



**Missouri Emergency Response Commission**  
2302 Militia Drive PO Box 3133  
Jefferson City, Missouri 65102  
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Missouri Emergency Response Commission Agenda  
Missouri Emergency Response Conference Room/WebEx  
2302 Militia Drive  
Jefferson City, MO 65102  
WebEx Conference Call Number: 650-479-3207  
Meeting number (access code): 1770 37 2236  
Meeting password: JRpqa8z56

10:00 a.m.  
October 28, 2021

### **Welcome/Introductions**

Commission members Present: Chris Berndt, Cory Jorgensen, Aaron Schmidt, Lisa Cardone, SEMA Director Jim Remillard  
Via WebEX: Rep. Bill Kidd

Staff Present: Karla Marshall, Karen Eagleson, Lisa Jobe, Sara Allen, Lana Nelson, and Kiana Needy.

Guests: Dave Hensley and Jodi Harper of EPA, Brad Harris, Alan Cortvrient, Keith Henke, Hannah Wichern, and Stephanie Norton

### **Motion to Amend the Agenda**

Lisa Jobe (standing in for Executive Director Mike Harris) requested a motion be made to amend the agenda by moving the Bill Brinton resignation letter and the Vote for Chairman to the first of the meeting. Cory Jorgensen made the motion to move the two items to the first of the meeting. Lisa Cardone seconded. Motion carried.

The resignation letter was read to the commissioners. Lisa Cardone motioned to accept Bill Brinton's resignation letter. Aaron Schmidt seconded. Motion carried.

Lisa Cardone motioned to forward Vice Chairman Chris Berndt to the MERC Chairman position. Rep. Bill Kidd seconded. Motion carried.

**Minutes from previous meeting:**

Cory Jorgensen made a motion to accept the July 22, 2021 minutes as written. Lisa Cardone seconded. Motion carried.

**Reports:**

**Environmental Protection Agency:**

No additional report. Dave Hensley introduced Jodi Harper as his replacement as Coordinator as he has been promoted. Jodi will be the contact for the MERC moving forward.

**Department of Natural Resources:**

Brad Harris noted a change in the Management Personnel Update in the report provided. Hannah Humphrey is the new Department Deputy Director replacing the ongoing Katie Jo Wheeler.

**Division of Fire Safety:**

No report or attendees from Fire Safety. They had a previous obligation regarding their new online platform.

**Department of Health and Senior Services**

No additional report.

**MERC Director Report**

Financials for the second quarter 2021: The report was provided to all Commissioner’s prior to the meeting and in their folders. A synopsis is below:

**MERC**

MERC SFY 22 Beginning Balance	\$833,709.98
MERC SFY 22 Expenditures	(\$150,921.02)
MERC SFY 21 Carryover Payments	(\$10,634.86)
MERC SFY 22 Tier II Payment Received	\$9,408.22
MERC SFY 22 Damage Funds Received	\$0.00
MERC SFY 22 Interest Received	\$758.85
<b>Total Cash Balance Second Quarter SFY 22:</b>	<b>\$682,321.17</b>

**HMEP**

HMEP year two ending balance carry over:	\$136,395.96
HMEP year three beginning balance:	\$333,584.00
HMEP Expenditures:	\$10.86
<b>Total Remaining All Years:</b>	<b>\$469,696.10</b>

<b><u>SFY 22 Appropriations</u></b>	<b>Appropriation</b>	<b>YTD Expended</b>
648 MERC Distributions – 0145 (HMEP)	\$750,000.00	\$206,687.75
1382 Firefighter Training – 0587 (FS)	\$100,000.00	\$0
3882 A G SEMA PS – 0587 (Payroll)	\$172,244.00	\$44,830.26
3883 A G SEMA E&E – 0587	\$85,117.00	\$13,231.02
3884 MERC Distributions – 0587 (CEPF)	\$650,000.00	\$78,156.69

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

Lana Nelson reported the MERC system has 2,266 companies, 7,130 facilities, 6,760 have submitted. Fifty letter have been sent to facilities for nonpayment. 10 calls have been completed. Two haven't sent Tier IIs at all.

Lana also report from July through September 2021, EERs show 37 accidents, 45 researched and seven letters sent.

