



Missouri Emergency Response Commission

2302 Militia Drive PO Box 3133

Jefferson City, Missouri 65102

573-526-9113

Date and Time: April 12, 2024 10:00 am

Location:

State Emergency Management Agency

Governor's Conference Room

2302 Militia Dr.

Jefferson City, MO 65102

WebEx Call In: (650) 479-3207 Meeting #: 2631 416 2019 Password: MERC24

Attendees:

Karen Eagleson, LeAnn Hoelscher, Lisa Jobe, Stephen McLane, Lana Nelson, Sara Allen, Kim Brundage, Kelby Kornrumpf, Alex Fisher, Cory Jorgensen, Chris Berndt, Greg Landwehr, Sean Counihan, Brandon Jensen, Lisa Cardone, Cody Garner, Representative Tim Taylor, Valerie Wilder, Terry Cassil

Online:

Patrick Seamands, Jason Mouser, Kim Boyer, Lonnie Sensenich, Ralph Siccama, Stephanie Norton, Tim Clarkson, Sarah Russell, Jeremey Hollrah, Tammy Snodgrass, Bruce Dewsberry, Joey Brown, Andrea Farr, Larry Woods, Ron Stewart, James Farmer, Brad Wright, Tim Bean, Jodi Harper, Robbin S., Ron Stewart, David Sewell, Shea Lane, Cindy?

Welcome/Introductions

Minutes

Approval of Minutes

Motion: Patrick Seamands

Second: Brandon Jensen

Approved

Approval of Consent Agenda

Add ERG Distribution under new business.

Motion: Sean Counihan

Second: Cory Jorgensen

Approved

Old Business:

MERC Budget and Staffing-

New staff- For the first time in Stephen McLane's tenure, we are fully staffed in the MERC. Alex and Kim introduced themselves. Kim is assisting Lisa in training and Alex will be assisting LEPC's and doing hazmat plans and exercises.

As far as budget goes, the items we need to discuss are bulleted items in the agenda.

Tier II System-

We have a meeting with the developers on May 9 to discuss 27 issues we found this year. The data in the system has issues. We requested new GPS coordinates from all filers to try to make that data better. We got somewhat better data but there are 50 or so facilities plotting outside of the State of Missouri and several of the facilities, the GPS coordinates don't match the county. For example, we have one facility plotting in Hallsville that exists in Johnson County. We are hoping the system can do some data verification. We had a request for TRI (Toxic Release Inventory) data, and we realized that since we don't have data verification, people can put in there whatever they want.

Also, an issue with funds collection: the number we are tracking, the system and the state's fiscal system don't match. That's part of what we want to improve. We flirted with \$1 million. We were at \$900,000 and something. We will go over by June because we are finding non-filers and nonpayers.

Our issues are that our allocation is capped at a million. Even if we collect more than a million, we can only give DFS \$100,000. Whether this year or next year, we will hit the million. We need an increase in our spending authority.

Could this be tied to something so every year it increases with some index.

At some point the legislation needs to be looked at and updated to the current year. It's all based on how the world was in 1986. The world has changed since 1986. We haven't kept pace in how the world is now. It's all based on 1986 dollars. Costs have all increased: staff training, hiring quality employees, buying four gas meters, etc.

We can't be the only group dealing with this. One million in 1986 is way too short. We should look at what other groups are doing.

Two problems: the million-dollar cap and the spending authority.

As far as spending authority- SEMA should have ability to change how spending authority is allocated. Can't SEMA control what's allocated to both sides: E&E and Personal Service.

It would require a New Decision Item to increase that spending authority.

Update on CEPF fund distribution to Counties-

We are getting caught up after many of the staff were off due to legal review of contracts.

We just released \$28,567.14 in CEPF funds.

Sara is meeting with many LEPC's on CEPF applications.

Chris Berndt- On a personal note, we just finished ours with Taney County. It was great working with Sara. Best we've ever had it.

Discussion of LEPC/LEPD Grant-

We have a few folks out spending their money (almost a million). They will need to put in their claims so we can begin reimbursing it.

We didn't have an over abundance of applications. I think people are scared of the fact that it's a reimbursement grant.

