



Missouri Emergency Response Commission
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Missouri Emergency Response Commission Agenda
SEMA State Emergency Operations Center
2302 Militia Drive
Jefferson City, MO 65101
Conference Call Number: 573-526-4747

1:00 p.m.
January 27, 2022

Welcome/Introductions

Commission members Present: Chris Berndt, Cory Jorgensen, Lisa Cardone, Rep. Bill Kidd, Rep. Sean Pouche, and SEMA Deputy Director Terry Cassil
Via Conference Call: Aaron Schmidt and Patrick Seamands

Staff Present: Mike Harris, Karla Marshall, Karen Eagleson, Lisa Jobe, Whitt Kellough, Sara Allen, Lana Nelson, Bobbi Kirkpatrick, and Lucas Carlson.

Guests: Jamie Kidd, Stephen McLane, Alan Cortvrient, and Shawn Counihan
Via Conference Call: Jodi Harper, Amy Cantrell, Justin Merritt, and Nick Tietsort.

Minutes from previous meeting:

Lisa Cardone made a motion to accept the October 28, 2021 minutes as written. Rep. Bill Kidd seconded. Motion carried.

Consent Agenda:

Rep. Kidd asked to delay the approval of the consent agenda; it is tabled for now.

Reports:

No additions to the agency reports previously provided to the MERC commissioners.

MERC Director Report

Second Quarter FY2022 Financial Report: The report was provided to all Commissioners prior to the meeting and in their folders. A synopsis is below:

Financial Update:

MERC

MERC SFY 22 Beginning Balance	\$782,653.46
MERC SFY 22 Expenditures	(-\$343,226.26)
MERC SFY 21 Carryover Payments	(-\$10,634.86)
MERC SFY 22 Tier II Payment Received	\$51,746.90
MERC SFY 22 Damage Funds Received	\$435.32
MERC SFY 22 Interest Received	\$1,159.98
Total Cash Balance Second Quarter SFY 22:	\$532,755.74

HMEP

HMEP year two ending balance carry over:	\$96,262.06
HMEP year three beginning balance:	\$308550.02
HMEP Expenditures:	\$64,884.02
Total Remaining All Years:	\$404,812.08

SFY 22 Appropriations: 01/18/22	Appropriation	YTD Expended
648 MERC Distributions – 0145 (HMEP)	\$750,000.00	\$279,819.96
1382 Firefighter Training – 0587 (FS)	\$100,000.00	\$16,850.00
3882 A G SEMA PS – 0587 (Payroll)	\$172,244.00	\$81,824.34
3883 A G SEMA E&E – 0587	\$85,117.00	\$26,236.64
3884 MERC Distributions – 0587 (CEPF)	\$650,000.00	\$180,101.70

EPCRA/Tier II Section, Lana Nelson and Karen Eagleson:

There is currently 2,369 active companies in the database. A total of 8,277 facilities have been submitted with a fee sheet. Separated by reporting year:

Reporting Year	Count
2021	1366
2020	6819
2019	73
2018	9
2017	6
2016	4

A total of 1,368 facilities are active but does not have a fee sheet submitted. Separated by reporting year:

Reporting Year	Count
2021	96
2020	434
2019	819
2018	5
2017	7
2016	7

50 nonpayment reminder letters were sent out last quarter. 15 of those letters were returned for a bad address. Those 15 letters have since been corrected and resent.

Karen Eagleson reported she is still sending out letters for 2019 and 2020. There are approximately 800 more letters to mail for 2020. There were approximately 2,000 letters from 2020. She discussed the process of sending out the letters and that the MERC is still catching up. A discussion took place as to why the investigation section came into play in the MERC.

New system updates: We are still working with OA on the many difficult issues for renewal.

Training and Exercise Section, Lisa Jobe and Whitt Kellough:

YEAR: October 2021 (PHMSA 2021/MERC 2022)

LEPC/LPED/Agency Name	Classes/Amount Applied For	Approved/Denied	Classes/Amount Awarded	Month/Year Scheduled
Adair	Hazmat Rapid Sizeup		2500	
	Ethanol		2700	
	MC306		2000	
Atchison	Chemical Suicide		700	
	Propane		2300	
	Hazmat Rapid Sizeup		2500	
Barry	Operations		3000	
	Awareness		2000	
	Hazmat Tech Refresher		3800	
Bates	Hazmat BLS		2000	
	Ethanol		2700	
	Hazmat Rapid Sizeup		2500	
Boone	Hazmat Tech Refresher		3800	