**Training and Exercise Section, Lisa Jobe and Whitt Kellough:**

**. October 2021**

- Training Courses:

7/7	Hazmat Rapid Sizeup	Monett	
7/8	Operations	Ike Skelton Training Center	
7/9	Anhydrous Ammonia Awareness	Joplin Public Safety	
7/10	Hazmat Rapid Sizeup	Joplin Public Safety	
7/14	Hazmat Rapid Sizeup	Southern Boone FPD	
7/20	Hazmat Rapid Sizeup	Chillicothe Fire	
7/24	Anhydrous Ammonia Awareness	Region H Hazmat	
7/26	Chem Suicide	Cooper County	
7/26	Hazmat Tech Refresher	Central Jackson Fire	
7/27	Hazmat Tech Refresher	Central Jackson Fire	
7/28	Hazmat Tech Refresher	Central Jackson Fire	
7/31	Hazmat Rapid Sizeup	Southeastern FPD *Cancelled*	
8/13	Hazmat Rapid Sizeup	Jackson Civic Center	
8/14	Hazmat Rapid Sizeup	Gallatin	

8/21	Handling Propane Gas Emergencies	Dade	
8/23	Hazmat Tech 80 Hour	Columbia Fire	
8/27	Operations	Squires	
8/28	Awareness	Johnson	
8/28	Ignitable Liquids & Class B Foams	Washington Fire *Cancelled*	
8/31	Hazmat Rapid Sizeup	Joplin Public Safety	
9/1	Hazmat Rapid Sizeup	Joplin Public Safety	
9/2	Hazmat Rapid Sizeup	Joplin Public Safety	
9/8	Hazmat Tech Refresher	KCMO FD Training Academy	
9/13	Anhydrous Ammonia Awareness	Cooper County Fire District	
9/17	MC306	Clinton Benson Center	
9/18	MC306	Buffalo City Fire	
9/18	Air Monitoring	Mapaville FPD	
9/18	Chem Suicide	Region H Hazmat Building	
9/20	MC306	Mid County FPD	
9/20	Air Monitoring	Miller County	
9/25	Handling Propane Gas Emergencies	Princeton Fire *Cancelled*	
9/27	Anhydrous Ammonia Awareness	Shelbina FPD	
9/28	Ethanol	Wentzville Fire	
9/30	Awareness	Shelby *Cancelled Low Enroll*	
9/30	MC306	Maryland Heights	
10/1	Operations	Cole County	
10/2	Ignitable Liquids & Class B Foams	El Dorado Springs	
10/3	Ignitable Liquids & Class B Foams	Butler Fire	
10/4	Hazmat Tech 80 Hour	Jackson, MO	
10/5	Handling Propane Gas Emergencies	Caledonia *Cancelled*	
10/16	Ignitable Liquids & Class B Foams	Hollister Police	
10/18	Ethanol	Paris Fire	
10/20	Ignitable Liquids & Class B Foams	Monroe City Fire	

10/21	Anhydrous Ammonia Awareness	Dent County EMA	
10/23	Handling Propane Gas Emergencies	E Dorado Springs Fire	
10/23	Hazmat Rapid Sizeup	Callaway County	
10/25	Hazmat Rapid Sizeup	Columbia Fire	
10/28	Operations	Crowder College	

- **PHMSA Audit Preparation**

PHMSA will be here to audit our HMEP sub grant process for 2016, 2017, and 2018.

- **ERG Distribution**

We are still getting ERG requests weekly. We are sending those out as requested. We still have a decent supply left so if you know of any needs, let me know.

- **PAM Meetings in October**

- Meetings have been virtual with two in each region. MERC provided AAR support for these meetings. We have been involved in 18 meetings since 9/20. AARs will be available through PAM in a few weeks, we have to wait for them to reconcile participants with their system.

- **MERC Compliance Investigations Program**

Whitt Kellough has begun the training for Certification in EPA Inspector and in basic investigations. Whitt will begin operating the new Compliance Investigations program.

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

Sara Allen is sending out email/reminders in the November newsletter regarding Hazardous Materials plans and the new planners. Sara also noted there is a compliance checklist in the packet received and it will be given to each LEPC/D.

Sara stated she is requesting quarterly reports from the LEPC/Ds. The purpose of having the quarterly reports is so that issues can be dealt with on a quarterly basis as opposed to being behind a year with the annual reports. This also helps with monitoring expenses as sent to Director Harris and always Sara to assist the LEPC/Ds on a regular basis.

Rep. Bill Kidd asked how many facilities haven't file and what is the penalty if they do not file? Lana shared the process of a 10% charge of the amount owed if not paid prior to March 1 of the filing year and then 1% of the amount owed for each month after until paid. Karen Eagleson stated that the MERC compares databases to verify they haven't filed. Once determined, the first letter gives the facilities 10 days to respond. If no response, a second letter is sent giving them five days to respond. If no response after the second letter, a third letter is sent to contact the MERC or they will be referred to the Missouri Attorney General's office. The AGO will then send the facilities a letter.

