

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE REGULAR MEETING
OKLAHOMA HAZARDOUS MATERIALS EMERGENCY
RESPONSE COMMISSION
HELD ON AUGUST 9, 2005, AT 1:30 P.M.
IN OKLAHOMA CITY, OKLAHOMA

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MEMBERS OF THE COMMISSION

LARRY GALES - CHAIRMAN
DALE MAGNIN - MEMBER
CHIEF ROBERT DOKE - MEMBER
MAJOR MIKE GRIMES, OHP
KARY COX, WASHINGTON COUNTY EM
TERRY BOBO, ENVIRONMENTAL MANAGEMENT INC

ALSO PRESENT

TOM BERGMAN
ANGELA BURKHALTER
MONTY ELDER
BOB RABATINE
BETTY REATIES
JAMI MURPHY
MYRNA BRUCE
TIM GABLEHOUSE

PROCEEDINGS

CHAIRMAN: I'm calling the
meeting to order. And I've got 1:38. Roll
call, please.

MS. BRUCE: Robert Doke.

CHIEF DOKE: Here.

MS. BRUCE: Dale Magnin.

MR. MAGNIN: Here.

MS. BRUCE: Mike Grimes.

MAJOR GRIMES: Present.

MS. BRUCE: Larry Gale.

MR. GALE: Yes.

MS. BRUCE: And for the record absent are Kary Cox and Terry Bobo.

CHAIRMAN: The next item on the Agenda is the approval of minutes for the May 10th, 2005 meeting. Presented in your packet.

MR. MAGNIN: I move that we approve the minutes.

(Off-the-record discussion)

CHAIRMAN: We have a motion to approve the minutes from the May 10th meeting?

MAJOR GRIMES: Second.

CHAIRMAN: Got a second from Major Grimes.

Motion and second to approve the Minutes from the May 10th meeting. Discussion? Discussion? Discussion? Hearing none, all those in favor, not opposed say aye.

COMMISSIONERS: (Unanimously) Aye.

CHAIRMAN: Those opposed? (No response)

CHAIRMAN: Motion passes.

Commission Status Reports.

Mr. Bergman.

MR. BERGMAN: You have the report in front of you. We will be doing a special CAMEO training session for the emergency managers in Tulsa immediately before their regular fall meeting.

I'm going to give the floor to Jami here for Items 3, 4 and 5.

MS. MURPHY: Okay. Monty moved the deadline up on the TRI Reports. The '03 report will probably be available online next week. I've got the '02 report to give to you.

We continue to accompany EPA whenever they are in the State doing TRI inspections. And we're building the database. Apologies for the grammatical error -- we are building the database for the '04 TRI (inaudible).

MR. BERGMAN: I think Dale has some notes on his report too about the DRT meeting. As usual, it's mostly concerning the coastal areas, but we did talk about the DEQ online systems that some of the other states were interested in.

And the LEPC conference continues to

be scheduled for next January in Little Rock.

CHAIRMAN: Questions or comments regarding the Data Management Report?

(Off-the-record discussion)

CHAIRMAN: Let's get back on the agenda here.

Okay. Any questions or comments regarding Data Management Report?

(No response)

CHAIRMAN: Hearing none, Mr. Magnin.

MR. MAGNIN: Okay. I've passed out -- I think everyone got a copy of the notes here. The LEPC grants -- this says two grant applications have been received -- actually we've received three for FY '06.

Had a deadline of 1 September, but we don't actually get the money from (inaudible) until the end of September. A little loosey-goosey on that. I'm expecting the same 19 LEPC's to apply again. With those applications there will also be their report which is acting as first report for '06 and it's the last report for '05. So as soon as I get all those in there, whatever the balance of the money we have left from the HMEP grant is, I'll divide that by 19 and shoot it out. Or 18 or 17 or 16 depending upon who sends me that paperwork. I think last year -- at the end of the year, I sent them each about \$600 or something, so that was a pleasant surprise to them, but I zero out the account every year with that \$500 balance so we don't send anything back to Charles. Charles doesn't want anything back. So that worked out.

The training that we've got going with OSU has been pretty good this year; 1581 so far, 87 classes and the classes continue throughout the State and at OSU. So that's doing good.