	Operations		3000	
	Anhydrous Ammonia Awareness		1000	
Caldwell	Chemical Suicide		700	
	Awareness		2000	
	Anhydrous Ammonia Awareness		1000	
Camden	Propane		2300	
	Awareness		2000	
	Hazmat Tech Refresher		3800	
Cape Girardeau (SEMO)	Class B Foams		2700	-
	Ethanol		2700	
	Chemical Suicide		700	-
Cooper	Anhyd Ammon Awareness		1000	-
	Hazmat Rapid Sizeup		2500	-
	Propane		2300	-
Clark	Air Monitoring		2000	
	MC306/406		2000	
	Hazmat Basic Lifesaver		2000	
MARC (Clay, Ray, Platte, Cass & Jackson)	Hazmat Tech 80 Hour		25000	
	Hazmat Tech Refresher 8 hour x 3 (shift friendly)		11400	
	Ignitable Liquids		2700	
Crawford (Meramec)	Propane		2300	
	Hazmat BLS		2000	
Dent (Meramec)	Propane		2300	
	Anhyd Ammonia Awareness		1000	
	Chem Suicide		700	
Franklin	Propane		2300	-
	Air Monitoring		2000	
Gasconade (Meramec)	Hazmat BLS		2000	

	Anhyd Ammon Awareness		1000	
	Propane		2300	
Henry	Hazmat Sizeup		2500	
	Ethanol		2700	
	Class B Foams		2700	
Hickory	Chem Suicide		700	
	Operations		3000	
	Propane		2300	
Holt	Class B Foams		2700	
	Anhyd Ammonia Aw		1000	
	Propane		2300	
Laclede	Hazmat Technician 80 Hour		25000	
	Anhydrous Ammonia Railroad		0	
	Propane		2300	
Lafayette	Anhyd Ammon Aw		1000	
	Propane		2300	
	Air Monitoring		2000	
Lawrence	Hazmat BLS		2000	
	Awareness		2000	
	Chem Suicide		700	
Livingston	Propane		2300	
	Hazmat Sizeup		2500	
	Chem Suicide		7000	
Maries	Propane		2300	
Marion	Hazmat Tech Refresher		3800	
	Anhyd Ammonia Railroad		0	
	Hazmat BLS		2000	
McDonald	Hazmat Sizeup		2500	
	Hazmat BLS		2000	
	Propane		2300	
Miller	MC306		2000	-
	Hazmat Sizeup		2500	-
	Propane		2300	-

Monroe	Air Monitoring		2000	
	Awareness		2000	
	Operations		3000	
Montgomery	Air Monitoring		2000	
	MERRTT - Radiation Training		0	
	Anhyd Ammonia Railroad		0	-
Morgan	MC306		2000	
	Propane		2300	
	Class B Foams		2700	
Newton	Propane		2300	
	Awareness		2000	
	Hazmat Sizeup		2500	
Osage (Meramec)	Hazmat Sizeup		2500	
	Chem Suicide		700	
	Hazmat Advanced Lifesaver		0	
Phelps (Meramec)	Hazmat Sizeup		2500	
	Chem Suicide		700	
Ralls (NEMO)	Chem Suicide		700	
	Ethanol		2700	
	Hazmat Sizeup		2500	
Shelby	Anhyd Ammon Railroad		0	
	Air Monitoring		2000	
	Chem Suicide		700	
St Charles	Hazmat Tech 80 Hour		25000	
	MERRTT (Radiation)		0	
St Louis County	Hazmat Sizeup		2500	
	MC306/406		2000	
	Chem Suicide		700	
Taney	Class B Foams		2700	
	Air Monitoring		2000	
	Hazmat Tech Refresher		3800	
Vernon	Awareness		2000	
	Operations		3000	

	Propane		2300	
Washington (Meramec)	Ethanol		2700	
	Class B Foams		2700	
	Operations		3000	

Chairman Berndt asked if the classes in green are the counties first choices. Lisa Jobe said that yes their first choices are in green. She noted if the county chose a cheap course, she would approve their second choice as well. Award letters are being prepared and will be sent in the near future. She will then begin scheduling the courses as awarded.

MERC Compliance Investigations Program:

Four facility investigations for non-payment of Tier II fees have been conducted since October of 2021. Two facilities have been brought into compliance including paying all fees and late fees for the past ten years. One facility has contacted the MERC and we are awaiting their payment. The fourth facility has been turned over to the EPA’s Criminal Investigations office for further action stemming from a fire at the Jennings Warehouse.

