

**CUYAHOGA COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE
NOVEMBER 2, 2009 MEETING MINUTES**

Roll Call

Chief Bryan Sloan conducted roll call.

Attendance: Bill Belardo; Reggie Brown*; Jim Carrel; Captain Mike Dziak*; Alan Finkelstein*; Stu Greenberg*; Barry Grisez; Barbara Hermes*; Gary Holland*; Chief Dennis Kancler*; Andrew Laturia; Sheldon Lustig*; Herb Mausser*; Brenda Phifer; Don Obermeier*; Tony Passalacqua*; Bob Patton*; Mary Jane Pavlick*; Melissa Rodrigo*; Chief Bryan Sloan*; Randy Solganik*; John Snack*; Nancy Veley; Lisa Wagoner

* - LEPC member

Administrative

Chief Sloan called the meeting to order at 1:30 PM.

Mr. Snack noted a correction to the minutes. Mr. Mausser did report at the September 14, 2009 meeting that the Facilities Safety and Security Subcommittee would be meeting to discuss a training opportunity in conjunction with OSHA regarding highly hazardous material. He stated that he hoped to have an update at the next meeting.

The corrected minutes from the September 14, 2009 meeting were approved by a motion of Mr. Lustig and seconded by Mrs. Hermes.

Financial Report

Mrs. Veley presented the financial report for the period ending October 31, 2009. She stated that since the last report the changes are those dated September 30th where the initial payments were made out of EMA and transferred to the LEPC fund. A donation was received from the American Chemistry Council for the Whistle Stop Tour in the amount of \$500.00 and has been placed in the Discretionary fund. The LEPC transfer that was approved at the last meeting of \$140,000.00 has been made bringing the current total to \$352,796.72. The HMEP planning and training funds have not been received as of yet. She explained that they have been submitted for but not received.

Mr. Patton motioned to receive and file the Financial Report; motion seconded by Mr. Finkelstein and approved.

Public Information Requests

Mrs. Phifer reported 6 public information requests since the last meeting, totaling 71 for 2009.

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Management Subcommittee

- **Membership:** Chief Sloan reported that the LEPC membership applications for 2009 - 2011 had been submitted to the County Commissioners for approval without the inclusion of the new members. He explained that this was due to the restrictions in the LEPC bylaws limiting the membership to 25 voting members. He explained further that the Management subcommittee met on October 20th and will continue to meet with the intent to update and revise the bylaws. Chief Sloan stated that the bylaws will be aligned with the Federal requirements and will probably also include the provision for at-large positions.

- **Shelter in Place:** Chief Sloan reported that some technical and procedural difficulties had been encountered in that the County Commissioners as well as the County Business Office will not approve an RFP that does not have the entire amount of the funding in place for the project. Previously the RFP had been broken down into two segments. Only the first phase of the RFP will be submitted as there is not enough funding in place for the second phase of the RFP. Not knowing what dollar amount the first phase of the RFP will come in at and not wanting to come up short on the funding it is being proposed that the LEPC approve a “not to exceed” dollar amount to go along with the grant funding in the event the bid exceeds the grant funding. It was suggested that any LEPC member or visitor who is or potentially would be a bidder on this project temporarily leave the meeting until all discussion related to actual dollar amounts was completed. Lengthy discussing ensued regarding the appropriate amount that needed to be allocated in order not to come up short on the funding. It was noted that any monies allocated but not needed to cover the cost of the RFP would not be lost, but returned. A motion by Mr. Patton stating that “After the grant money for Phase One of the Shelter in Place project has been exhausted, any additional funding would come out of the LEPC fund not to exceed \$_____ for the purpose of not losing the project.” This motion was seconded by Mr. Greenburg and approved. Mr. Holland and Ms. Rodrigo abstained.

(For Procurement purposes the dollar amount of the additional funds has been redacted.)

Discussion had been held regarding the bid review process. As this process could take an entire day it was proposed that lunch would be paid for by the LEPC. On motion of Mr. Finkelstein, seconded Ms. Hermes \$200.00 was allocated for lunch if needed. This motion was approved.

