

State Emergency Response Commission (SERC)
LEPC Subcommittee Meeting
Wednesday June 27, 2018 – 9:00 AM

Subcommittee Members Attending

- Al Barber – Chair, LEPC 1 and LEPC Subcommittee
- Prescott Nadeau – EMS Seat on the SERC
- Erik Rosenbauer – LEPC Seat on the SERC
- Shaun Coleman – RPC Seat on the SERC
- Len Wallace – Non-Voting Member - EPA
- Josh Cox – Non-Voting Member – Vermont Emergency Management

Subcommittee Members Absent

- Peter Lynch – Vermont Fire Academy
- Robert Gowans – Fire Department Seat on the SERC
- Mike Collins – EHS Seat on the SERC

Call to Order – 9:01 AM

- No public comment.
- Election of Chair – A motion was made and seconded to nominate Al Barber as Chair of this subcommittee.
Motion Approved
- The letter from SERC Chair Cosgrove to LEPC 2 was discussed. Len Wallace discussed how he sent several documents to the SERC members that may help address some/all of the issues brought up in this letter.
- The liability issue was discussed. LEPCs' concerns are that they may be liable at the federal level rather than at the state level. Len Wallace stated that the only way an LEPC would be liable is if an LEPC is doing something exceptionally egregious such as not doing what they are supposed to do in federal law. DPS Legal counsel is reviewing this and will report back to the SERC soon, possibly at the next meeting in August.
- The mission of this subcommittee was discussed. The role of the LEPC processing Tier II reports was discussed and the possible duplication of effort between the LEPCs and the state Tier II administrator was discussed. Per the EPA, every facility is required by law to send out three copies of their report; to the state, the LEPC, and the local fire department. Sometimes the state may have 5-10% more reporters because some large facilities may only have an address for the state administrator.
- This subcommittee formulating a multi-year plan (similar to a business or strategic plan) was discussed. There is a perception that LEPCs need to hire a full time staff member and that the SERC needs to have meaningful input into how the annual Hazchem budget is formed.
- More transparency into how the Hazchem budget is formulated and administered was discussed. Some other states' LEPCs receive a portion or percentage of each Tier II reporting facilities fees that are located within their district. This needs to be a formal policy created by the SERC for it to happen in Vermont.
- Supplemental Environmental Projects (SEP) is a program through the EPA (Enforcement Division) where a Tier II reporting facility may pay a pre-negotiated amount of money from a fine levied by the EPA directly to an LEPC or first responder agency.
- Discussion on how much money each LEPC would need to hire a full time employee. Prescott volunteered to meet with CCRPC to determine what this amount would be. Al stated that LEPC 1 is already engaged in this project with their FY'19 Hazchem application. Prescott and Shaun stated they would both assist in this effort.
- Mission Statement of Subcommittee was discussed – "Foster education and training to LEPCs" was proposed. Various other mission statements were discussed. The mission should be specific and measurable and time bound.
- Progress reporting was discussed and the burden on RPCs these quarterly reports pose was discussed. The 5 LEPCs that did not request FY'19 Hazchem funding was discussed.

- Al asked if Vermont Emergency Management Director Bornemann could host a meeting with RPCs to discuss the issues from the SERC. Shaun brought up that Todd Cosgrove should/could do this as well.
- Is there another type of group outside of RPCs that could support LEPCs?
- Two issues brought up by the Len Wallace, EPA: Leadership of the LEPC and membership. Membership is dictated by law.
- After July 1 our mission should be to identify members of LEPCs per Erik.
- Mission statement by Prescott..."Over the next two years, the LEPC Subcommittee will focus our efforts on creation of a more manageable and sustainable staffing and fiscal model for LEPCs and RPCs to follow. This will include the review of current funding with the ultimate goal of making the responsibilities more management across the board."

Meeting was adjourned at 10:02 am.

DRAFT