



**Missouri Emergency Response Commission**  
2302 Militia Drive PO Box 3133  
Jefferson City, Missouri 65102  
573-526-9113

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

10:00 a.m.  
October 27, 2022

**Welcome/Introductions**

Commission members Present: Chris Berndt, Cory Jorgenson, Lisa Cardone, Aaron Schmidt, Steve Besemer (for SEMA Director Jim Remillard)  
Via Conference Call: Patrick Seamands

Staff Present: Mike Harris, Karla Marshall, Lisa Jobe, Lana Nelson, Bobbi Kirkpatrick, Sara Allen, Karen Eagleson, sand Lynn Schmitz

Guests: Jodi Harper, Alan Cortvrient, Sean Counihan, Amy Cottrell, Matt Loehr  
Via Conference Call: Timothy Gablehouse, Christina Smith (for Rep Sean Pouche), Tammy Snodgrass and Stephanie Norton

**Minutes from previous meeting:**

Cory Jorgenson made a motion to accept the minutes for July 28, 2022 as written. Aaron Schmidt seconded. Motion carried.

**Consent Agenda and Reports:**

Aaron Schmidt made a motion to accept the consent agenda for October 27, 2022 and no additional changes to reports. Patrick Seamands seconded. Motion carried.

**MERC Director Report**

Second Quarter FY2023 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 23 Beginning Balance	\$1,009,648.91
MERC SFY 23 Beginning Interest	\$53,676.19
MERC SFY 23 Beginning Damage Fund	\$438.77
MERC SFY 23 Expenditures	\$209,499.80
MERC SFY 22 Carryover Payments	(-\$11,755.66)
MERC SFY 23 Tier II Payment Received	\$10,537.78
MERC SFY 23 Damage Funds Received	\$433.62
MERC SFY 23 Interest Received	\$3,109.79
<b>Total Cash Balance First Quarter SFY 23:</b>	<b>\$856,589.60</b>

**HMEP**

HMEP Total SFY 23:	\$491,796.00
HMEP expensed through October 21, 2022:	\$21,769.99
<b>Total Remaining SFY 23:</b>	<b>\$469,999.01</b>

<b>SFY 22 Appropriations: 10/17/22</b>	<b>Appropriation</b>	<b>YTD Expended</b>
648 MERC Distributions – 0145 (HMEP)	\$750,000.00	\$111,144.61
1382 Firefighter Training – 0587 (FS)	\$100,000.00	\$22,000.00
3882 A G SEMA PS – 0587 (Payroll)	\$183,956.00	\$46,968.77
3883 A G SEMA E&E – 0587	\$130,117.00	\$9,809.78
3884 MERC Distributions – 0587 (CEPF)	\$750,000.00	\$109,942.11

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

Comparison from 2020 to 2021. There is a little bit of a decline.

Number of Active Facilities for Year: 2021	Active Companies
<b>7445</b>	<b>2669</b>
Number of Active Facilities for Year: 2020	Active Companies
<b>7555</b>	<b>2669</b>

Karen, Whitt and Lana split up the different regions to get a list of facilities per counties that haven't filed or haven't paid.

Lana had region H & A. Sent out 72 letters for total of both regions. I have 24 letters to which I've had no response at this time. Planning to call these facilities or email them next week.

We've got the majority list accounted for, but will give you the full count at the next commission meeting on the facilities that haven't filed nor paid.

Lana is assisting Bobbi with the 2018 tier IIs in archiving. I'm the EPCRA specialist, my duties are to check at least 10% of all filers to make sure everything is correct, so in assisting Bobbi I'm able to check these files together.

## **EER & Flow Studies: Karla Marshall:**

**EER:** There were 214 EER spill reports forwarded to me from the Department of Natural Resources. After researching, 13 letters were sent to facilities who did not show as filed in our Tier II system. This brought in three previous filers – Thomson’s Country Store, The Station at Three Points and the City of Des Peres, MO. One facility was forwarded upward due to lack of appropriate response - BF Byproducts. One facility has been contacted to provide additional information - RMR Group and another has been forwarded to Lana to contact as they did not file for 2020 on any of their nine facilities - Chrisman Oil/ Chrisman LP.

**Flow Studies:** One LEPC is being processed for reimbursement. Four have until Wednesday, October 5, 2022 to have their financial breakdowns with receipts sent into the MERC. Two received extensions for extenuating circumstances. The Saline County LEPC deadline was extended until September 30, 2022. The Taney County LEPC deadline was extended until October 15, 2022. Both extensions were granted by Executive Director Mike Harris.

