**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

**ASSOCIATION**

**BUSINESS MEETING**

**MINUTES**

**April 22, 2022**

**8:00 a.m. to 11:30 a.m.**

Hotel Captain Cook - Discovery Ballroom

Anchorage, Alaska

COMMITTEE MEMBERS PRESENT:

Aurauda Leach Anchorage

Deborah Jones Bristol Bay Borough

Jason Severs Copper River

Michael Paschell Delta-Greeley

Chris Noel Denali Borough

Nancy Durham Fairbanks North Star Borough

Michelle Brown Juneau

Brenda Ahlberg Kenai Peninsula Borough

Scott Brainard Ketchikan

Tim Putney Kodiak Island Borough

Casey Cook Mat-Su Borough, Co-Chair

Tom Varden Nome, Co-Chair

Sandy Dixson Petersburg

Si Prince of Wales

Craig Warren Sitka

ABSENT:

Aleutian/Pribilof Islands

North Slope Borough

Northwest Arctic Borough

Skagway

Valdez

Wrangel

OTHERS PRESENT:

Tski Southeastern Southeast

John Clendenin Fairbanks

DHSEM Bryan Fisher

Tim Gablehouse NASTTPO

Stephanie Nelson ICAS/North Slope

Erin Williams EPA

Andy Press

Kathy Shea ADEC

Megan Kohle ADEC

Allison Hatcher DEC

Torri Huelskoetter EPA

Katheride Janaski University of Alaska Fairbanks

Bryan Cassella Red Cross

James Goddard National Guard, Alaska

Richard Hildreth DHSEM

Chris Iannazzone Cordova

Tom Mattice Juneau

George Vakalis Anchorage

Willard Hand LEPC Copper River

Mary Goolie EPA RID AK ER

Sabrina Boone Juneau

Corey Padrone Tlingit or Haida

Bryan Fisher DHSEM

Heather Brannon Cordova

**1. CALL TO ORDER: Local Emergency Planning Committee (LEPC) Association**

**Co-Chair, Mr. Casey Cook and Mr. Tom Vaden**

Co-Chair Casey Cook called the meeting to order at 8:02 a.m.

**A. Welcome and Introductions**

Co-Chair Casey Cook welcomed everyone to the meeting. Today’s meeting is both in-person and virtual. Everyone introduced themselves. He thanked Sandy Dixon, Petersburg, for her services. She is retiring and this will be her last LEPC meeting.

**B. Administrative Announcements from Co-Chair**

Co-Chair Tom Vaden announced that Sandy Dixon, Petersburg is retiring. So, this will be her last LEPC meeting. He thanked Sandy for her services. Co-Chair Casey Cook also thanked Sandy Dixon and wished her well.

**II. APPROVAL OF MEETING MINUTES -- SUSPENDED**

**III. APPROVAL OF, AND CHANGES TO, THE AGENDA**

Tom Vaden asked for a motion to approve or to make changes to the Agenda.

**MOTION:** Michael Paschall, Delta-Greely, moved to approve the agenda as presented. Nancy Durham, Fairbanks North Star Borough, seconded the motion. The motion passed unanimously.

Michael Paschall, Delta-Greely, asked if minutes from prior meetings would be provided for approval in the future. JJ Little said meeting minutes from prior meetings back to October were published on the State’s website for review. Co-Chair Vaden said the meeting minutes would be approved at the next meeting. He requested that JJ send a link to the minutes so they can be approved all at once.

**IV. OLD BUSINESS**

There was no old business.

**V. CORRESPONDENCE/COMMUNICATIONS/PRESENTATIONS -- SUSPENDED  
 (Written reports where available)**

Co-Chair Vaden noted that there are several correspondence communications that are suspended. While presentations have been suspended, some written reports were provided via email.

A. SERC Finance Committee - *since we don’t have any money from the State, this committee has been inactive.*

B. Homeland Security and Emergency Management (DHS&EM) - *Bryan Fisher has provided this information with the Spring Conference Agenda sent via email.*

1. Strategic Plans and Leadership

2. Operations

3. Preparedness

4. Planning

C. Alaska Department of Environmental Conservation (DEC). Spill Prevention and

Response (SPAR)

**VI. LEPC VERBAL STATUS REPORTS**

Co-Chair Vaden asked to go around the room and have members share what their LEPC has been doing since the last meeting in October.

**Michael Paschell, Delta-Greely** - said the pandemic issue has influenced our meetings. It’s been over for a while, so we’ve been able to meet in person again. The Sign Project has started up again. Being in an unorganized borough with private roads, they do not have streets signs, house signs, or any requirements for them. A sign project was started by the LEPC and picked up by the local community, the fire departments, etc. which has been helpful for response from emergency agencies, the power company, and others. The Christmastime winter storm was tough on the community. It has been an interesting process working with the Division, because we are an unorganized borough without a municipality for the majority of the area. We identified topics to address between the Division and the State and have had conversations about those gaps. We will continue with that effort to facilitate responses from various agencies to the local community and points of contact.

**Michelle Brown, Juneau -** Our LEPC met consistently via a virtual format. Typically, we have 33-35 people attend the meetings. With the virtual format, we grew by about three more people, who are normally unable to attend. We hope to go back to in-person meetings while retaining a virtual component. Our meeting focus changed a lot during the pandemic to support community needs. We would do training, talk about mental health and different resources, and then do a roundtable to hear what organizations were doing and what they needed. During the virtual meetings, we were able to ask individuals to speak and then coordinate their needs with resources. The Juneau LEPC is strong, and we are beginning to focus on community preparedness and other issues.

**Chris Noel, Denali Borough -** thanked the Division for the conference. It was great to reconnect with people and to connect with people he had not previously met. The Denali Borough LEPC has not met since late 2020 due to the pandemic. One thing that came from the pandemic was we took the model of the LEPC meeting as an advisory board and used that for our public health response. It was helpful to get to know our public health nurses from Fairbanks, as well as people from our three clinics, fire and EMS, the private sector, and the school district. Prior to the pandemic, that body met weekly and then it varied during the pandemic, but it helped us with our messaging and response. He recognized the Department of Health & Social Services. He appreciates all of their hard work over the last two years. The Denali Borough LEPC updated their Emergency Operations Plan through virtual meetings, the contractor, and assistance from the State Homeland Security Grant Program. We implemented an RTAS dashboard on their website to share COVID data, basically all State data. It was available on our website and was the most widely viewed page on our website. So, we know it was the most helpful to folks as they were making their decisions. It helped guide the community’s public information. Chris Noel said this would be his last LEPC meeting as he would be taking a different job.