ERG's, you know, we do the Emergency Response Guidebooks every four years and it just doesn't matter to me. I get called for ERG's at least once a week, every week, every year, but we still put out -- gosh, 31,000 of those, I believe, was the total number and I still refer the people that I can to the County Emergency Managers who should have about a 10 percent excess, it's closer to go to the county guy than getting it from us. So, we are still planning. I think I've got about 400 there sitting in the corner of my office for emergencies

but, you know, we've got three more years to go. Gave you guys a bunch. So those should be out to all of OHP. Every fire department should have them and EMS, they're out there. It's just kind of like candy.

Tom talked about the EPA Regional Response Team Meeting. Again it's those big coastal oil spills. But Steve Mason has got us signed up to come up with some type of online hazmat training and he's willing to put it on their website and grade the test and send out certificates and all that stuff. If you remember, Bill Lewis was working with Charles for about five years now?

MS. ELDER: Oh, yeah. At least.

MR. MAGNIN: To come up with online awareness and operations training. They aren't there yet. I think the last I heard they were a couple million dollars short. Weren't they Kim? A couple million dollars short?

So, anyway, Steve -- it's a good idea. I think if we could crank something up on the web similar to what we're doing with the NIMS and ICS training, why not. You know, awareness training, this is how you use the ERG book, this is how you read it, a couple of exercises pumping out. So anyway we're working on that.

Fall Conference, the 22nd you're going to be there?

MR. BERGMAN: Yeah. I'm there Monday and Tuesday and then the conference starts Tuesday at noon.

MR. MAGNIN: Tuesday afternoon and all day Wednesday and then Thursday until noon. It looks like it's going to be the biggest conference that we've had yet with 178 people signed up so far. It will be at the Marriott in Tulsa on 71st Street. So, we're looking at having a good time there.

These conferences always -- as soon as we get people together and talk again, you know, it's nice to have good speakers and good material, but it's better to have people talking to each other. Meeting and greeting that always works out good. The facility there in Tulsa is very nice. So, we'll hit that running.

And then the Response to -- Oklahoma Response to Terrorism is coming up pretty quick at the end of September. This year we're going to pay for the first 100 Emergency Management Directors out of town

EMPG Grant to go to that. They mail out the fliers, I think, throughout the State and Homeland Security has got a website and there's also a website on the Response to Terrorism, which I don't remember -- OTRC.com, I think. Anyway, that will be a biggie there.

Carrie (inaudible) will be doing the welcome on that. And I think Albert is participating in some type of panel during that conference. It's going to be at the same hotel in Tulsa.

I guess other odds and ends, you know, we're continuing to fight the NIMS, National Incident Management System, requirement for FY '05 and '06. Got to be compliant by the 1st of October, 2006. Letter across my desk yesterday where Homeland Security sent a letter to the State Homeland Security, basically asking for that signature to certify that we are in compliance. So hopefully that will be going out.

We received a quarterly report from EMI on the number of people in Oklahoma taking the NIMS online. And last quarter was about 2,000; the quarter before that was about 1,500; and the quarter before that was about 1,000. So, we've got about 4 or 5,000 people who have taken NIMS.

Have you taken that, Monty?

MR. ELDER: Yes, I have.

MR. MAGNIN: Good job. We figure we got about 995,000 to go. But the NIMS and ICS is important. I keep stressing to people that there's more to NIMS than just taking that course.

We're also getting a lot of resolutions back from the communities where they have, you know, resolved to make NIMS institutionalized in their county or city and also ICS is becoming institutionalized across the State. They've also got to update their Emergency Operation Plan with that information in it. And they've got to start thinking about interoperable communications, equipment typing and personnel credentialing. We're all plugging along with that.

How are we doing on the CLEET?

MAJOR GRIMES: Haven't got a report from them, but I'm going to find out this next week.

MR. MAGNIN: Okay. Mike is working on getting NIMS and ICS into the CLEET curriculum.

MAJOR GRIMES: Had a number of

conversations with him.