## **Training, Exercise and Outreach Section, Lisa Job and Whitt Kellough:**

### **MERC Courses**

July 9 Operations- Springfield  
July 16- Hazmat Rapid Sizeup- Pittsburg  
July 21- Hazmat Tech Refresher- Hannibal  
July 22- Hazmat Tech Refresher- Hannibal  
July 23- Awareness-Nevada  
July 23- Propane- Neosho  
August 1-5 & 8-12 Hazmat Tech 80 Hour- Joplin  
August 9-10 – Propane- Cuba  
August 16-17- Ethanol – Potosi—CANCELLED LOW ENROLLMENT  
August 22-23 – Propane- New Haven  
September 1- MERRTT – St Peters – CANCELLED LOW ENROLLMENT  
September 6- Air Monitoring- Montgomery City  
September 7-Hazmat Tech Refresher- Springfield  
September 8 - Hazmat Tech Refresher- Springfield  
September 9 - Hazmat Tech Refresher- Springfield  
September 10 – Air Monitoring – Kahoka  
September 14 – Air Monitoring- Shelbina—CANCELLED LOW ENROLLMENT  
September 17 – Chemical Suicide- New London  
September 17 – Class B Foams-Branson  
September 20-21- Propane-Vichy  
September 21- Air Monitoring- Paris  
September 24- Hazmat Rapid Sizeup- St Elizabeth  
September 26-30 & 10/3-7—Hazmat Tech 80 Hour- St Peters  
10-14 -- Chempack/SNS- Jefferson City  
10-15 – Chempack/SNS-Jefferson City  
10-22-- MERRTT-Branson  
10/24-28 & 10/31-11/4—Hazmat Tech 80 Hour- Springfield  
10/26-30-- Hazmat Operations- Cassville

## **2023 Central States Hazmat Preparedness and Planning Conference**

June 7-9, 2023

Hilton Garden Inn

19677 E Jackson Drive

Independence, MO 64057

Planning continues. Save the dates have gone out. Registration opens mid-October:

[www.missouritrooper.com/2023HAZ](http://www.missouritrooper.com/2023HAZ)

### **Pipeline Association of Missouri Regional HSEEP Meetings:**

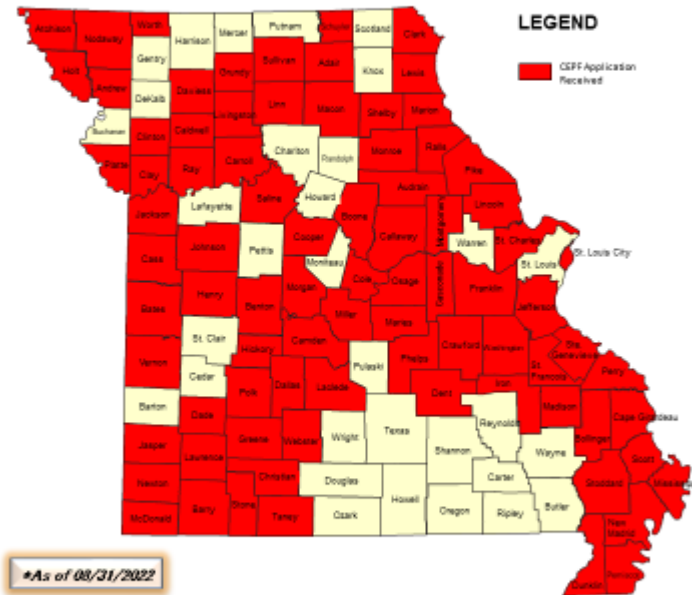
The MERC Team is attending these as part of our partnership with PAM. Our job is to distribute ERGs to first responders & take notes and complete the AARs for the exercise.

- 9/27/22 Hollister
- 9/29/22 Springfield
- 10/3/22 Lebanon
- 10/4/22 Mountain Grove
- 10/5/22 West Plains
- 10/10/22 Cape Girardeau
- 10/11/22 Caruthersville
- 10/12/22 Farmington
- 10/13/22 Maryland Heights
- 10/17/22 Rolla
- 10/18/22 Linn
- 10/19/22 Sedalia
- 10/24/22 Kansas City
- 10/25/22 St Joseph
- 10/26/22 Bethany
- 10/31/22 Moberly
- 11/1/22 Mexico
- 11/2/22 Kahoka

### **LEPC/Planning Section, Sara Allen:**

Sara will discuss issues with the LEPCs and LEPDs as well as planning.