**Craig Warren, Sitka** - the Sitka LEPC has remained active during the pandemic. They are updating their Emergency Operations Plan. After reviewing the plan, they realized the hospital no longer exists, so they discussed what to do if they lost the bridge that goes to the other hospital. He encouraged everyone to update their plans because it is amazing how quickly things can change. They discussed other issues such as the western mariner that was run over by its own barge and pushed up on the shore in the middle of the herring fishery, as well as a bunker fuel spill. A new project is the Sitka Sound Science Center received a grant to work on a landslide threat app that will use the amount of rainfall to predict possible landslides. The app will be downloadable by anyone and provide a green, yellow, or red alert to keep people informed of possible landslides. They will also be working with several southeast communities such as Prince of Wales Island, Juneau, Ketchikan, and Haines. Sitka will be the test bed for the app. Updates will be provided as the project progresses.

**Deborah Jones, Bristol Bay** **-** the Bristol Bay LEPC has not met in-person for quite some time and is working through the borough mandates to determine if they can meet in-person or not. The LEPC was mainly driven by the borough planner, who left the borough in December. The LEPC is unorganized, and its documents are boxed up and in storage. For public outreach, the Community Health Center has been working with the borough to help people with vaccinations, quarantining, isolating, travel, and other issues. The Fire Department is doing outreach to provide virtual training and options for people to maintain certifications but doing it virtually has been a struggle as the community has limited internet access. The Bristol Bay LEPC is getting back on its feet and working to restructure, reorganize, and determine the best route to move forward.

**Jason Severs, Copper River -** the Copper River LEPC went from monthly to bimonthly meetings. We have been sharing information between the two health clinics and our community. We are currently sending out public health notices regarding the possibility of flooding due to the heavy snow in Copper River and the Paxon drainage systems.

**Tski (ph), Prince of Wales** - representing the City of Craig, said this was her first LEPC meeting and she was still learning. Updates will be provided as she learns about the LEPC.

**Nancy Durham, Fairbanks North Star Borough** - said they were in the process of reorganizing, and this was also her first LEPC meeting. Katherine Janoski, who is now with the University of Alaska Fairbanks, will give a report as she is still heavily involved in the Fairbanks North Star Borough LEPC.

**Katherine Janoski,** **Fairbanks North Star Borough LEPC -** Before the pandemic in 2019, the Fairbanks North Star Borough Emergency Operations Department assumed control of the LEPC Program from the Fairbanks Fire Department. Baird Stiefel was the chair and Jeannette Gorda from state public health was the Vice Chair. The Hazard Mitigation Guide was updated with contributions from the LEPC community. The University started the Pulse Point, which is a mobile app connected to the 911-emergency call system that alerts residents when someone nearby needs assistance. When the pandemic hit, we went to a virtual platform and met quarterly as often as possible. Sessions would include guest speakers about the wildfire season, policing volunteers, and others. In 2021, the number of meetings decreased because we were in the middle of the vaccine distribution and testing, and Jeannette Gorda, from Public Health, and Baird Stiefel, the Emergency Manager, were heavily involved in that. Baird Stiefel resigned in April of 2021 and Jeannette Gorda resigned shortly after, so we have not had any leadership. Before I resigned, Nancy and I were trying to get the paperwork in order to get the program back on its feet. We have a large community that is interested in participating, but we need to reorganize and get our paperwork in order.

**JJ Little** stated the Fairbanks and Juneau LEPC members have not been appointed or verified by the LEPCA or presented to the SERC. The 2018 Publications and Procedures Manual outlines the appointment process. He suggested a motion to ensure appointments of anyone serving on the Fairbanks and Juneau LEPC be presented to the SERC for validation per the 2018 Publications and Procedures Manual.

Co-Chair Vaden responded that if members review the By-laws, the LEPCA does not make the recommendation to the SERC. The individual LEPCs forward any new members or potential members to the SERC Coordinator who then puts it on the SERC agenda for them to approve. Co-Chair Vaden thought it was a valid point that LEPCs can’t simply say, you’re a member and can now make a motion or vote. There is a process to follow that involves the SERC before you are a voting member.

**Amanda Loach, Anchorage -** she became the chair of the Anchorage LEPC in mid-2019. She decided to have quarterly meetings, which happened in late 2019 and early 2020, then COVID hit, and the last meeting was held in December of 2021. Amanda Loach reported on the December 2021 Anchorage LEPC meeting. There was a presentation from the State Department of Community Development, who is the direct applicant for HUD money that came in post-earthquake 2018, called the Community Development Block Grant for Disaster Recovery. The funding is available to the Kenai Peninsula, the Mat-Su Borough, and Anchorage.

The Anchorage Fire Department gave a hazmat report via their Tier II reporting system that included 460 reports over a 10-monthly reporting period. We completed an update of our Hazard Mitigation Plan, which has been approved by FEMA and the Anchorage Assembly.

We are updating our Comprehensive Emergency Operations Plan and plan to have it complete by this summer. Since the 2018 earthquake, we moved to an ICS model in how we respond, so we are trying to ensure all our bases are covered in our Emergency Operations Plan. Ron Swartz from University of Alaska Anchorage is the head of our CERT (Community Emergency Response Team) team. He is working on a program with teenagers to develop preparedness called My PI. The Girdwood team responded to what we call the Halloween storm, the 100-year storm, and helped with roadblocks and other response activities.

We currently have four active disasters for recovery: the 2018 earthquake, COVID, the southcentral storm or the Halloween storm, and the Highland avalanche. We have several positions open on the Anchorage LEPC. They are publicly advertised, and we are working to fill them.

**Brenda Ahlberg, Kenai Peninsula Borough -** the Kenai Peninsula Borough LEPC’s meetings have been hybrid for the last year. The LEPC will work on updating their Bylaws next week. She thanked the Alaska Department of Transportation for their help on the Copper Landing bypass project. Progress on the project can be viewed on their webpage for the Sterling Highway. During the October storms, we had a landslide about milepost 51 in the Copper Landing area and the Alaska Department of Transportation was effective in responding and opening the highway safely without impacting life or the river.

