12) inch crude oil pipeline that runs under Lake Sakakawea, north of Charlson Field. It's an ideal spot. We were escorted to the site by personnel from Tesoro Pipeline and everyone got to see exactly where the pipeline runs under the lake. They were able to take pictures of the area and ask questions of Tesoro personnel. We then met with a production foreman from Petro Hunt, Doug Hanson who escorted everyone to one of their well sites which is approximately 100 yards from the south shore of Lake Sakakawea in Charlson Field. Discussion of well site activities occurred along with a display of equipment that is used for a response on water by Petro Hunt personnel. After much discussion about a scenario using the Tesoro Pipeline, the discussion turned to having something that stilled occurred on Lake Sakakawea, but not a pipeline release. Discussion centered around some wells that are close to the lake possibly having blowouts with product getting into the

lake. By having an incident on the lake, we could still deploy resources. We're not going to do a full scale, but we're considering doing a functional, showing the ability to pull this equipment out. The scenarios considered would be in the April, May or June timeframe with high water, a lot of rain, things of that nature. We're looking at water intakes on Lake Sakakawea and the Missouri River.

Emergency Management Institute (EMI) staff would like to have two (2) things happening. Start out with one and then something else happens and the thing that we came up with was all the increase in crude oil rail traffic based off of the Canada incident here in Bismarck. We're considering a train derailment between 5th and 9th streets that will affect the road, the underpasses, the hospitals etc. We just started discussing this and EMI is working on the scenario and we're having some difficulties with them sending us what they've already written up so we can work with the appropriate local, state and federal agencies that would be involved with the exercise.

Secretary DeBoer then presented information on House Bill (HB) 1149: He stated, for those of you that remember or don't remember, House Bill 1149 made Homeland Security/DES the repository for all hazardous materials incidents in the state and made us the agency that's required to make notifications to Oil and Gas, to the Health Department, to the emergency manager and any other local, state or federal agency if we get the call or a report. Presently we already contact the Health Department.

On September 24th we had a meeting with Oil and Gas, ND Department of Health, myself and the NDDDES Operations Chief discussions on this bill. Oil and Gas and the Health Department are going to be modifying their online spill reporting. There are certain requirements in state law now that both Oil and Gas and Health Department have on their fill in the blank forms. There is only one thing missing that is going to be added. We're going to be developing a reporting guide for private industry and local, state and federal, agencies intended to be a one stop shop for information regarding any reporting requirements, time frames, legal references, things of that nature. A rough draft has been developed and once we've got it flushed out a little bit more we're going to be coordinating with all the other appropriate agencies that have a stake in spills or anything. We've developed and we are in beta testing right now in Web EOC. When we receive any information, be it an oil spill report, an environmental incident report, NRC flash fax, we put it into a field so that we can query by county, by chemical, by product, by location, etc. This was started approximately two (2) weeks ago and we're still working out some of the bugs that are in there. How long it's going to take us, we don't know, but we hope to have it developed so that at the next SERC meeting we can show you how it works. In that board, when we do an entry, you'll be able to provide information for hazmat, for fires, for declarations so when the information comes in, it will just automatically be sent there and

we'll be able to take care of it. And then lastly, we've purchased some Web EOC notification plugins, which will allow Web EOC users to subscribe to status boards, like during a flood incident or a disaster, if you want to see how many declarations have come in, you'll have access to that status board for review, or if you want to see what streets or shelters are open, you'll be able to subscribe to it and have it come as an email in Outlook or pop up on your desktop so you can see the information. Also our intent is to leverage this plug in as an option and the user's being emergency managers, state agencies etc to subscribe. At this time, as an example, McKenzie County, if they subscribe to it, and they want to see just stuff that has occurred in McKenzie County, we can't break it down yet. They want to see the spill reports, well McKenzie, when they subscribe, they're going to get all or nothing. They're going to get the ones from Dunn County, from Mountrail, from Ward, from Stark, instead of just for McKenzie County. We're working on that to break it down further so they can just look at that. It's brand new. We're working on trying to get it put together since the plug in cannot, be customized just yet. We have to work with Web EOC Intermedix folks who just purchased Web EOC from ESI. Once this is in place it will allow us to work together. If it's an oil spill, if it's an EIR, a NRC flash fax we've got all this information. One of the things mentioned, by Vice Chairman Lynk, whether it's a small spill, large or a medium spill, or it's its 'Oh, my God, the world's coming to an end' type of spill, there's different legal information with the agencies. We're going to bring together our IT folks and our Public Information personnel to go over policies from each organization.

Bernadette Rose and Ray Figueroa from EPA Region 8 out of Denver were guest at this SERC meeting. Bernadette asked to provide some information to the SERC members. She indicated that EPA is working on developing a database containing all of the Region 8 states Tier II reports. This database would be used by them and other government officials that have a need for this information, say in regards to a hazardous materials incident. The system is being developed so that a subscriber could just go to any area, click on it and you'll see everything that's there. Bernadette related that the Region has not had a chance to request authorization from North Dakota for all of the Tier II information.

Secretary DeBoer related that it would not be a problem to provide that information to EPA as they are open records

Adjourn

The date for the 101st SERC meeting was set for December 4, 2013 at 1:30 p.m., at the ND Department of Emergency Services-Division of Homeland Security Conference Room, Building 35, Fraine Barracks, Bismarck, North Dakota.

A motion was made by Kathleen Spilman to adjourn, with a second from Jeff Bitz. The 100th SERC meeting adjourned at 2:55 p.m.

Respectfully submitted:

Greg Wilz, Chairman