A lot of boom and pad are being purchased. Other items are being purchased, training is being done, equipment is being purchased. The big thing that will be a hot ticket item next cycle round is the purchase of AFFF foam because of another project between MERC, DNR and other agencies. Probably a good use of those funds.

FY 2024 Sunset of Fee Structure-

Passed the house 3-27-24.

On the house side thanks to Tim Taylor's hard work, it got through committee with no issues and passed out of the house. On the senate side it's still stuck in committee.

They did have a hearing.

We were surprised at all of those who came to testify. Fire Service, Ambulance, Petroleum Marketers, etc. No negative comments. Petroleum marketer did ask to not do away with the sunset.

Tim Taylor said that there will be folks on the house side that would be hesitant to support the bill if it came back to the house with no sunset.

The house bill is at the senate.

The senator's version does ask to remove the sunset. If the senate version comes to the house Tim Taylor thinks he will be able to get it worked out. He has been working on senators at every opportunity.

It's getting late in season. We're going to have to figure out worst case scenario if it doesn't pass this year and does that change anything next year if we try to reinstate it.

Stephen has said:

We have collected the money for FY25's functionality. We will function through 2025. We are always a year behind in collection. Before this can come up again, we will be in the collection process for 2026. Even if we put an emergency clause on it, will anyone allow us to go back and collect funds from folks who have already filed?

Federal requirement to collect Tier II's. They will continue to be collected.

Or do we change the funding of the MERC to General Revenue?

Tim Taylor: We still have some time. My bill is still over there and we will keep working on it at every chance.

Terry: In history a lot of things get done in the last 48 hours.

Tim Bean: Could the MERC commission reach out to your personal senator and let them know how important this is and why? It would be worth your time and energy to do this.

It's in the Transportation Committee right now.

Tim: Cindy O'Loughlin is the hitch pin and Travis Fitzwater. Make contact with your senators.

Chris:

Would the commission like to do this? Yes, Stephen will work on a letter to send out.

LEPC/D Expense Guidelines-

Placed on hold due to staffing issues. We will reengage this process once the CEPF's are processed and the money goes out. Getting funds out is our biggest priority at this point.

There are some trends on what people are spending money on. One of those things is trailers because they had all this training and response equipment and need a way to move it. At some point in the commission's history, they said they won't allow it due to maintenance, wrapping, insurance, flooring, tires, etc. They want to spend funds to do that. They currently are spending the funds on this.

Corey-I totally understand why they want to do that because most of the LEPC's might operate out of a trailer.

EMP, last couple years, they could only fund personnel. At one time they were allowed, but not now. LEPC is only getting CEPF money, no other funding source.

Chris- As far as I'm concerned, if we allow it, tie it to something if possible.

Stephen will reach directly out to PHMSA and ask what their guidelines are in trailers, etc.

Terry- It seems that we have people re-skinning trailers and putting floors in trailers, are they past their life expectancy?

Some LEPCs acquire assets from other LEPC's or are maybe donated.

Tim Bean- We used to solicit the RSOC's for maintenance and equipment for our trailers.

Saline County wishes to join Lafayette Carroll LEPC (Riverbend LEPC)-

Their request is in your packet. MERC staff has no issues. They would be a good LEPC. Saline has had meetings about it and Riverbend has had meetings about it. They've been working together. Need a motion to allow Saline County to join with Riverbend.

Motion: Corey Jorgensen

Second: Lisa Cardone

Passed

By-Law Update-

Chris- The bylaws we have are old. Her suggestion was that we need to look into this. We need to figure out where this commission interacts with SEMA and DPS and change our bylaws to reflect accurately what we are doing. We also need to change the names on the bylaws, they are all outdated.

Lisa C.- We do need to update these bylaws to be more current. The current bylaws have a date of 2018. It says they should be updated every 2 years.

Lisa C. suggests that we update what we have and then figure out how we interact with DPS and SEMA.

Stephen- While you are doing that, take a look at what the law says. In some places it says the commission will do something and some will say the department will do this. This might save some trouble on the back end.

Cory- Should we form a committee to look into this or does the MERC staff do this.