The land swap with CIRI near the Russian River confluence is complete so the Copper Landing bypass project can move forward. The LEPC reviewed the Community Wildfire Protection Plan with no additional recommendations. The plan was ratified by the Assembly at their meeting on April 5, 2022. She thanked Ron Redowski (ph), their LEPC chair, who has participated in the Steering Committee to update the borough’s Emergency Management Code.

The borough provided best practices in completing a form called the Resources to Risk during the planning and development preparedness with Hilcorp prior to their oil spill drill that they just completed. The borough focused on social economic impacts to the area. The borough’s participation was virtual. This was quite a revelation because it allowed us to evaluate our ability to function virtually. When you have multiple people online, there may not be adequate function because broadband is significantly reduced either through multiple agencies’ participation or GIS needs.

**Scott Brainard, Ketchikan -** said meeting have been virtual over the last several years. Admiral Hoag ran the EOC during COVID. Meeting are now being held monthly. The Ketchikan LECP has 20 to 30 active members. We have been working on the Emergency Operations Plan for the last several months. We completed our Hazard Mitigation Plan and are on schedule for the next couple of years. In the last year, we had some high water in the river which did not activate the EOC but was in a watch situation. We also had two landslides that affected the Tongass Highway.

**Tim Putney, Kodiak** -the Kodiak LEPC became another one of his duties when he became the police chief about four years ago. The fire chief, who will be retiring this week, was working on getting focus back on the LEPC to focus on the community’s right to know and building community participation. The Community Development Department, which organizes the LEPC, had a lot of employee turnover and is still trying to hire people into positions. At the last LEPC meeting, there was not a quorum. He felt they should try a hybrid meeting to increase attendance. We have new people coming in and hope to start working at our Emergency Operations Plan this year.

**Sandy Dixon, Petersburg** - said their last in-person meeting was in March of 2020 before COVID started. They have met a few times virtually, but the majority of the LEPC members also serve on other committees and the focus has been primarily on the pandemic. We have kept our Tier II reporting up to date. We are still advertising the Community Right to Know so the public has access to parts of that information. We had a server crash at the borough and lost some documentation, including financial and planning documents, which we are still trying to recover. We had a couple of outdoor outreach booths, but no indoor activities due to COVID. The borough and the Fire Department are coordinating to name streets and assign house numbers outside the old city limits so we can find locations. We had a couple high wind and heavy rain events with minimal individual damage. She has enjoyed her time at the LEPC and hopes her replacement will also enjoy it.

**Casey Cook, Mat-Su Borough** - the Mat-Su LEPC has been meeting virtually. After input and encouragement from the new Borough Mayor, the Mat-Su LEPC doubled in size. We are doing yearly Emergency Operations Plan reviews. We manage about 45 Tier II reports on a yearly basis. The LEPC is involved in the Planning Preparedness Conference and the Willow Preparedness Fair. We still maintain five CERT teams in the borough. Like Anchorage, we are doing the My Preparedness Initiative for high school students, and they had their first classes last week.

**Tom Vaden, Nome -** they have been having mixed meetings, both virtually and in-person. The in-person meetings are primarily command and general staff, all of which have been vaccinated. We received a generous grant from Norton Sound Economic Development Company, the CDQ Unit, to run our LEPC. We helped plan the Arctic Eagle exercise. We updated our Emergency Operations Plan. We have done our Tier II reporting by utilizing the city’s database that lists all the organizations who do business with the city and have emails. We have done several field training exercises, including a mass rescue operation on the water. We averaged three tabletop exercises a year using action figures and toy vehicles to provide people with a visual of what we are doing. We updated our Emergency Operations Center at the start of the pandemic to include large-screen televisions and broadband. Finally, we are starting to work on our Hazard Mitigation Plan.

**VII. PUBLIC COMMENTS**

Bryan Fisher, the Director of the Alaska Division of Homeland Security & Emergency Management, thanked Sandy Dixon and Chris Noel for their service. He also recognized John Clifton (ph), Department of Military & Veterans Affairs, who has provided the IT, audio and visual support for the LEPC meetings for the last 22 years. He will officially retire from State service on Friday.

Co-Chair Cook asked if the virtual participants had anything to share. Hearing no response, he moved on to New Business.

**VIII. NEW BUSINESS**

**A. Healthy LEPCs -- Timothy Gablehouse *(a copy of the PowerPoint presentation is on the LEPCA website)***

Mr. Timothy Gablehouse, Member of the Colorado Emergency Planning Committee (SERC) and Board Member Colorado Emergency Preparedness Partnership, Inc. & NASTTPO gave a presentation about *Minimizing Liability and Demonstrating Success in Emergency Preparedness Programs*.

Mr. Gablehouse discussed what are the problems that create liability such as focusing on response instead of preparedness and planning. If the community doesn’t have a sense of responsibility and preparedness, regulatory compliance is meaningless.

Discussed the *Developing and Maintaining Emergency Operations Plans* guide from FEMA and pointed out how they spent eight pages discussing compliance with Title II of the Americans with Disabilities Act (ADA).

Discussed HazMat Roundtable Report and highlighted that the role of the Local Emergency Planning Commissions and Tribal Emergency Response Councils is a critical and foundational element in providing the hazard, risk and capability assessments needed by the response community.

Mr. Gablehouse discussed where the courses of liability in the planning process comes from such as civil rights claims and how planning can’t be done in a vacuum. He further discussed what is the LEPC role and why you should use an LEPC in your planning process.

The golden rules: know the risks/capabilities in your community; educate public and businesses; create participation and cooperation. Going forward, how do you measure the success of the planning process? By determining what are the risks, what are the current community capabilities, then match risks with capabilities (both private and public). This identifies gaps in current preparedness, which leads to community based strategic plan. Measure the success of your plan by closing gaps and measure and evaluate your plan through exercises.

Mr. Gablehouse commented that he heard about a lot of great projects at the community level. He asked what gaps those projects address within your community. Are they priority capability gaps? He sees across the country people doing great projects because they received money to do so. Not because it necessarily was money focused on an important capability gap. If it doesn’t complete a capability gap, it’s unfortunate because it diverts people from other things.