LEPC/Planning Section, Sara Allen:

Planner Updates

- New planner started November 15th -Lucas Carlson
- Currently covering all regions
- Completing 3rd hazmat plan review

MERC Newsletter

- Newsletters are sent out quarterly to the LEPC/Ds, after Commission meetings, to include all information and decisions resulting from the meeting
- Next newsletter releasing in February

Old Business

MERC NDI and Budget SFY 2023 Update

An additional \$100,000 allocation was added to the fund. CEPF allocations are to be used to pay out in the same year it received gubernatorial approval. Another \$45,000 was approved by Governor Parson as a Tier II supplemental equipment allocation. The MERC is normally allocated \$85,000.

The NDI request was for one FTE and \$47,000 salary allocation. The one FTE was approved. The salary allocation was denied. Therefore, Whitt Kellough will remain a contract employee and the NDI will be resubmitted next year for one FTE and the salary allocation of \$47,000. A grant program was expanded to LEPC/Ds to give extra funds for other than hazmat. A \$100,000 appropriation was requested. A microgrant for \$1 million was approved. Rep. Kidd explained the state had billions to spend. This microgrant was part of a \$2 million grant of which SEMA received \$1 million for cleanup of debris and the MERC received the other \$1 million. SEMA Deputy Director Terry Cassil stated this will allow SEMA to provide assistance to smaller counties where debris removal expenses are excessive but do not meet disaster declaration criteria. Rep. Bill Kidd and Rep. Sean Pouche noted that this may not happen again in the next fiscal year as this funding came from the federal government.

Director Harris is tasked with setting good criteria and ways to spend the funding. Any LEPC/D recipient must be CEPF compliant and EPCRA compliant.

MERC LEPC and Hazmat Conference Update

The MERC Symposium has been cancelled for 2022. We are sponsoring the EPA Region VII which is set for June 7-9, 2023 at the Hilton Garden Inn in Independence, MO. The conference committee is being mindful of COVID.

There will be a virtual SEMA Conference in 2022 due to COVID concerns.

MERC staff will be holding regional LEPC-101 meetings in 2022. These will consist of four-hour training for LEPC-101, state and federal statutes, HMEP, CEPF, Flow Study processes in order to educate all regions. PIO Caty Luebbert will work on getting this information out to the regions.

EMD Exclusion Policy Repeal Update

The repeal is still with DPS Director Sandy Karsten. She is having her legal team do a legal and viability review. If no decision is made by July 2022, the Commission will need to review the repeal. The process will begin again.

A discussion ensued regarding the issues involved in removing the EMDs from holding the office of either the LEPC Chair or LEPC Vice Chair.

Local Emergency Planning Districts Designation Update

Tabled until the after legislative session due to potential legislation.

Legislative Update

There are no updates on legislation. The change to move the cap from \$1 million to \$5 million was not moved on by the legislature. Executive Director Mike Harris said we need a decision,

motion and vote to request special dispensation from Governor Parson to waive the \$1 million cap this year as we are already over by \$100,000 and still have 800 facilities to file their Tier IIs. There was a lengthy discussion on how what is appropriated isn't what is collected and how we came to be over the fund cap. \$650,000 is appropriated but the MERC must ask for the appropriation.

Rep. Kidd wants language to fix the issue to read that the appropriation is what is collected. Director Harris noted in the future the fund cap must be raised legislatively as the problem is the appropriation. Our legal counsel informed Director Harris we can request dispensation or a waiver from Governor Parson to cover the overage this year.

Cory Jorgensen motioned to request special dispensation to waive the fund cap of \$1 million for the 2022 filing year. Rep. Bill Kidd seconded. Motion carried.

New Business

Proposal for Quarterly Reports from LEPC/Ds

The Commissioners voted to repeal the EMD Exclusion Policy, therefore in order to ensure misappropriation of LEPC/D funds wouldn't happen again, Sara Allen began asking for quarterly financial reports from the LEPC/Ds as an audit mechanism. Sara explained that receiving quarterly reports will help keep track of expenses and fix any financial issues. There was a lengthy discussion of the burden on LEPC/Ds.

As education has been done, it still shows some still do not follow the rules, regulations and statutes. Sara noted that it doesn't cause any additional work. She uses this mechanism to review expenditures and deposit as there has been misspending of other deposits such as COVID funds. The LEPC/Ds simply request the County Auditor provide the report to Sara.