Cory, Lisa, Patrick and Sean will work on the bylaws together and try to have something to send out prior to the next meeting.

Cory will head the committee. Cory will send out a Webex or something so they can discuss.

HMEP Training and Grant update-

Classes are being scheduled; attendance is good. We are still waiting for DFS and OA to get a hazmat tech class we can offer. As soon as we have a contract, we can do that.

Greg- I have three RFP's out to OA. They close on the 14th and 16th. We are hoping by May 1 to have a vendor for Hazmat Tech 80 Hour. It's a qualified vendor list, there may be multiple vendors. If a vendor can't perform, it goes down the line after starting at the low bid.

We met with a little push back on a decision that Stephen made. It was to not offer any A/O classes. We decided we would concentrate our training on classes that aren't A/O classes but if someone wants a book, we will offer the books as long as the funding holds out.

On the RFP for Hazmat Tech 80 Hour is a contract for stand alone A and O classes.

We should have some options out there. Next Federal FY we will have an idea how this works out.

So far, we have only had one county request books: Holt.

Go to STEMS and sign up for classes.

New Business:

Training Trailer Purchase-

One of the things that came out of the fact that we can't have our own instructors is that we have a lot of training equipment sitting in the warehouse that has no use. We used to pay a vendor to move that stuff around for us. It was incorporated into his training class, and he hauled it around.

The idea is that we put it all on a training trailer and allow LEPC's to have access to the equipment.

Two tank truck props.

Raman

2 pallets of training suits.

Thought process is to put it on the trailer and LEPC's can reach out to borrow the trailer.

For customer service's sake, we would figure out a way to deliver it and then go pick it up.

No way to provide instructors but we do have a bunch of equipment.

Stephen has the funds to purchase a trailer but based on the conversations we had before about trailers, then we need to see what the commission thinks about it.

Representative Taylor found in HMEP grant guidance that trailers are allowed under HMEP. SEMA will supply the tow vehicle.

There's been some hallway conversations with DMAT about a trailer they no longer need. – Terry said we will buy a new one instead.

Stephen has a meeting with fiscal after this to discuss that potential purchase as part of the end of the year spending.

What does the commission think about purchasing a trailer?

Where will we keep the trailer?

Terry- It will be our goal for it not to sit outside.

Brandon- Do you anticipate having funds for ongoing costs?

Lisa- What if something gets torn up while someone is using it.

We will have to work that out before we agree to do that.

There's the ability to put this into the HMEP grant.

If it turns out something that state folks use a lot, we can integrate this into HMEP grant applications.

If it never turns a wheel and nobody uses it, then no improvements made.

The LEPC's we have talked to are excited about the opportunity.

The general consensus was that it sounds like have the money to purchase so go forward.

Accelerated approval of Commission Meeting Minutes-

Patrick- We are approving minutes from a meeting months later and wondered if it would be of value to LEPC's to have minutes available sooner and without undue burden on MERC staff, could we get those out sooner.

Cory- That's a bylaw issue and the bylaw committee can discuss offline.

Stephen- It wouldn't be a huge lift on the staff to have them done within a few weeks of the meeting. We could have a quick turnaround without a lot of trouble.

Stephen has had several requests for meeting minutes but is unable to send them out until after they are approved.

Sometimes we do important things that the staff starts working on right away, but the minutes don't reflect that until the next meeting.

Patrick- We could do approval by email. Would we amend the bylaws to require a certain percentage?

CEPF award procedure-

Application vs. post award audit

Stephen gets a lot of flack about how we do it they way we do it.

The law says the money belongs to LEPC's and we are to give it to them. It also says if they have misappropriated the funds, we have the opportunity to go after them to get it back.

Somebody a long time ago decided it was a good idea to have an application to release the funds rather than auditing the money after the fact.

Proposed list of changes to the law would be to fix that so that some lawyer doesn't say that the law says you have to give us the money and then sue us to get it if its spent wrong.

Stephen wishes more LEPC's would apply for the money.

Commission requires annual exercise of the plan.

Even a discussion-based exercise or a PAM meeting could cover that requirement. We have gotten compliance down to a bare minimum.