He concluded that this process is your defense to civil rights claims for failure to plan. There are plenty of cases where people feel they are not being adequately served by emergency management as part of the emergency preparedness system. They feel like their situation is being ignored and will not be adequately served. The process where you engage them, talk about the risks and capability doesn’t lead to litigation. You’re not scaring them; you’re telling them realistically what you’re capable of and what they need to do. Let’s talk about how to find the resources to fill that capability gap. You can make it your problem, or you can make it a community problem . He would suggest that it is vastly more useful to make it a community problem than to make it your responsibility.

The NASTTPO board does outreach without cost to LEPCs and SERCs all over the country. We run an email list of all things related to emergency planning community right to know, which is relevant to LEPCs. Some people in this state are on the list. If you want to be on that list, drop him an email and he will be happy to add you to the list along with several thousand other folks from across the country.

We try to keep LEPCs and SERCs aware of what’s going on in the country from both the policy and legal points of view. It’s really easy for LEPCs to feel like they’re mushrooms in the dark because there is not good communication. In his opinion, federal agencies aren’t the best at communicating with LEPCs about what’s going on.

For example, right now there is rulemaking underway by EPA regarding worst case scenario releases that may have an impact to water. That rulemaking is open for comment until the end of May. SERCs and LEPCs ought to weigh in on that proposed rulemaking because facilities subject to those requirements are going to generate emergency plans and they’re supposed to consult with you about those emergency plans.

Also, American Society Testing Materials (ASTM) standard was recently adopted on coordination and cooperation between facilities that are subject to hazardous waste rules, community right to know rules, to risk management plan rules. And how they should be consulting with LEPCs and local responders. Those are requirements in those regulations.

What’s the point of that consultation? It’s so the LEPCs and first responders actually understand the risks from those facilities. What do they have, what are they doing to manage their materials in a responsible way? Are they creating unnecessary risk to the community? Do they have reasonable expectations that the community can support them, if they have a release? It’s rare that a facility that does has a reasonable expectation of what local resources are going to do to help them if they have an accident. That is a significant problem we should be able to solve by coordination and cooperation. If you want more information on that, just let us know. We answer questions form LEPCs constantly from across the country. It’s free. Ask for help.

Co-Chair Cook asked if there were any questions from the in-room audience and then from the virtual audience.

**Q&A Session**

Mary Goolie asked if there is a way to bring up the latest proposal for public comment up on the screen so the LEPCs on the virtual call and those in the room can see it. She doesn’t know enough about the new proposed rulemaking, as she’s not in emergency response. But it is something to bring awareness to. When you are back in your office, search for EPA or EPCRA to show the public comment period.

JJ interjected that he will be happy to email a link to everyone.

Mr. Gablehouse stated that it’s a hundred-page document out of the Federal Register. Essentially, what EPA has proposed is a program with two criteria for regulation and then if you’re regulated, a series of additional four risk criteria before a facility has to prepare a plan. The criteria are whether or not you meet a threshold. The problem is that we’re dealing with clean water act hazardous substances. Clean water act hazardous substances are not easily found. They aren’t on the list of lists, which most LEPCs are familiar with. So, you have to dig them out. There are approximately 294 substances listed. EPA wants to set a threshold that’s a multiplier of the release reporting threshold. Currently, the only thing that happens if you have a clean water act hazardous substance and you release more than threshold to water, you have to report it.

Those thresholds are generally about 5,000 pounds. Some are much smaller for compounds like benzine, some fuels. EPA has proposed a threshold for this program of 10,000 times the reporting threshold. NASTPPO is going to yell and scream about that because that’s 5 million pounds, which is not really relevant for most places. It way too big a number.

We’ll advocate for a smaller number because we want to know more about those folks from a planning point of view. If you exceed those thresholds, then the next question is are you within a distance of water. In other words, how far are you from a stream, a lake or a conveyance to water. For example, storm drains or something like that. Currently, EPA has proposed half a mile. You can make an argument on whether or not that is a good or a bad number. In most places, especially in places with water, it is too far. The potential to impact is pretty large.

(Question from audience indiscernible--away from microphone) Mr. Gablehouse responded that if litigation regarding waters of the United States was resolved, then he could tell you if a wetland is a water of the United States or not and he could then answer the question.

Mary Goolie stated for EPA emergency response right now with or without this proposed rulemaking or act that will come into law, both Coast Guard and EPA are going to respond to that imminent threat--substantial threat to human health. But we are under consideration of what navigable waters in the US are. If there’s a tie into that wetland through river to navigable water, there’s still a question about tundra. Is that navigable water. We would still respond even without this being in place.

Mr. Gablehouse stated that there’s a big difference between when you’re going to respond versus when you’re going to require a facility to prepare a plan. So, I can’t answer your question.

He continued that if you satisfy those two criteria under the proposal, then the next question is are you releasing a chemical that can have an adverse impact on environment, health, fish, and so forth. If the answer to that is yes, then you have to prepare a response plan. That plan goes to the regional office of the EPA for approval. And is available to the LEPC and the facility is supposed to certify that they consulted with local emergency planning committee as well as first responders regarding that plan.

There’s nothing in the proposal that actually says that the facility needs to pay attention to what the local emergency planning committee or the first responders say. There’s also provision in the rule that allows the regional administrator to designate a facility based on additional criteria such as environmental justice, climate change, lack of passive systems to prevent releases, and a few other criteria. The local administrator could designate additional facilities.

What is missing now is whether or not LEPCs or state emergency response commissions could ask for that designation. In terms of local communities, there are plenty of facilities out there that may not meet the baseline criteria but are very important to the community risk and to responders.

One of the other comments that NASTTPO will have is that we think there needs to be that kind of system in place so that people locally can ask for designation of a facility to prepare one of these plans. That, essentially, is the federal response plan. You’re supposed to do an exercise periodically that’s coordinated with local governments and others. That is the proposal.

When you get the link, Mr. Gablehouse suggested that you start with the last couple of pages because that is the actual proposal. The first part of the document is preamble, and it does have good stuff in there. But it’s better to start with the actual proposal near the end.

For questions, further discussion or to be added to his email list, Mr. Gablehouse can be contacted through email (tgablehouse@att.net) or through phone (303) 576-0050.