MR. MAGNIN: OSU, Steve George, they're working it into their curriculum. Homeland Security is working with multiple vo-tech's and having it on their curriculums. And the Health Department is going all over the State providing the classes on NIMS and ICS.

So, that's our consortium. It's out there and we are slowly getting there, but this will be a long-term progress or product of trying to get it all done. Cut off 1 October, 2006. And what that means, as I understand it, is that fewer Tier VI will have to prove compliance in order to receive preparedness grants. Preparedness grants.

And a couple of people were nervous about, well, if we have a disaster, that means we are not going to get any money? And I said, no. I don't think anyone's going to risk their career by not helping out Tier VI if they have a disaster, that money will still shelf.

But if you want money to update your emergency operation plan or have an exercise or buy some toys in the interest of preparedness, you're probably going to have to show that compliance in order to get that money in the future, after the 1 October, 2006.

MAJOR GRIMES: The Governor signed off on it too. It will be done at the state level.

MR. MAGNIN: What did he sign?

MAJOR GRIMES: The effective order.

MR. MAGNIN: When?

MAJOR GRIMES: I don't know.

MR. MAGNIN: Okay. I think he's working on it.

MAJOR GRIMES: Okay. He's supposed to have signed it.

MR. MAGNIN: I think on Thursday, the month of September will be the National Preparedness Month in the state and there's going to be a get-together. And I think that Melissa is tweaking that --

MAJOR GRIMES: Okay.

MR. MAGNIN: -- Executive Order. And I think the plan is to try to get him to sign it on Thursday. And all the Executive Order does is basically say, whereas we got terrorism, 9/11, and all sorts of bad problems, it's best if we all work together and use the National Incident Management System and use the command

system. It's only taken ten months to get there. And that's basically all I've got. Yes, ma'am.

MS. REATIES: This web based training -- that Hazmat training, will that include a refresher training for hazwhopper?

MR. MAGNIN: Well, it's my understanding we are not messing with hazwhopper. Hazwhopper is just -- you know, the course is designed for facilities for people that use Hazmat on a regular basis. Hazmat awareness is for those first responders, so they know how to use that emergency response guidebook when they come upon an incident. So, it's two different things and we're focused on how do you use that book --

MS. REATIES: It's awareness.

MR. MAGNIN: -- so you don't become a victim.

MS. REATIES: Okay.

MR. GALES: Okay. Any questions or comments of Mr. Magnin?

(No response)

Hearing none, Item 5. SARA Title III changes report. Just as a (inaudible) covering it after comments. In the past, sometime back we asked the Ad Hoc to begin to look at such issues as feasibility mandatory online filing.

Other issues have -- as a consequence of that discussion, other issues have come up that -- for consideration, not an involvement of the Oklahoma Hazardous Materials Emergency Response Commission.

So, I'm going to ask Ms. Elder and Ms. Reaties to update us on where we're at on all these changes -- these various proposed changes, which at this point in time are very draft. But they could have an impact on all of us, including our partners in the related communities. So, Monty, do you want to start out?

MS. ELDER: Yes. For those of you in the OHMERC who may have missed meetings or weren't aware, you know, we had online filing of Tier II information available this year, 44 counties, LEPC's also participated. And when we developed that, the Secretary of Energy gave us the money for that, asked us to look into mandatory online filing when he gave us that money. And so, the way we do things, you know, DEQ is the -- because of statute, takes the reports for SARA Title III, so it

would have required a rule change for DEQ. And the way we have rule changes at DEQ is we have input from Councils, and Committees and Commissions like this one. And so this Commission, because it has a small up membership, has in the past always had the Ad Hoc committee -- advisory committee look at issues and bring issues forward.

So, what we thought was going to happen was that the OHMERC directed the Ad Hoc to look into this online mandatory filing. We had a number of meetings around the state and sent out letters to every single person who filed Tier II asking them about it, had an online survey; and the thought was we'd come back, we'd talk to the Ad Hoc about the results of that, the Ad Hoc would make a recommendation to you all, then you all would either say good, and send it to the Environmental Quality Board for a rule change or you'd say uh, you need to work on that a lot more or you could say no, don't do this.