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Facilities Safety and Security Subcommittee

Mr. Mausser reported that the subcommittee met for a short time immediately following the September LEPC meeting. He stated that the subcommittee is pursuing a training opportunity sometime early in 2010 with OSHA. A meeting is scheduled for Friday November 6, 2009 with OSHA representatives to discuss the Chemical National Emphasis Program. An email meeting notification was sent by the County to all Facilities Safety and Security Subcommittee members on October 15th. The meeting is at 8:30 am at the Tri-C District Office, 700 Carnegie Avenue. Mr. Mausser stated that his initial impression is that they are very interested in doing something with us. Mr. Mausser said that by next meeting he should be able to report on the progress of this initiative and provide more details.

Transportation Subcommittee

Mr. Lustig reported that at the last subcommittee meeting the TRANSCAER HazMat training was discussed. The feed-back from that event has been very positive. Mr. Lustig stated that in talking with some of the people involved with this training from the railroad side, they had stated that this was the largest turn out that they have had. Serena Steele stated that there were about 250 attendees for this event.

Mr. Lustig reported that the FRA finally published their reports for 2007. Six months after the NTSB published their reports on the Painesville derailment the FRA published their own report agreeing with the NTSB that it was caused by a track defect.

Discussion was also held regarding the re-drafted letter concerning the railroad rerouting provision. Mr. Greenburg has been very involved with this issue and stated that he had sent a draft to Shirley Thomasello, the assistant law director for environment and hazardous materials for the City of Cleveland. She could not render an opinion on this for the city but did send Mr. Greenburg the city's comments when the rule was originally proposed relaying their concerns regarding the lack of local input. A determination was made to give the LEPC chair the authority to approve the final version of the letter. On motion of Mr. Patton with a second by Mr. Finkelstein this motion was approved.

Mr. Lustig also reported that the right-of-way tour with Norfolk Southern was arranged and took place on Thursday October 29th. Mr. Lustig, Captain Dziak, Mr. Belardo and Mr. Snack took the tour. Mr. Lustig reported that the right-of-way was nearly inaccessible for most of the way. There were some narrow bridges and in one case a narrow wooden timbered bridge that would not support heavy equipment. In some areas there was a very narrow space between the live track and the retaining wall. The retaining walls do not have guard rails. Captain Dziak reported that it would be very difficult to get any vehicles in or out. Most operations would have to be accomplished from elevated platforms and aerial ladders.

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Mr. Lustig also reported that the Amtrak training was locked in for the third week on January 2010. Parking being a problem for a large group of people at the NEORS facility, other accommodations need to be secured. It was suggested that municipal centers be looked at as possible sites. Mr. Lustig reported that CSX had a major wreck in Lodi last week. Twenty cars including HazMat were involved. Fortunately nothing was breached.

Mr. Lustig raised the question as to whether there would be another inter-LEPC meeting as was hosted previously by Mr. Brown. Mr. Brown responded that he was looking at some time in January. He stated that he would be sending an email to everyone with the details.

Spills Subcommittee

Mr. Belardo reported for Mr. Foley. He stated the committee reviewed the spill spread sheets and determined that there were six spills since the last meeting that needed follow-up.

Emergency Preparedness and Response

Mr. Finkelstein reported that there were two events taking place. The Ohio HazMat Conference is taking place November 6th and 7th. A recent email had indicated there are still some slots available for attendees. Anyone interested should contact Mark Vedder at Solon Fire. The conference is free to all attendees. Ms. Rodrigo added that the LEPC pays the majority of the costs for the conference. There is also an advanced CAMEO class taking place November 13, 14, and 15. Mr. Finkelstein reported that with EMA working with Mr. Meany we now have seventy five layers of information to add to the MARPLOT maps. Ms. Rodrigo stated that the new version of CAMEO is truly an all hazards planning tool and her goal is to take a look at our chemical facilities and do some enhanced planning, first with our RMP and then with the EHS facilities.

Other Business

Mr. Grisez from the Cuyahoga County Board of Health reported on the current status of the H1N1 immunization initiative. He reported that there still is a limited amount of vaccine available. They are proceeding with the targeting of priority groups, including first responders, pregnant women, and those involved in direct patient care. He reported that the Board of Health has conducted several clinics and will continue to hold clinics for these targeted groups. He stated that the clinics require pre-registration and have had a very good response.

There being no further business Chief Sloan adjourned the meeting.

Next meeting will be January 11, 2010 at 1:30pm at NEORS.

The Spills Subcommittee will meet preceding the LEPC meeting at 12:30 pm.