## 2021-2022 CEPP Applications Received



- MERC Hazmat Planners
  - (2) New planners have been hired and we are currently fully staffed in the Planning Dept. The planners will also take on the role of reviewing and approving the annual hazmat exercises in their region.
  - Sara Allen-Region C/E
  - Lucas Carlson- Region H/A
  - Karen Eagleson- Region D/I/G
  - Lynn Schmitz-Region B/F
  
- Annual Hazmat Exercises
  - An additional option has been provided to the LEPC/Ds to complete their annual hazmat exercise to maintain compliance. The new option will allow the LEPC/D to attend a PAM exercise and return to their LEPC/D for discussion at a meeting and complete an AAR based on their specific jurisdiction. A template has been sent to the LEPC/Ds.
  
- New Hazmat Plans
  - I completed the Access & Functional Needs two-day training with David Whalen from Niagara University. I am integrating the knowledge gained from the training into the new hazmat plans. Upon completion, I will confirm with Dave Hensley and/or Jodi Harper our EPA contacts, as well as Director Vicki Davidson

from MO Developmental Disabilities Council to confirm I have met the required compliance standards at the state and federal level.

- 2021-2022 CEPF Application
  - A map has been included showing the CEPF applications received.
  - A map will be included showing the CEPF applications that have been distributed as of October 27<sup>th</sup>.

The Missouri Emergency Response Commission(MERC) has announced that all LEPC/D's that attend the PAM meetings and take the information back to the LEPC/D meeting and do a follow-up discussion from the Pam meeting will be allowed to use it as their annual exercise.

The LEPC/D will need to discuss the PAM exercise, choose a local location, answer the following questions, and complete an After-Action Report (AAR). MERC will also need a copy of the LEPC/D meeting minutes when the exercise was discussed and the list of attendees.

## **OLD BUSINESS**

### MERC NDI and Budget SFY 2023 Update

NDI stands for New Decision Item. No NDIs were given to the MERC; as well, the MERC was denied any legislative changes. According to Mike Harris, we will have to deal with the current legislation for two additional years. He explained the issue with the CAP and processing overages since we didn't receive new legislation.

### Update on Tier II System:

As it stands, the system is working. There continue to be glitches and ITSD is fixing them as they come. Often the fixes cause other portions of the system to have issues. The system is not working as we requested it be built. ITSD ran with some of their own ideas instead of following the specifications requested of the system by the MERC.

The biggest thing now is if the CAP comes into play and we have to do credits. ITSD is working on it; however, it appears we will have to process those manually.

Karen was asked by Hazard Mitigation to provide a list by county for all Extremely Hazardous Substances (EHS). Some history is that the old system (LOTUS) automatically checked this box as it used the List of Lists. The new system is too large to provide this same service. Karen is going by facility to check to ensure all EHS are noted correctly on Tier IIs. In doing this check, it has been found that several thousand facilities (as of this date) are not reporting as required. Mike stated that once this is completed by Karen, it will take a while to fix. Commissioners asked what the issue is. Mike and Karen said some are using wrong CAS numbers, misstating chemical or not reporting. Mike informed the commissioners that we are giving everyone the benefit of the doubt that this is not malicious. Karen said that the biggest problem so far is that everyday chemicals such as propane aren't being realized as an EHS. Once completed, Karen will send an email to each facility informing them they need to update their Tier II with the

corrected information. EPA's Jodi Harper mentioned that EPCRA 311 specifies EHS. Chairman Chris Berndt if it depends of the substance and also by weight. Mike responded, yes.

Chris asked if we are making progress with the system issues. Karen said yes and restated that when one issue is fixed often another one or two evolves. She also noted that the payment system is on a separate server and is not part of the Tier II system. ITSD is fixing the glitches as quickly as they can. Mike pointed out there is a line item for updates and maintenance. A discussion ensued regarding other options for Tier II submission. Patrick Seamands asked "what are the fixes costing?" It depends upon the fix needed. At this point, if we shut down the system and chose an alternative, the Governor would ask questions on why the current system could not be fixed.

### Local Emergency Planning Districts Designation Update

A colored map was provided to the commissioners. The black colored counties have opted out and will be designated as an individual LEPC. St. Louis City and St. Louis County are opted out by legislation. All counties have until December 31, 2022 to opt out of the LEPC in which they were placed. If they are not active LEPCs or cannot achieve a quorum, they cannot opt out of their respective LEPC designation.

Lisa Cardone made a motion to accept the black colored counties as LEPCs. Patrick Seamands seconded. Motion carried.

Chris asked what happens if a LEPC doesn't say anything. They remain in the LEPC initially set by Mike Harris. If a LEPC does not wish to be grouped as they are listed, they may be asked to be moved to another LEPC within close proximity. If they wish to remain single they can and will then be designated a single LEPC where the single LEPC represents the LEPC.