Well, actually what DEQ is going to do is, we actually asked the Ad Hoc to recommend this whole idea to be tabled. Because in discussions as we looked and talked to people around the state about this, including industry representatives, we got a couple of important comments. You know, we -- I can tell you that the majority of people were in favor of this but we had a significant minority that was not in favor of it and they had two basic things that they were saying.

One was that some people just didn't think they had computer access or computer abilities, or they were too small or the whole technology issue. And we recognize that of people and if we went to mandatory online filing, I believe -- and we would be set up to do some aid in that direction, classes, the environmental local -- complaints of local services -- our local offices have told us that they would agree to train up there folks and by appointment, people could come in and use -- DEQ staff would help them do it, there are library. The earliest we could get something passed anyway and have it become a rule would be June of 2007. So, you would have some grace period there. We would -- if it came up, we would propose another year grace period, to get everybody up to speed. And then we would look at alternatives for people who simply could not file on the internet.

And one of those alternatives might be, we looked at how much it cost us to handle paper file, diskette, and online and we discovered that it cost us around \$18 to process a paper Tier II and it cost about \$13 to process a diskette and about \$3.50 to do online filing. You know, we ran the numbers on that.

And so one alternative might be after, you know, after a grace period, the people who are going to file a Tier II on paper, maybe they would pay something extra for that paper filing to cover our cost. That's just a suggestion that we came up with. So, that was one area that came up that we would have to consider.

The other area that came up was that people were concerned that they filed online with us, but they still had to file paper or they still had to file with the LEPC's and local fire departments and, you know, this would look a lot better if they could get over that hurdle. It would look a lot better if they had one place to turn in their report and then it was distributors that have gotten to these other entities.

So, we had that comment so many times that it was suggested, my boss suggested to me that I look, and we looked together, at what it would take to do that kind of system and what kind of other changes we might want in SARA. So, in other words, this has kind of morphed from a simple mandatory online filing, which would kind of be in line with what's happening around the country and around our state and around us, into generally, how can we approve this program to give better service to everybody to be more efficient, to do what we really want to do and that's to get information in a usable form to emergency responders.

And so, in draft format only, and believe me, we will have to come up with much more details before we go out to the community -- and we plan to go out as we did before, letters to all our Tier II filers, surveys, more meetings -- and I know we all love that, more meetings, and we plan to come back to this Body with a flushed out proposal in November.

But the draft idea has basically four different parts to it. One part we're familiar with and that's the possibility of looking at mandatory online filing.

The second part is really part of

that filing. And that is we would like -- or may want to look at, adding latlong to the TIER II. And the reason we wanted to add latlong is because -- another part of this is we would like to see how we can get information to fire departments without having to send paper reports to fire departments. And if we had latlongs, we could write computer programs that would easily tell us which fire department that was supposed to go to. So, it would be helpful in distributing information to fire departments and also you could map it. You can map locations if you've got latlong. So, we would like to look at that.

The third issue -- and these are really -- I hate separate them because they would kind of all come together as one picture, but the third thing to look at -- or we would like to look at is over the years, for a number of years, we've heard about the inequity of our feat. For those of you, just to refresh your memory, one to ten facilities pays \$10.00 per facility, 11 to 24 pays \$20.00 per facility, and 25 or more facilities pay a flat \$500.00. It was capped at \$500.00.

The result of this has been inequity in a couple of major ways.

One is, for example, if you have an oil and gas producer, you have somebody who has nine wells, they pay \$10.00 per facility, \$90.00. Somebody has 11, they pay \$20.00 per facility and that's \$220.00. And that's kind of a big jump. And those folks in the middle, they have long told us they thought that was inequitable.

Another real inequity in this system is that this is based on number of facilities and it doesn't really have anything to do with the risk posed to the community.

For example, Conoco-Phillips Refinery pays \$10.00 because it's one facility. The co-op in Buffalo, Oklahoma, which may in fact be the only chemical risk in Buffalo, Oklahoma, pays \$10.00. An oil and gas facility out in the middle of section whatever, range whatever, removed from people and has, you know, a risk, small, but a risk of fire and explosion, probably not affect that many people, \$10.00. And you know, it's not really an equitable risk.