SEMA Deputy Director Cassil suggested sending a template on what is needed as a means to set the LEPC/Ds up for success. Rep. Kidd suggested putting reminders in the quarterly newsletter sent out to the LEPC/Ds. Lisa Cardone stated this needs to be part of the educational piece and why it is important. Cory Jorgensen doesn't want to have it seem as the MERC is micromanaging the LEPC/Ds; it's common sense. Director Harris requested the MERC Commissioners motion and vote to approve having quarterly reports provided to Sara through June 30, 2024.

Patrick Seamands motioned to have the LEPC/Ds submit quarterly financial reports to CEPF until June 30, 2024. Rep. Sean Pouche seconded. Motion carried.

Process of Bringing Items to the Commission which Require Additional Work of the LEPC/Ds

Rep Kidd noted we need to make sure we are not making more difficulty for the LEPC/Ds. We need to show the value to them and the value of the commission. Let them know what they are getting for the fees that are paid on Tier IIs. We shouldn't lose vision of that.

Director Harris discussed his responsibilities in ensuring the rules, regulations and statutes are carried out as written. He will not break the law or bring liability on the Commission. He has been instructed to get the LEPC/Ds in compliance and has been working to that goal for over a year. Chris Berndt noted he got on the Commission to help the local and encourage them to be the best they can be.

Lisa Cardone asked about optional distribution. Staff explained the process and how the reports are provided to the LEPC/Ds and local fire departments. If optional distribution is not chosen, the facilities are responsible to send a copy to their LEPC/D and local fire department.

Requests need to be put in the newsletter and possibly online. Alan Cortvriert stated the requests/information need to get to the right people in the room. Chris Berndt requested the newsletter be sent to all MERC Commissioners.

OPEN

New System Discrepancy

It came to the attention of the MERC that the new computer system did not calculate CEPF payments correctly for 2021 for close to \$75,000 total discrepancy at this time. Karen Eagleson discussed the payment processing system. Mike is working with SEMA's Fiscal to take care of situation. The glitch is supposed to be fixed by OA ITSD shortly. Mike doesn't trust that at this point.

There are two options to resolve these issues:

- Let the system fix the issues with the 2022 CEPF payments.
- Have the SEMA Fiscal Section correct the shortages/overages

A discussion ensued regarding what can be done legally along with the reason behind the discrepancies. The Commission requests a personal letter from Director Harris with an explanation of what happened and how it is to be rectified. Mike will get started on the letters as soon as possible.

Mike noted it will have to be determined which facilities filed on time and which filed late. He will work to proceed with helping those who filed on time get their money as quickly as possible. Rep. Kidd noted it needs to be a priority; however, there are too many unknowns at this time.

It was noted that the new system is operational but still glitching. MERC staff are working diligently to rectify all the issues with ITSD. The LEPC/Ds also should make sure all facilities who should be filing are doing so and track this every year.

Applying for Two New Grants

The Hazardous Materials State Inspection Grant is a \$250,000 grant which will help the MERC assist the Missouri State Highway Patrol with commercial vehicle inspections.

The Pipeline Emergency Response Grant is another \$250,000 grant for training our first response in pipeline locations with vulnerable populations. The difference is this will be for first responder training for those not responding to the breaks.

Other

Put together document describing forms and filing. A Regional Coordinator requested a presentation on farms (family vs industrial) so the MERC was asked to do regional meetings for LEPC/Ds.

Chris Berndt asked about Flow Study applications as he thought the Commissioners were to approve those received. Mike noted since it is utilizing HMEP funding, commission approval is not needed. Karla Marshall provided a report of those receiving, denied, approved and the one pending. Mike stated we had to put a cap of \$10,000 for the estimated cost. If the LEPC/D has a certain amount or above in their bank account, then they should not apply for a flow study. Mike stated we will discuss another day. Karla will send a copy of the flow study spreadsheet when all are either approved or denied with the estimated costs.

Cory Jorgensen motioned to adjourn the meeting. Lisa Cardone seconded. Motion carried. Meeting adjourned at 2:59 pm.

The next MERC Commission meeting is set for April 21, 2022 at 1 pm at the SEMA Governor's Conference Room and via conference call at 573-526-4747. Lunch will be provided prior to the meeting.

Respectfully Submitted,

Karla Marshall