All of the counties should plan for January to set up their LEPC. Sara mentioned that some counties have deactivated themselves to wait to be a LEPC. She provided an example.

Chris asked what happens to the CEPF money once it goes to the specific county treasurer. With the new LEPC designations, the LEPC will either choose one county to house their funds or they can set up their own individual bank account. Chris said this causes him concerns after previous issues of monies not being sent out correctly to the LEPC/LEPCs. Mike and Sara both gave assurances that there are procedures in place to ensure the same issues do not happen again. Mike informed the commission that the next updated map will be in January 2023 and will be presented at the next MERC Commission meeting.

### EMD Exclusion Repeal Update

The commissioners tasked Mike to send in a request to repeal the EMD exclusion earlier this year. Mike sent the request through SEMA Director Jim Remillard and DPS Director Sandy Karsten. No response has been received to date. Chris asked if the DPS Director was going to drop it. Mike has not received any response and cannot answer yes or no. Chris and Cory both stated the commission should send a letter requesting a status update and asked if Mike would

draft the letter. As Mike is leaving the MERC, he offered Lisa Jobe to develop the letter for Chris and Cory's signatures. Cory thinks it is a moot point as they have not addressed it so far. He asked Mike for his option and Mike said that's a possibility. Regardless, the commissioners requested the letter be sent for a status update. Lisa will develop the letter and provide it to Chairman Chris and Vice Chairman Cory for their signatures.

### Request for Legislative Changes

.The MERC did not receive any legislative changes. DPS only received five and all were given to the Missouri State Highway Patrol. Mike stated he was directed by DPS Director Karsten to prepare the legislation and send it through the chain of command. He did and it was denied. This will need to be looked at again next year. He suggested, as he is leaving the MERC, to keep pounding away at it.

### NEW BUSINESS

#### Extremely Hazardous Substances (EHS) Chemical – Tier II Filing Issue

This was discussed previously.

#### NEW MERC Logo for Commission Approval

Mike noted that the current MERC logo looks very similar to DNR and we are often mistaken for them. The new logo would give MERC a standalone logo. Chris noted that a few years ago DPS wanted all division under them to have similar logo and wondered if that was still the case. Steve Besemer said that was the plan. Mike made the observation that the MERC is already different from all of DPS. If the commission approves the new logo, it will be submitted to DPS Director Karsten for approval as well.

Cory Jorgenson motioned to approve the new MERC logo and forward it to the DPS Director. Aaron Schmidt seconded. Motion carried.

#### Executive Direct Mike Harris' Letter of Resignation

This is Mike's last MERC Commission meeting as the Executive Director. He asked the commissioners to keep moving forward and to continue supporting the MERC staff. Lisa Jobe will be handling the day to day operations. Mike thanked the commissioners for the opportunity. The commissioners thanked Mike for his service.

Cory Jorgenson motioned to accept Mike's letter of resignation, Lisa Cardone seconded. Motion carried.

Letter of resignation follows.





## Missouri Emergency Response Commission

2302 Militia Drive PO Box 3133 Jefferson City, Missouri 65102  
573-526-9249



TO: Missouri Emergency Response Commission

Ladies and Gentlemen,

This will serve as my official resignation letter as the Executive Director of the Missouri Emergency Response Commission. My last official day with the MERC will be November 18<sup>th</sup>, 2022.

I want to thank the Commissioners and Director Karsten for allowing me the honor of serving the citizens of Missouri as the Executive Director of the MERC. I want to thank my staff at the MERC for their hard work and their dedication to the MERC through adversity and changes. Each of you are a credit to the Commission and to the State of Missouri.

I have had a saying on my emails for quite some time now, "Wrong is wrong even if everyone is doing it. Right is right even if no one is doing it." As my last official request as the Director, I would ask that the Commission keep doing what is right and keep moving forward. The MERC is headed in the right direction, and our staff can continue to lead the MERC forward as long as the Commission continues to support them. There are a lot of changes that still need to take place in our legislation and in appropriations. I am asking the Commission to help your next Director and the Staff by supporting the legislative changes needed and the needed appropriations. For the MERC to stay moving forward, to be able to get all of the thousands of facilities that are not filing Tier II reports as required by law, to be able to properly supervise and guide LEPCs and LEPDs, to be able to help review and aid in planning efforts as required, to be able to continue to properly provide the best in class training to all of our responders, and to be able to add the needed full time personnel and keep an Executive Director for more than just a few years, these legislative changes and appropriations **MUST** happen. I urge you to please listen to the MERC Staff and support them.

Thank you again for allowing me to serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Harris".