So, we would propose looking at a system that would be more equitable and our idea would be -- and we haven't flushed

this out, but we are looking at something in which we would have a fee per chemical, with a higher charge for extremely hazardous chemical. You might have something along the lines of \$10.00 per regular chemical, \$30.00 per extremely hazardous, move the cap up to \$1,000. Or it might be \$15.00, the chemical \$30.00, the cap at \$1,000.00. Maybe we have -- you know, it would be possible, maybe we'd look at oil and gas industry a little bit differently, maybe give them just a flat \$10 or \$12 per facility assuming, in our minds, that they've got produced Hydro carbons there and then -- anyway, those scenarios.

What would happen would be this, the percentage of fees paid by the oil and gas industry would drop. They, you know, from over 80 percent of the fees being gathered from them, would drop down more in the range of 60 percent. Manufacturing entities would pay a higher percentage of the cost, including refineries. Co-op's would pay a higher percentage of the cost. Conoco refinery would probably go from \$10 to \$600 because they have so many chemicals. A typical co-op might go from \$10 to more in the neighborhood of \$50 or \$60. So, we would be looking at that.

And one of the things that that fee structure would do to us -- for us, besides being more equitable in distributions, we believe it would bring in more revenue. And what we would propose to do with that revenue, the bulk of -- well, we would propose to add another FTE to help with what we propose to do and that is get money to LEPC's because they have not had money except (inaudible) MEP before. We would like to pass that money to LEPC's.

Why would we like to do that? Ha-ha. The fourth part of this proposal is that we'd like to have a one stop -- or one place to report. That would be online. And a facility would report there. And then -- and we would have to work on it, so, trust me, I know this is very draft, but we would look in ways where we could get the information to LEPC's, perhaps online like 44 of them did now, add some more, if people didn't want to go online, we'd have to -- DEQ might have to take -- you know, we might have to make disks and take to the LEPC's. But then we would be looking for the LEPC's to take the information to the fire department.

So, we would be -- one of the reasons we'd pass-through money to them is to help them with their operations to be able to do this. We think a couple things would happen by that.

One is you would stimulate conversations back and forth between the fire department and the LEPC's, which we think would be good for planning.

And the other thing is we believe that information would get to the fire department and LEPC's both, in a usable form. We've got way too many people telling us that Tier II's are in shoe boxes or, you know, sometimes they are not even filed. And that's not helpful. So, if we could do something to make it helpful so that you could have it on disk so that you could pull it up, you know, we think this would be a good thing.

So, that's kind of the draft area that we're looking at. We are looking obviously into how this -- how EPA would react to this. And Colorado does a smaller version of this, but they do a version of this as a policy and so Colorado has offered, with us, to write a letter to EPA headquarters, to Debbie Dietrich, to Kathy Jones, to people that we're familiar with, outline the basic idea and see if we can get EPA to come onboard with that, because I believe that will settle most of our problems.

So, I think it's possible that EPA promotes what's called an "E Plan". Which is basically -- put information in one place and then send it out on the internet. We don't want to really send it out on the internet because we think in an emergency, your internet connection might go down. We would rather have people have it, you know, in a way, in their hands. But it's still pretty much the same process that EPA has been talking about before. Larry has expressed concerns and we will need to look at that, about, you know, whether or not DEQ suddenly becomes responsible for too much of this, is there any way, you know, if LEPC says, yeah, we'll do this, and don't, you know, what will happen.

There's many issues to look at. And I don't pretend to tell you that we have all the answers, but I think we have a way -- a window of opportunity here to address many problems that have plagued the SARA Title III problem program. Many problems that people have told us that they have a

problem with, address many issues that people have overwhelmingly told us they want to do. It would be an ambitious thing to do. Presently no other state in -- again, Colorado does a similar thing on a smaller scale, but no other state does this all the way. Louisiana does it with their LEPC's, but I don't know that they shift it down to the fire department.

UNIDENTIFIED: They do not.

MS. ELDER: So, there are some half-way models out there, but nobody really does this. So, it would be very ambitious, it would kind of be cutting edge, and I think it's something that facilities have certainly told us they are interested in and I've heard that as I've traveled around the country.

