

**LOCAL EMERGENCY PLANNING COMMITTEE
DECEMBER 1, 2008 MEETING MINUTES**

Roll Call

Mrs. Carney conducted roll call.

Attendance: Bill Belardo; Reggie Brown*; Brandy Carney; Bob Cermak; Alan Finkelstein*; Frank Foley*; Bob Gahr*; Stu Greenberg; Felicia Harrison; Randy Helmick*; Barbara Hermes; Gary Holland; Chief Dennis Kancler*; Sheldon Lustig*; Herb Mausser*; Tony Passalacqua*; Bob Patton*; Mary Jane Pavlick*; Brenda Phifer*; Melissa Rodrigo*; Randy Solganik*

* - LEPC member

Administrative

Mr. Patton called the meeting to order at 1:30 PM.

The minutes from the September 8, 2008 meeting were approved, as amended, by a motion of Mr. Lustig and seconded by Chief Kancler. Mr. Passalacqua abstained.

Financial Report

Mrs. Harrison provided the Financial Report. Some funds need to be transferred from the LEPC account to the General Fund (Population Protection Training PI, HAZMAT IQ Trainings, Cuyahoga County Planning Commission, Tri-C and OREIS Software). The total LEPC Book Balance equals \$332,841.90 once these reports are transferred. On behalf of the HAZMAT Teams in the county, Mr. Finkelstein thanked the LEPC for providing funds to support for HAZMAT Conference and HAZMAT IQ Courses. Mr. Finkelstein motioned to receive and file the Financial Report; motion seconded by Mr. Mausser and approved.

Public Information Requests

Mr. Belardo reported 18 public information requests since the last meeting, totaling 101 for 2008.

Management Subcommittee

Mr. Greenberg gave an updated report on the Population Protection Project Task Force. The meeting with General Physics Reps was more positive than past meetings. More focus groups will be participating in the study. Mr. Greenberg noted that General Physics schedule is pretty ambitious; they want to be done by the

end of January. General Physics will meet with groups for a couple of hours to gather information they need to develop the content of their training.

Mrs. Carney stated that she extended the contract dates. The new Phase II dates are 11-21-08 through 5-21-09.

Mr. Greenberg noted the three focus groups that General Physics will interview would be Incident Commanders, Public Officials and educational facilities for the January meetings.

Mrs. Rodrigo mentioned that the two additional staff members from General Physics made a huge difference because they seemed to understand the LEPC's needs.

Mr. Patton stated that the Management Subcommittee passed a resolution for the LEPC to fund the General Physics project. Mr. Patton also discussed the issue of nominating a new Chair and Co-Chair for the LEPC. A few LEPC members showed interest, but the positions are still not filled. Mr. Patton noted that the Management Subcommittee approved the SARA Plan v. 20. Mrs. Pavlick motioned to receive and file the SARA Plan v. 20; motion seconded by Mr. Holland and approved. Mr. Foley abstained.

Mr. Finkelstein mentioned that when the County sends out the new SARA Plan v. 20 we should ask for the old copy, v. 19, back. Conversation pursued as to whether both a hard copy and an electronic copy should be sent out to recipients.

Mrs. Carney explained the HMEP Grant to the LEPC. The HMEP Grant is a USDOT grant that awards funds to LEPC's for training and planning purposes. The Cuyahoga County LEPC received \$35,685 for planning, with an LEPC match of 20% totaling \$42,822. Mrs. Carney also submitted an application for supplemental funds totaling around \$17,000.

Mrs. Rodrigo discussed how the CAT Committee requested \$150,000 from the city of Cleveland for the Population Protection Project. In addition, OBM cannot take money via credit cards for the donation requests to fund Phase IV. Most companies have credit cards to distribute donations for project, but there is not a system in place to accept credit card payments for the County.