**B. Emergency Planning and Community Right to Know Act (EPCRA) Requirements for SERC and the LEPC EPA -- Erin Williams, EPCRA Coordinator, Region 10 *(a copy of the PowerPoint presentation is on the LEPCA website)***

Erin Williams introduced herself and stated that she is based in Seattle, Washington. Region 10 consists of Alaska, Idaho, Orgon and Washington. They do have some operation offices in these states, but they mostly work out of Seattle. She is located in the Enforcement and Compliance Assurance Division (ECAD) in the Air and Land Enforcement Branch (ALEB) and the Land Enforcement Section (LES) and she is the Emergency Planning Community Right to Know Act (EPCRA) Coordinator. She works closely with Javier Morales, our Risk Management Plans (RMP) Coordinator. RMP is Section 112R of the Clean Air Act that focuses on risk management plans for facilities that store hazardous chemicals.

For background, the Emergency Planning and Community Right to Know Act (EPCRA) came into effect in 1986 as Congress passed the Superfund Amendment and Reauthorization Act (SARA) after the incident in Bhopal, India. The Community Right to know provisions help increase the public’s knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment.

Basically, a community has the right to know what is in their backyard because most people are clueless when it comes to facilities in their neighborhood. So EPCRA provides information to the community and to LEPCs for emergency planning. Our goal is preparedness, planning and what can we do ahead of time to prevent releases.

EPCRA requires facilities to report chemical information including inventories, spills and releases of hazardous substances and emergency response planning side for local emergency responders and planners. It also has a toxics release inventory requirement.

Key provisions of EPCRA include:

* Emergency Response Planning
  + Section 301 - formation of SERCs and LEPCs.
  + Section 302 - What substances facilities are required to report, including extremely hazardous substances, to LEPCs for planning purposes.
  + Section 303 -- Comprehensive Emergency Response Plans
* Emergency Release Reporting
  + Section 304 partners with CERCLA 103 to create federal, state and local reporting requirements for facilities when releases occur.
* Hazardous Chemical Inventory Reporting, the Tier II reports for hazardous chemical inventories.
  + Section 311 (M)SDS
  + Section 312 Emergency and Hazardous Chemical Inventory Reports
* Toxics Release Inventory (TRI).
  + Section 313 Form R

Ms. Williams went through these provisions in more detail in reverse order starting with the annual reports, then the releases, then some of the emergency response planning information. There is a National LEPC-TEPC Handbook developed by the EPA as a resource for LEPCs and TEPCs. It can be found at www.epa.gov/epcra/national-lept-tepc-handbook. There are additional tools and resources available for planning.

Ms. Williams discussed the Toxics Release Inventory (TRI) program, which tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. More information about this program can be found at https://www.epa.gov/toxics-release-inventory-tri-program or contact Elizabeth (Elly) Walters, (206) 553-6317 or email walters.elizabeth@epa.gov.

The Risk Management Program (RMP) contains regulations and guidance for chemical accident prevention at facilities with greater than a threshold quantity of an acutely toxic or flammable chemical in a process. RMPs are available to the public to foster communication and awareness to improve accident prevention and emergency response practices at the local level.

Additional information can be found at https://www.epa.gov/rmp or by contacting Javier Morales, RMP Coordinator, (206) 553-1255 or email morales.javier@epa.gov.

Cybersecurity and Infrastructure Security Agency (CISA) Chemlock is a completely voluntary program, which provides no-cost services and tools to facilities that possess dangerous chemicals. They want to help facilities better understand the risks. EPA’s CISA contact is James (Jim) Harksen, (202) 821-9905 or by email at james.harksen@cisa.dhs.gov.

Ms. Williams concluded her presentation by stating that EPAs goals are to protect human health and the environment; to develop more of a presence in remote areas; have better communication and coordination to identify delinquent facilities; initiate off-site compliance monitoring and General Duty Clause (GDC) audits to make sure they are meeting requirements; have on-site inspections. If you have a facility in your jurisdiction that you’re having problems with or think something is going on, we do come up to Alaska to perform inspections. If an LEPC wants us to come into their area for inspections, we can prioritize the area. We also provide presentations at LEPCA meetings.

For any questions or additional discussion, please contact Erin Williams at

(206) 553-4627 or email Williams.erin@epa.gov.

Ms. Williams asked if there were any questions.

**Q&A Session**

Willard Hand, Copper River LEPC and National Tribal Operations Committee for the EPA. - This may be a state questions, do we have any teeth as LEPCs to find out what’s going up and down the highways. It’s not going to be over that 10,000-pound threshold. But where we’re located a lot of stuff comes in through the Port of Valdez and then gets shipped to Anchorage or Fairbanks from there. As a first responder and safety officer, I’m always curious as to how I can protect my responders to the trucks coming up the highway. I know it’s probably a DOT, federal or state issue. But I don’t know what the folks in Valdez are told what’s coming off the ships and being put on the trucks. But that would be a good thing for us to know.

I am also curious if there’s any teeth to get the smaller businesses that don’t have 10,000 pounds. So, I have a lot of danger for first responders when you go in there and part of the state that we’re located in, we don’t have a borough. So, we’re what they call the unorganized part of Alaska. For us, it’s a scary thing every time we go into a business, a small business, to put a fire out. What are we going to run into because there’s no way to document that?

Are there any teeth to LEPC statewide getting small businesses to turn over their chemical counts or is that an unanswerable question?

Ms. Williams responded that concerning trucks going up and down the highway, there are resources out there, as Tim mentioned, such as commodity flow studies to see what is coming and going. DOT would have a lot more information on that. Yeah, 10,000 pound is the magic number.

States, such as Oregon, for example, can have their own Community Right to Know Act, which actually has lower thresholds. You can do as much coordination and outreach with facilities as you want. So, 10,000 pounds is for the regular chemicals that fall under OSHA, hazardous substances. Then EHSs, extremely hazardous substances, do have lower thresholds for reporting and requirements. If you can develop great relationships with facilities, they can always report Tier IIs, even if they’re not required to. But they’re not over the statutory requirements, we don’t have a of teeth in order to mandate that. Programs like Chemlock, spreading awareness of that program may help in those situations because it is no cost to the facility to come in and have hazards analyzed. Things that aren’t going to cost the facility money generally have a better response because it doesn’t affect their overhead.