So, the basic things that we're going to be looking at are, again, mandatory online filing, including latlong, changing the fee structure so that it is more risk based and based on chemicals rather than on -- purely on individual facilities, and looking at a way so that our facility folks will only have to file in one place and then those files will go, as statute says, to LEPC and fire department, so they will be relieved of their obligation. We'll be able to stimulate interaction between LEPC's and fire departments. We'll be able to pass through some money to LEPC's for them to help with their functioning and we'll be able to get really usable good information to our emergency responders so that they can be better prepared, you know, to help with the planning.

So, given all that, you know, I'd love to answer questions for you but most of the time I'm going to have to say I don't really know. This is kind of a draft. But we will come up with solid proposals. We intend to come up with solid proposals in about a month and get them out to folks, get them to the OHMERC, get input from the -- in public forums, take survey's on it and then the goal would be to come to you all. The optimistic goal, I don't know if we can hit the optimistic goal, would be to come to the OHMERC at the November meeting, just to kind of thumbs up/thumbs down, or you need to tweak this a bit.

Optimistically, if we could get the OHMERC and the OHMERC signed off on it, then it could go to the DEQ Board meeting in February. And if we had a rule change

in February, the earliest it could become an official rule would be June of 2007. So, there's a lot of time out there, you know, for people to get used to it, to figure out how to do it, to get the word out, that sort of thing.

So, that's kind of my summary. And so as a result I've asked Betty to ask you all to table my Motion.

MS. REATIES: Okay. We are asking to table it and we propose to have some -- to host a public forum hopefully after some newsletters go out. And I understand Chief Doke has a newsletter that goes out and Jami has a newsletter that goes out --

MS. ELDER: We have a newsletter.

MS. REATIES: We do. And -- yeah, right, the Ad Hoc newsletter -- and get this information out to more people and then after that, sometime in September, have a public forum to meet here.

CHAIRMAN: Okay. This is a report that has, discuss items. So, I think it's appropriate just to discuss this to the extent you might want to with the attachment on your request to table under Item 6.

CHIEF DOKE: I have a question. If I understand this right, if a fire department has a computer and they hook up to the internet, I'm seeing this as -- this is going to be easier for them to maintain and/or review those records?

MS. ELDER: Absolutely. And the fire department won't really have to -- we don't envision the fire department to be receiving their information via the internet because there's so many fire departments.

CHIEF DOKE: Right.

MS. ELDER: I think that would be difficult, but --

CHIEF DOKE: I was thinking -- yeah, go ahead.

MS. ELDER: But we do think that the information can be gotten to them fairly easily on a diskette, which, in fact, they can put in to their computer and it's easily, you know, can't cause them so much training in CAMEO and we could do more. You know, it's a diskette that you can really use it well for planning. They can look up facilities, they can do mapping, they can do all kinds of stuff and it will really be usable information. They will no longer have to sit there and think,

hand in our Tier II forms, that sort of thing.

CHIEF DOKE: We have some funds -- at the current time there's just a little over 1,000 -- maybe 1,003 fire departments in Oklahoma. And that's anything from the size of Oklahoma City and Tulsa to those in my area.

MS. ELDER: Yeah.

CHIEF DOKE: Which have no phone lines and they're lucky to have a water facet inside their station.

So what is happening is anytime the fire department applies for Homeland Security assistance to fire fighter grants, they have up to 12 months to start reporting electronically. Which means they will have the computer and they will have the ability 12 months after they receive that grant. That's their agreement. We work with the group out of Denton and they take who has received grants, whether we are or not in our office, receiving electronically and then go out and pay a friendly reminder to that department because they can use that grant -- part of that grant money is to purchase a computer. We had, I believe, 25 come in from the Pentagon that we distributed out to rural departments. And in about 50 days from now, in just visiting with this kind gentlemen to the left, on the -- the City of Oklahoma City has 110 computers that they are surplus out. They went in and cleaned them up and reinstalled Windows XP, it will have the -- I don't know if we're using the CAT Five or if we're using the (inaudible). I imagine the CAT Five. If I go beyond that, I'm over my limit in technology on computers.