Karen noted that is the LEPC/Ds responsibility to find facilities in their area who are not filing and help them. Rep. Kidd said we need teeth to make them file. He also stated the MERC is doing a good job. Karen said that some have hefty fines.

Jodi Harper from EPA mentioned that the non-filers can be referred to EPA as they have enforcement authority. Chris Berndt had just attending the Taney County LEPC meeting and said it is difficult to know who has or has not filed. Lana indicated that the MERC sends thumb drives and spreadsheets to LEPC/Ds to identify those facilities who have filed.

Chris mentioned he has been told that emails and calls are not being answered or returned. He also asked that the MERC send letters to the LEPC/D Chair. Karen replied that we will try on our end. It is on the LEPC checklist to compile a list of who should be filing, according to Sara. They often rely on the MERC list.

Sara pointed out the 2021-2022 applications are slightly different. The application is no longer a WORD document in order to keep the document from being rewritten. Any additional changes will be shared at the January 2022 meeting. Sara spoke of some of the applications and the issues. Regional LEPC updates are being moved to the next MERC meeting. We are tabling the Region H updates until the meeting as well.

Lisa Cardone spoke about the October 1 quarterly financial reports due. She asked if we can change things and if the commissioners voted on this. Sara said she and Director Harris discussed it and believed it was brought up in the July 22, 2021 Commission meeting. SEMA Director Remillard said to put it on the agenda for the January, 2022 meeting. Sara stated she uses it to help LEPCs due to relationships with the county clerk and treasurer. Director Remillard said to develop a proposal for the next meeting, put it on the agenda, and keep the Commissioners aware so as not to receive push back. Cory Jorgensen noted when out in the field, he doesn't want to be uninformed.

## **Old Business**

### EMD Exclusion Policy Repeal Update

This is still of DPS Director Karsten's desk. We have no response at this time.

### MERC LEPC and Hazmat Conference Update

We are moving forward with May 2022 at the Columbia Hilton Garden Inn for the symposium. This will be a one-day, in-person conference on May 5, 2022.

With regard to the EPA Region VII Conference in 2023, Karen will participate in the conference committee meeting on November 10, 2021. Jodi Harper stated the EPA will support it.

### Local Emergency Planning Districts Designation Update

Tabled until the January 2022 meeting.

## Legislative Update

Tabled until the January 2022 meeting.

## **New Business**

### MERC NDI and Budget SFY 2023 Update

Lisa Jobe gave an update stating this is still preliminary. The salary increase has been dropped. There will be one FTE for a compliance auditor through DPS. If the position starts in July 2022, it will most likely be H. Whitt Kellough in Compliance Investigations.

### Chairman Bill Brinton's Resignation

Covered at the beginning of the meeting.

### Commission Vote for Chairperson and Vice Chairperson of the MERC

Vote for Chairperson was covered at the beginning of the meeting. Nominations were taken for the position of Vice Chairperson. Lisa Cardone nominated Cory Jorgensen. Cory accepted the nomination. Lisa Cardone motioned to close the nominations and elect Cory as Vice Chairman by affirmation. Aaron Schmidt seconded. Motion carried.

### Open

Rep. Kidd requested that all attachments be sent prior to the meeting. A suggestion was made to note the number of attachments so all commissioners would know if they received them all.

Cory asked where we are on commissioners. Lisa stated we are on the Vacant List for Commissioners. Chris noted to put it on the newsletter.

SEMA Director Remillard showed appreciation and said thank you for your patience. Keep working on compliance.

Chris stated it is really important to educate the LEPCs. They need to understand what they're doing. Also please consider the work needed when requesting changes. Cory said it is confusing, it's hard to get meetings and participate in meetings.

Lisa Jobe reminded of the fall audit of HMEP by PHMSA. They will be here in November in person to audit 2016, 2017 and 2018.

Karen advised that the 2022 Flow Study Applications were sent out and are due back by January 2, 2022. They will then be reviewed and brought to the Commission by the next meeting.

Chris noted we tabled several items during this meeting. He would like to have an early January 2022 meeting as well as an early April 2022 meeting.

After some discussion with Rep. Kidd confirming the legislature will be back in session, the next MERC Commission meeting was set for January 27, 2022 with lunch at noon and the meeting to follow starting at 1 pm.

Aaron Schmidt motioned to adjourn the meeting. Cory Jorgensen seconded. Motion carried. Meeting adjourned at 10:58 pm.

Respectfully Submitted,

Karla Marshall