Mr. Gablehouse stated that he can add to the conversation. He agreed with Erin that EPA doesn’t have a lot of tools to deal with that situation. LEPCs do. You can ask for Tier II information which is more than the form from any facility regardless of threshold. Under EPA regulations, the default threshold for those requests is zero. And they have a stated time period in which to provide the information. So, you can cherry pick facilities, you can cherry pick chemicals. If there’s something about a facility you want to know, you just make that request for Tier II information, which, again, is not just limited to the form. If you look at the statute, it’s broader than that.

If they happen to be a facility with extremely hazardous substance over the threshold, you can ask them for any information that’s relevant to emergency planning under the statute. And that routinely includes transportation information. So, who brings your chemicals, what schedule are they following for delivery, what kind of packaging is utilized, who the transportation company is, and then I would suggest you reach out to the transporter, and you ask them for that information as well. He doesn’t know who in Alaska regulates hazmat transport. For a lot of states, it’s a state police agency, while for other states it’s the transportation agency that will regulate whether or not appropriate placarding, safety, and so on. You can reach out to that agency as well. They regulate, they do truck inspections and things like that.

Bryan Fisher, from Homeland Security and Emergency Management - added that John Clendenon (ph) and I -- John representative from Alaska Department of Transportation and Public Facilities (ADOT&PF), Johns getting information right now. Measurements Standards and Commercial Vehicle Compliance Division at DOT, the commercial vehicle enforcement folks, they have a role in that as well. The real answer though is that the committees themselves don’t have teeth, but DOT, the regulatory agency sure have teeth and are willing to help facilitate trying to obtain that information for you folks in your areas.

Unidentified Voice: Is there anything to prohibit LEPCs from charging for doing these annual (indiscernible--away from microphone)

Ms. Williams stated that she didn’t believe so.

Unidentified Voice: This may be a potential funding source for LEPCs. (indiscernible--away from mic)

Ms. Williams responded that she knows there are states that charge for Tier II submissions too. Whether it’s per form or per chemical, states have implemented that as a way of funding.

Tom Matisse from Juneau - In regards to the Tier II reporting at the lower thresholds, you mentioned you can reach out to those facilities and ask them to report Tier II stuff, even if their 7,500 pounds or 500 pounds. When that facility comes back and says we’re below reporting threshold, CERTOR doesn’t apply to me, where are your teeth.

Ms. Williams replied that in EPCRA there is a provision in the emergency response plans that talk about identifying other facilities and giving LEPCs the authority to do that. Again, teeth is hard. There isn’t --our level at EPA we don’t’ have the authority to fine facilities or anything to make them do it. But Tim might have some.

Mr. Gablehouse responded that he agreed with Erin. EPA doesn’t have that authority. You’re in 312 of EPCRA. The EPA regulations that relate to specific requests coming from LEPCs and those are directly enforceable by an LEPC, should you do it, by suing the facility in federal court. I will tell you right now that is loads of fun. It has been done dozens of times across the country. The cool reason to do that is because a facility that might be a little irascible, they can’t represent themselves in federal court. They need an attorney and that causes business owners to have a religious experience and they’re going to provide information.

I track these cases across the county. Not a single one of them has gone to trial. Some federal magistrate looks over the glasses at the facility owner, says, you’ve got to be kidding me, and you get the information. So, it’s been done a lot. It’s a matter of finding a friendly attorney who’s willing to file a complaint in federal court, which most attorneys can do from their laptop, and away you go. If you do a settlement with that facility, it’s perfectly fine to extract some money as well. You get to sue in your own name and is one of the cool things about local emergency planning committees.

Unidentified Voice - it’s interesting because in my community, we’re a part of the assembly. So, I would raise it to city assembly level to make a motion to sue the facility. Probably never happen.

Mr. Gablehouse replied maybe not. But usually, the threat is all that’s necessary to get the information.

Willard Handy, Copper River LEPC - I brought it up because we have so many remote water treatment facilities. And those guys aren’t going to have 10,000 pounds of water treatment chemicals. And some of those chemicals are so dangerous to first responders or to everybody if you’re not aware of where they’re stored within those facilities. So, we usually don’t’ get reports back from those small water operators. But that’s what brought that conversation up. Thank you.

Co-Chair Cook expressed his appreciation of the presentation. He thinks this is great topic for the next preparedness conference. Both of the last presenters had a lot of information to give out over 30 minutes. It’s not fair for us who are dealing with this to not only see that information but to also absorb that information and then come up with good questions.

I would suggest for the next conference that the same two groups be on a panel discussion and presentation or something that lasts longer than a 30-minute block.

Michael Paschall, Delta-Greely - to add to the conversation, I have a couple hundred miles of roads that’s part of the number one corridor that has hazardous chemicals being transported and there is no way to get the information other than what has been in the community. So, from a planning and response standpoint, there is no way. There’s no requirement from anyone to report what they’re transporting while they’re transporting it. All you can do is get information about what has been transported. So that will probably answer that question.

I did have a question for Erin about the relationship with the military and reporting on inspections on military facilities.

Ms. Williams responded we can do inspections on military and federal facilities. We just don’t have any teeth to enforce against federal facilities. Coordination, inspections, walk-throughs, and so on. They’re still required to report Tier IIs, meet all of the obligations. We just don’t’ have the teeth to fine them.

Co-/Chair Cook asked if there were any other questions. Hearing none, he moved on to the next presentation by Mary Goolie, with the EPA.

**C. Area Planning -- Mary Goolie, Environmental Protection Agency**

Ms. Mary Goolie stated that Tim Gablehouse provided the national perspective while Erin Williams provided the regional perspective. She will provide more local, as she’s with Anchorage, Alaska, EPA. She started with EPA in 1995 and met Bryan Fisher in 1999. She’s been a planner and regional response team coordinator. She left the program for a bit and went into brownfields and was tribal response program lead for the region and Alaska lead working in brown fields and small communities clean up for re-use.

She will talk a little bit about planning. She asked Kathy Shea to join her, as she is her counter part at DEC in addition to the rest of the rest of her team. Victoria Calls, who’s her counterpart at DEC as a planner for oil and chemical hazard spill response. And then her supervisor, Allison Nacher (ph). Allison is her counterpart for regional response team coordinator. She also introduced her team member at EPA for spill response, Torri Huelskoetter.