With these 110 there's, I believe, 11 or 10 call districts. There's either 10 or 11 fire coordinators and they have -- across the state. They will come in in about 50 days and they'll pick up either 10 or 11 computers and they'll decide which department that goes to.

MR. MAGNIN: So, it's the sub-state planning districts?

MS. ELDER: Yes.

CHIEF DOKE: 10. So, there'll be 11 computers to each district. That coordinator will decide who receives them, just visiting that -- if that department also wants to have CAMEO installed and we have a -- a resource here. We'll have them. And they're installing the fire

reporting so the numbers are slowly going for those who don't have computers and I think this will work. And latlong is going to be great because they're going to have to start doing that through their fire (inaudible) grants in the near future. So that's really going to be good.

MS. ELDER: Good.

MR. MAGNIN: On that latlong, we did something last year, our area coordinators went out and were capturing a lot of latlongs, and all the critical info-structure out there; fire departments, police departments, city halls, things like that. So a lot of that information is probably available.

Second thing on the basing your fees on the risk, Homeland Security is moving in that direction on money going out nationwide based on risk. So, that's a good idea.

And the third thing, if we can encourage people by fee structure, that it's cheaper to do it online versus mailing in the paperwork, you know, and slowly encouraging them to come on board without, perhaps, having to make it mandatory.

MS. ELDER: Well, you know, we're going to look at all those things. I appreciate everybody's input on this. And certainly OHMERC has opportunities for input just as -- like everybody. So, we appreciate that.

CHAIRMAN: Other comments or --

MR. BERGMAN: Well, I know you got some of the rural fire -- some of the fire departments are getting some computers, but what are the -- what's the numbers in terms of every single one of them of all 1,003 of those having a computer and an internet connection for -- at least for email?

CHIEF DOKE: Oh, goodness. Some of those departments that do report to us, one of the fire fighters did use their home computer. So, it's not (inaudible).

MS. ELDER: Right.

MR. BERGMAN: So, that's not something that's going to be --

CHIEF DOKE: So, maybe 40 percent. 500, if we're fortunate, that have access from our station. A lot of them just have electricity, they don't have water they can -- I don't know where they get the water for (inaudible).

MR. BERGMAN: Well, we're in a real need for the community that -- the

folks that have to turn in the reports, the filing community is that there would be some sort of delivery system that can be verified and therefore they can show that their obligations, under the law, have been met. So what we're looking for on this proposal is a delivery mechanism so that DEQ can get -- now I don't know if the Fire Marshall's office is a delivery mechanism. We've also kicked around the idea of the individual LEPC's being the delivery mechanism. We can get those guys pretty easy.

CHIEF DOKE: I think we're going to have quicker success with your local --

MS. ELDER: Right. You know, this may be something that we want to discuss later. Hashing out details like that, probably, at this meeting, probably isn't -- you know, we're probably not going to get them hashed out at this meeting.

CHAIRMAN: Okay. Are there any questions or comments? So, what we basically have -- what started out to be a single issue --

MS. ELDER: Yeah.

CHAIRMAN: -- is now into several other things that's going to take some more time to work out, but ought to reap much larger benefits for the whole community associated with SARA Title III. Hopefully the regulated community will have to go through less hassle on the report. Fire departments and LEPC's will get usable information very quickly. Our ability to more effectively manage and efficiently manage things will improve.

Hence, there's probably not a lot of need for the OHMERC to tackle the mandatory online filing at this point in time and what we've heard is a recommendation from the Ad Hoc and from Betty that we table -- under action Item 6, we table this approval to -- this recommendation to approve mandatory online filing.

Do I hear any objection to tabling this motion until further notice?

(No response)

CHAIRMAN: I don't know that we need a motion to do that. However, to play it safe, I would entertain a motion to table this issue until further notice.

CHIEF DOKE: So moved.

CHAIRMAN: And I would also ask for a second.

MAJOR GRIMES: Second.

CHAIRMAN: Discussion -- we had a

motion to table Item 6A. Any discussion?
Discussion? Hearing none, all in favor
signify by saying aye.

ALL MEMBERS: (Unanimously) Aye.

(Tape cuts off)

(End of Tape 1, Side A)

(Start of Tape 1, Side B)

CHAIRMAN: Item 6A is tabled.