**Michael Harris**

**Executive Director**

Missouri Emergency Response Commission

## OPEN

### Program Review

Cory asked when our MERC program review is due. Mike answered that it will be in the 2024 legislative session. A lengthy discussion ensued on the process and what needs to be included in the review. Cory asked how often a commission is dissolved. Christina (Representative Sean Pouche's legislative assistant) said she has not seen it in her tenure.

### Selection of New Executive Director

With regard to Mike's replacement, Chris asked about the process. Mike informed the commissioners that SEMA put it together and there is usually a commissioner on the panel. Mike suggested the commissioners contact either Director Remillard or Deputy Director Terry Cassil to ensure the commission is involved.

### LPEC/LEPD Issue and Region H Contracts

Sara Allen has two situations to bring to the commissioners for guidance. St. Louis County LEPC is an LEPD by population, but is also two years out of compliance. She asked how we should move forward. Their 2021 CEPF application did not have all the required documentation and they haven't filed for 2022 CEPF and are past the filing deadline. Some of their spending is out of compliance. They are operating under the County Executive and their charter form of government. They are stating everything must go through the County Executive for approval, which it should not. Mike and Sara have had discussions with various entities (MERC Chair, Patrick Seamands, and the county government). They have until June 30, 2023 to be in compliance or they will forfeit any MERC funding.

Chris said they will want their money someday. Mike stated the MERC can request financials and use as an issue for their next submission. As Patrick is part of the St. Louis County LEPC, he asked if it was just a form. The answer is that it is an application that requires accompanying documentation. Patrick as to receive the paperwork. Sara will send it to him. A short discussion ensued regarding oversight and the filing deadline. Mike further explained that LEPD/LEPDs do not have to follow county legislation, rather they must follow state legislation in these instances. Chris said to treat them like anybody else.

**Recommendation: Keep records, when they apply for CEPF, these issues must be addressed.**

Second issue is regarding Region H contracts with the Region H HazMat team. Region H has its own HazMat team located in Buchanan County and functions for the entire region. Counties contract with the Region H HazMat team. The problem is there will no longer be a Region H grouping but rather separate LEPC/LEPDs. Those Region H contracts will no longer be valid. If an incident occurs, the Region H HazMat team will likely not be able to respond and whatever is the issue will likely burn to the ground or dissipate. Another concern is that these contracts did not receive LEPC/LEPD approval. An example was given of a county that is paying out more for the contract than what they have in their

account. Their money is mixed in an account for their county emergency management. If there is money in the joint account, the contract is paid. Region H is influenced by Buchanan County. It was asked who oversees the HazMat teams. Division of Fire Safety does for training. Cory suggested we discuss this with Fire Safety when their representative (generally Justin Merritt) is present at the meeting. Chris said not too long ago there was a push for these contracts. Mike responded that the contract is fine if it is approved by the LEPC/LEPD.

These contracts also involved the Region H HazMat team completed the HazMat plan for the region. This will not work in the future as each county must have its own plan or be covered in the LEPD plan with the counties delineated separately. Mie's suggestion is we operate by statutes and regulations for functioning LEPC/LEPDs with a quorum to approve to contact as an individual county LEPC/D. Chris said having a quorum means different things sometimes. Mike noted the MERC By-laws define a quorum. Sara said we need to address these contracts and they are required to pay for things that will not be done, i.e. hazmat plans, exercises and responses not given. She reiterated that Region H counties have operated as an LEPD even though they are not one. Mike said some will be an LEPD and some will be an LEPC. A discussion ensued. Chris said to table this discussion until the January 2023 MERC Commission meeting.

### Presentation

Timothy Gablehouse, member of Colorado Emergency Planning Committee (SERC), Board Member Colorado Emergency Preparedness Partnership, Inc., and NASTTOP Board Member, presented "Minimizing Liability & Demonstrating Success in LEPC & Emergency Preparedness Program." He is an expert on working with underserved populations and disabled communities in emergency planning and preparedness.

### 2023 Central States HazMat Preparedness & Planning Conference

We are moving forward with the conference. It has grown from four states to nine states. There will be speakers from across the country, 360-380 participants and 28 vendors. The website through the Missouri Trooper's Association should be up any day. They are waiting on the hotel link to be provided.

The next MERC Commission meeting for the third quarter of state fiscal year (SFY) 2023 is Thursday, January 19, 2023 at 1 p.m. Lunch will be provided at noon.

Cory Jorgenson motioned for the meeting to adjourn. Aaron Schmidt seconded the motion. Motion carried. Meeting adjourned at 12:28 p.m.

Respectfully submitted,

*Karla Marshall*

Karla Marshall  
Chris Berndt, Chairman  
Chairman