Besides doing emergency response, she does planning. Torri’s the federal on-scene coordinator. We’re also inspectors under the oil program. For some of you in the rural areas, there may be some oil inspections this summer for fuel storage with Coast Guard. The Coast Guard is another partner and they invited us to join them on these inspections. When we mentioned Tier II reporting for Alaska, it’s in addition to the hazardous substance, as there’s also a requirement for reporting oil as well.

The tie-in to LEPCs is we partner together for responding to spills. You have emergency operations plans and emergency response plans and you have this requirement to have that hazardous substance component of your plan. In tying in or being aware of the planning we already do under hazardous substance or oil; you can link your plans to that and become aware of it. Kathy will talk about that in more detail. We can help you have these components in your plans, and we can help you meet those requirements under EPCRA.

They function under the National Contingency Plan, 40 CFR 300, and the EPCRA regulations are within the National Contingency Plan. It outlines how we are to follow the Clean Water Act and CERCLA, the superfund law. Alaska has its own RRT, regional response team.

In addition to Coast Guard and EPA, our partner is DEC, our state. We don’t do anything without Alaska. Tying in the state of Alaska to our SERCs and our LEPCs. There’s a national Contingency Plan, with a national response team that meets at headquarter level of all the different agencies involved. Specific to Alaska, we have regional response team for oil and chemical hazard. We meet two times a year.

We have a regional contingency plan. We have area contingency plans for spill response and our area committees. In Alaska there’s four areas--one inland and three coastal--Alaska Inland, Arctic Western Alaska, Prince William Sound and Southeast. We partner with the LEPCs on these area contingency plans. We are to be involved and do outreach with our local emergency planning committees. We had a reinvigoration right before COVID of updating our plans. We really need to get out there and get to the LEPCs either virtually or in person to make sure we’re sharing information, if we have anything that can help you, such as upcoming tabletop drills or training. And for you to share with us.

Being involved in the geographic response strategies, which is looking at when we do respond to a spill, we are paying attention to what’s there and of vital concern to the community economically, culturally, for subsistence activities. The more we can routinely connect and get to know each other through drills or tabletop exercises the better we will know how we fit in to the incident command and how we will respond.

She wanted to point out EPA’s travel consultation and coordination with tribes website. The actual coordination as EPA and Coast Guard federal agencies, we have trust responsibility in working government to government with our tribes. Within Alaska, for a spill response, in addition to a federal on-scene coordinator, a state on-scene coordinator, a local on-scene coordinator, there could be a tribal on-scene coordinator that has vital interest in being part of the response in the unified command. If there isn’t that person that has the ICS training, then have a tribal member in the environmental unit to help make planning decisions. She then turned the microphone over to Kathy Shea.

Kathy Shea, DEC, stated that she wanted to plug the checklist that was sent out to meeting participants in the October, 2021, meeting. This checklist has all of the elements of an emergency operation plan that Erin mentioned. It refers you to the appropriate area plan that Mary just spoke about. She encourages everyone to participate in the area committee meetings if you can. They have topics on their agendas like cultural resources and how we’re trying to improve protection of these resources in the community during a spill response. For example, you don’t want the boom dragging through your berry patch or your archeological sites.

So, you can get some good information about things that will affect you locally. She highly recommends that you participate in the local area meetings. If you have questions, talk to Kathy or Mary during the breaks or after the meeting.

Co-Chair Cook asked if there were any questions for either Mary or Kathy. He thinks this is another good topic that needs more than ten minutes and would be good to explore more in-depth at a future meeting. These are great presentations, but we need more time to digest everything you are doing.

**D. Juneau LEPC**

Michelle Brown with the Juneau LEPC introduced herself and stated that they were asked to talk about including tribal representation in their LEPCs and how that came to be in Juneau. For background, it started back in the Metropolitan Medical Response System (MMRS) grant about 10-11 years ago. Juneau was designated a regional hub. So, we were required to set up a steering committee made up of folks from all over southeast Alaska. We asked committee members to tell us what their needs were and then we voted on those needs to meet the state’s requirements.

That brought us together to set up shelters with the people designated by communities all over the region. We brought together 70-90 people into small remote communities to learn to set up shelters, to work together to have a metropolitan medical response or shelter in that community. The VPSO program needed specific ETT training. So, we worked really hard with Roberta Karney (ph) to set that up and that brought the VPSOs into the fold in 2011.

Through this required process, we were able to connect with a lot of communities and build relationships. These relationships have lasted through the years to today. These relationships are very important because we don’t know how they will affect us into the future.

Michelle had a call from Corey Padrone, a VSPO, asking if we have an active LEPC and if he could come. She was so excited to have him attend. It has been difficult to get the right people in the room to help us build relationships with our sovereign tribes.

How did it change things? It gave us regional sovereign governments that collaborate with us. They’ve been involved in exercises that have helped both groups improve our preparedness as a community. Our trust has been improved and grown. Our partnerships with them and their organizations have also grown.

One of the things that Sabrina told me was that when a tribal entity was invited to the table, they would only come if they felt like they had something to give. It’s a tradition for them to give as much as they would receive. It’s very important to their hearts that they do that. So, when you reach out to your tribal entities, make sure that they understand that they have a value.

Our process was interesting. Corey attended several meetings. He asked how they could have a seat on the committee. The Committee did have a few open seats, but they weren’t the right fit. His tribal leaders were directing him to have a seat that was specific to the tribal entities and their voice. So, we took this question to the legal department. They got involved in naming the seat, so it was inclusive. We wanted it called tribal representation and we finally got that.

They have been amazing partners. It has been successful to not be exclusive. We have developed a way for the next tribal entity that wants to join us to have their own seat with separate voting rights. This is from the city’s standpoint. The whole process took six months to accomplish. Corey and Sabrina are here.to share from the tribal standpoint.

Corey Padrone introduced himself and stated that he started out as Village Public Safety Officer (VPSO) in Angoon and then Saxman in Southeast. He’s been with the Central Council of Tlingit and Haida for over 10 years now. He left the VSPO program in 2020 and started working in the Tlingit and Haida Emergency Operations Center.

He started with LEPCs in Ketchikan and then sought them out again when he started working in Juneau because LEPCs are a great meeting of all of the primary stakeholders. You hear lots of good information, you can share good information. It’s a good way to stay in the know. While in Juneau, he saw one thing missing--there wasn’t tribal representation. So, as a way to honor tribal sovereignty, he advocated for the tribe to have a seat on the committee because he believes the tribe has a lot to offer the LEPC.