Facilities Safety and Security Subcommittee

Mr. Mausser discussed the schedule for the "Spills 101" Seminar that is taking place February 19, 2009. The seminar will be held at the NEORSD's Environmental and Maintenance Service Center. The schedule of speakers and their topics are inscribed in a brochure that will be sent out to an estimated 800

facilities. Mrs. Carney sent out a save-the-date card for the seminar, which received a lot of positive feedback.

Mr. Mausser mentioned that the Subcommittee would meet directly after the LEPC Meeting.

Transportation Subcommittee

Mr. Lustig reported that the Federal Railroad Administration published their safety statistics for the first half of the year: Reportable train accidents were down; Train crossing collisions were down, but there has been a 100% increase in the amount of on-duty employee fatalities so far this year.

FRA released the *Essential Elements of Railroad Bridge Management Program*, which describes around 100 railroad bridges that are at, or over, 100 years old still being used on a daily basis.

Mr. Lustig described how legislation was passed as a result of the major California train accident forbidding the use of electronic devices/cell phones while operating trains. Mr. Lustig noted that railroad companies have had rules similar to the new legislation in place, but apparently have not been enforcing them. This poses a problem because radios used by train operators sometimes do not receive a signal in remote areas while in transport, leading them no other option but to use their personnel cell phone.

Mr. Lustig also discussed how the four major railroad companies came to an agreement on interoperability standards for positive train control technology. This agreement discusses how toxic inhalation substances will be transported through cities by the year 2015.

Mr. Lustig also mentioned that Lake County received a Hazmat Credit from the State for their real-life experience regarding the Painesville derailment incident.

A discussion pursued concerning the 17 car train derailment that occurred under the Crain Avenue Bridge in Kent, OH. Mr. Brown gave an in depth recount of the incident from the OEPA's perspective. A major sewer line was ruptured in the incident, which is delaying the opening of the bridge.

Mr. Greenberg discussed the criticism surrounding the final ruling on railroad rerouting. Main criticism: Railroads made decision, no city/state officials or organizations participated. Mr. Greenberg suggested that the Transportation Subcommittee should write a letter of reconsideration to our congressional delegation and to the Obama Transition Team regarding this issue. Resolutions and letters will be drafted for next LEPC meeting in January.

Discussion pursued regarding railroad company regulations.

Spills Subcommittee

Mr. Foley reported on the Spills Subcommittee's progress regarding the Atlantic Aviation Enforcement. Mr. Foley noted that all pertinent documents have been sent to Tim Kollin, the County Prosecutor, for his analysis. He will let the Subcommittee know what to do subsequently.

Emergency Preparedness and Response

Mr. Finkelstein reported on the changes that have been made to EPCRA: Tier I & Tier II Reports will no longer use SIC codes, but instead will now use the North American Classification (NAC's) codes; Facilities containing chemical mixtures with an EHS must report mixture as an EHS and the mixture must also be reported separately; A facility must report a change in their chemical inventory, or the way in which a chemical is stored, to the LEPC within 30 days of that change.

Compliance and Tier II Submissions

Ms. Phifer stated that she is waiting for concurrence from the state for the SARA Plan, which contained 224 EHS facilities.

Other Business

Mrs. Carney mentioned that all ORIES Software packages have been distributed to the respective recipients. Also, all software and supplies have been delivered to Mrs. Carney for ID tags. Mrs. Carney discussed the full-scale exercise that will occur on May 23, 2009 at the Transflow site.

Mr. Greenberg handed out and discussed the Center For American Progress's "*Chemical Security 101: What You Don't Have Can't Leak, or Be Blown Up by Terrorists*" article. The report is intended to influence the new administration and the new Congress on the importance of chemical safety and security. Mr. Lustig asked if Cuyahoga County harbors neighboring counties hazmat facility information. Mrs. Carney and her staff will look into this issue.

Mr. Brown made the suggestion that counties surrounding Cuyahoga should meet in order to get an idea of how each operates and if new ideas can come from one another. All LEPC members were enthusiastic about the idea. Discussion pursued on how to get everyone together.

Mr. Patton adjourned the meeting.

Next meeting set for January 5, 2008 at 1:30pm at NEORSD.