The current compliance checklist is truly only federal, state and MERC commission required. About half of that checklist is not something you have to do every year. There's a very minimum amount of things that have to be updated:

How to spend money?

How are you finding your facilities?

LEPC membership

The application mirrors the checklist. If it's not on the checklist, it's not in the application.

Just wanted to discuss why we do it as an application process.

Terry- Here at SEMA, everything we do is an application and a reimbursement. There's never any money that goes to local community without an application.

We do everything on application and reimbursement.

There are some communities that are hesitant because it's a reimbursement process.

Chris- Even for the local, you want it this way for your protection.

Sara- We don't have the staffing to do an ongoing audit.

No need to vote, just an open meeting discussion.

Henry County LEPC- Bruce Dewsberry

I agree with the application process, the LEPC's are all volunteer. The workload does fall on one or two people to meet all of these requirements. Just throwing this out there for discussion.

ERG Distribution

We got our first truckload of ERG's in. This will fill all the requirements minus one pallet.

Previous plan is that everyone had to come to Jeff City to pick up their ERG's. We are working with SEMA regional coordinators to figure out storage and distribution points.

Some have ordered enough ERG's to get their own delivery.

Goal is to have the ERG's out of the DMAT warehouse by May 15.

State agencies have theirs already, along with Cole, Boone, Camden Counties.

Making a big delivery to the Region F meeting next month.

Tim Bean-

Would open opportunity for regional coordinators, testing, mutual aid, etc., they would offer to help distribute those.

Terry Cassil-

We will use the SEMA regional coordinators also as we can. We could have someone from logistics here to take one of the box trucks to distribute those.

Chris-

Thanks for getting those out rather than having them come here to get them.

MERC Staff reports:

CEPF- Not previously discussed

Nothing here

HMEP- Not previously discussed

Nothing here

Director Items- Not previously discussed

Nothing here

Partner Agency Reports

DHSS

Did not submit a report. Cory said spring is always busy.

New REP program director at SEMA.

RAD is one of those strange hazmat's that is multi boundary.

DFS

Greg Landwehr- CEPF fund we expect to expend all of it. The training calendar is now full.

Stephen- One of the things I was worried about happening is now happening. We have vendors who are unable to meet the requirements of the requests.

Greg- We have pushed out a million of training in a 5-5 ½ month period. We only have so many vendors around the state to do this training.

We will have these contracts for 4 years. Some classes being scheduled on a rolling calendar instead of having a rolling stop of training.

Stephen- We have some holes where training isn't happening.

South Central, All of North, Northwest. A lot of departments don't know about contracted training. There are a lot of classes out there that would go if they are put out in these regions. If you aren't getting classes to the north side of the state, they are tied up with training between November and mid-March. Which throws HMEP into a problem because we don't get funds allocated until October.

NFA fund is on the same schedule as HMEP.

Tim Bean- I'd like to add that I've really enjoyed the relationship with Stephen and his people and the great dialogue we have had with MERC recently. We are in a good place between our agencies and the commission and staff.

EPA

Valerie- No report unless anyone has questions. No questions.

Jodi Harper- We have had a few new hires at Region VII. Be on the lookout for new staff members as they get trained.

MoDNR

Should have a report in everyone's packet. We have aging equipment and are looking to address some of that and upgrade some of our equipment and getting back up to speed.

7th CST

Nobody present

Andrea Farr- Hazardous Waste Management Commission and Northeast LEPA?

Need to add meeting minutes instead of just agenda.

Discussion about bylaws, etc.:

A recommendation would be to have a document that would have hyperlinks to actual Missouri Revised Statutes and what the grant money can be used for and maybe having something that can delineate approved purchases and non-approved purchases.

Chris- We are working on trying to clarify all of that.

Stephen- It should be online.

Sara- Mark should have that information because that is the back part of every application.

Stephen- We didn't get the current year application online. We will work on it.

Next meeting:

July 18, 2024

10:00 am

Governor's Conference Room or on the SEOC floor

Adjourn:

Motion: Cory Jorgensen

Second: Sean Counihan

Approved