President Richard Peterson of Council of Tlingit and Haida has a vision of taking care of the tribal citizens, employees, and our neighbors. It’s a community thing to watch out for and take care of each other. So, to have a dedicated tribal seat on the LEPC is very important to them. We have a lot to offer so that makes us feel like we belong there. In addition, there are things that occur that should have a tribal voice and we should be sought out. It doesn’t happen often enough. He’s seen where the tribes have been unintentionally skipped over, but he’s also seen change where the tribes are being included in more groups. He wants to keep pushing that forward. As committee members, you’ll see and hear a lot from me and from Sabrina. We’ll be reaching out to local communities.

Sabrina Boone is the Emergency Operations Coordinator with Tlingit and Haida. While Corey got the ball rolling in getting us involved with the LEPC, she was able to finish the process, as Corey was off work because of an injury. The naming of the seat was important because we want to be seen as a sovereign entity. There was a lot of back and forth between the city’s and tribal’s legal departments on the name to find that common language that would honor us in an appropriate way. Everyone finally agreed upon Alaska Native Tribal Representation seat. There are two major entities in Juneau that are represented tribally Douglas Inuit Association and also Tlingit and Haida. For us it was important that we were both able to sit at the table on the same level and not have one as a back up to the other. Because we are both sovereign and so we wanted the opportunity for us both to be there. If they find interest to join, it will be available to them.

Corey encouraged participants in their separate LEPCs to reach out to the local tribes in their area. If they’re not already at your table, invite them in. Bring them, encourage them, explain that they do have something to offer that you need to hear. They will be a great partner at the table. Tribes come with great resources and a lot less red tape. So, we’ve been able to do a lot with what we have to become a regional partner in southeast Alaska and a partner where our other tribal citizens fine themselves whether it’s Anchorage, San Francisco, Seattle, Portland and so on. Our jurisdiction is wherever the feet of our tribal citizens happen to be standing. This gives us a lot of ability to help when things happen. And to advise when you have a question about working with a tribal entity. So, again, reach out to the tribal entities in your area and bring them in.

Michelle shared their LEPC is set up a little differently than other LEPCs. They have 14 seats. Each have an alternate seat. This helps them have a quorum at their meetings. Both seat holders are requested to be there. When you add in the public attendance, this does make for a large meeting. If the primary seat holder can’t be there, then the alternate seat gets the vote. By having two separate tribal seats designated, they don’t compete with each other. If we do have interest from our other sovereign government, they would have their own voice.

Michelle asked if anyone had questions.

**Q&A Session**

Michael Paschell, Delta-Greely - commented that this discussion leads to a topic for a future meeting or a series over several years on the structure of LEPCs and how they were created, the responsibilities of them and the legal structure. I’ve heard several points in this presentation that go against the federal document on LEPCs, how they’re structured and what authority they do and don’t have and who they report to and those types of things. I think that might be a topic worth building into the preparedness conference since the LEPCs are such a big part of that.

Co-Chair Cook stated that he appreciates the presentation. It’s a good reminder for LEPC to do that. We do have participation, but always good to refresh. To be mindful of the legal implications and to have the good conversations going back and forth is what it’s all about.

Willard Hand, Copper River LEPC - stated that he’s also Tribal Administrator for a federally recognized tribe, and he appreciates the presentation. Once again, when you invite a tribe to your meetings, you’re inviting a federally recognized country or body. So, keep that in mind. It brings the federal power with it. So, that may be what he was referring to. It does change some jurisdictional things but in this climate now with state money dwindling, you want to look to your native partners. There’s a lot of America Rescue Plan money, a lot of infrastructure money that’s going to go towards emergency response and operations. What a great time for state partners to reach out to our tribes and ask for partnerships. Now is the time to do that. Thank you, Juneau.

Michelle responded that that question did come up with legal. Our understanding is that they could set up their own tribal TEPC and that we could also be invited to their table as well. What they decided was ours existed, they wanted the collaboration and it’s good for the community. Doing it the way we did it, did not exclude anyone. So, it ended up being a win-win.

Corey added that it’s a way to begin, it’s a way to get engaged, and it’s a way to move forward and open up those relationships that we’re all trying to build. We all want to bridge the gaps between the state, the tribes, the municipalities, the smaller villages. This is just the first step in doing that and getting us all working on those same projects.

Sabrina added that maybe there are some tribes interested in joining even though they may not have physical resources to add, they do have knowledge of their area built on being in the area for thousands of years. Tapping into that is extremely important recognizing and acknowledging that they do have that information can be extremely valuable for search and rescues, emergency response. If someone goes missing in one cove, they’re going to know where they’re going to pop out. Just making sure that you can be mindful of asking them.

Co-Chair Cook thanked Juneau LEPC for their presentation.

**E. Co-Chair nominations and action**

Co-Chair Vaden thanked JJ for stepping in to help with the meeting today. He acknowledged that JJ was thrown into the fire with the meeting, but it should get easier with time.

Second comment is about the thousand-pound polar bear in the room. We have funding problems coming up with LEPCs. It is something we need to address. On our next agenda, think about funding sources. Can we charge people for reviewing their emergency plans? As required, there are a lot of unfunded statutes that LEPCs are required to do. But there’s not money for it.

He doesn’t think budgets are going to get better and may get worse in our rural communities when fuel prices go as high as $15 a gallon. That will have a significant impact on a lot of emergency responses. He asked if there were any other closing comments.

Michelle with Juneau LEPC wanted to thank everyone involved in putting this conference on and showing up in the room and those online. She appreciated seeing the voices and emotions and all the interactions. She built new relationships that she intends to use and share. She appreciates being able to see the ones not able to attend in person. To hear their comments. She is sure it will get better. But it was awesome. Thank you.

VIII. LEPC Verbal Status Reports - suspended

IX. Members Closing Comments - suspended

Co-Chair Vaden asked if there were any other comments. Hearing none, he asked for a motion to adjourn.

**MOTION:** Michelle Brown moved to adjourn. Craig Warren seconded.

Co-Chair Vaden ask if anyone opposed. Hearing none, we are adjourned. See you in October on the 14th.

Meeting adjourned at 11:45 a.m.