Discussion Items. First off, I'd
like to ask Jami to talk to us some about
the presentation about the 2002 TRI Summary
Report.

MS. MURPHY: Folks, this is it.
It's available online. And as I said
earlier, the '03 will be available next
week. Look at it, if you have any
questions, please let me know.

CHAIRMAN: Very nice.

(Inaudible) your report.

(Inaudible discussion by Committee Members)

CHAIRMAN: I have the honor to
introduce Tim Gablehouse to the OHMERC.
Tim and I were on a -- I'm not sure what
that was we were on when we first met, it
was sometime in --

MR. GABLEHOUSE: Some kind of
advisory --

CHAIRMAN: And he used to think
of it as a think tank. But regardless,
Tim's with the Jefferson County Colorado
LEPC. He's spent an awful lot of time in
this business. I see his name mentioned
quite frequently trying to make things
better.

At any rate, Tim's here to talk to
us about a program that he has been
instrumental in developing and an interest
in cross-border cooperation between LEPC's
on the border of connecting states. Try to
share information and to develop more
cooperative work relationships.

With that, Tim.

MR. GABLEHOUSE: Thank you.

I'm a member of the State of
Colorado, equivalent of this organization.
One of the things we struggle with as a
state as well as motivating rural LEPC's --
large numbers of rural LEPC's occupy
borders of Colorado. So, our commission
has decided that we want a commissioner to
work with the SERTS of neighboring states
to see if we can't promote contracts that
will enhance cooperation and awareness
across the border. Folks that are that
remote from the population center,
potentially need more help than can be
readily provided.

One of the projects -- there are several projects that we've contemplated for placement, but one of the products that we're interested in doing is a shared commodity flow study. And we're pitching this concept to various other states.

Basically the way this would work is, we would organize LEPC's, state patrol resources, hazmat teams on our side of the border in cooperation with folks on your side of the border, do a cooperative set-up, modify flow studies, pool the information, get a lot more data in the process than we would have otherwise if we just did it by ourselves.

What I am looking for from this group is an indication whether you think it's a dumb idea or a good idea. And if you think it's a good idea, what I'd like to know is who to talk to to flush it out further because we have got folks that will work on the LEPC and hazmat teams and state patrol issues from our side of the fence. And so we need to develop the contacts on your side of the fence to go forward. So, that's what that's about.

As we tried to mobilize the LEPC's what we have discovered is, that it is very difficult to expect LEPC's to sit there and come up with ideas on their own. We've vastly more effective coming up with ideas, and handing them off to LEPC's and hoping that a fair percentage of the LEPC's will think that one or the other is a good idea. And we will proceed on that basis. We've done meth labs, school chemical lab clean-ups and facility security thing that we'll probably talk about.

That are all designed to try to peak the curiosity of an LEPC (inaudible). The commodity flow study is yet another one of those. And so I am sitting here today to see if there is some interest in Oklahoma trying to do that primarily up to 85. Our hazmat people -- state patrol hazmat people think there is a boat load of hazmat transport coming north and going south across the Oklahoma/Colorado border (inaudible). We think there's a lot more -- there's rural runs and not a lot of people out there, not a lot of capacity and capability out there either. So, we need to know more about that. It's really a black hole from this standpoint.

MR. MAGNIN: We've got three counties out there, Texas, Cimarron and Beaver. Texas County has an active LEPC.

Beaver County has an active LEPC, so to speak, still a very rural area. Cimarron County does not have an active LEPC. Mostly cattle and sheep and hydros ammonia are the biggies that they've got up there. We do have hazmat incidents up there.

MS. ELDER: Right. I was going to say I think this would be a good opportunity to maybe get Cimarron a little bit interested in having an LEPC and I mean, you know, if there's an interest. If the OHMERC thinks this is a good idea, I think Tom and I -- Tom has a lot of experience in that part of the world -- and with getting out LEPC's together, I think, you know, that we could work on that and see what we come up with on our end.

MR. GABLEHOUSE: We have had success in doing this in other parts of the state. The four corners is probably a shining example of that where we now have reasonably formal MOU's between folks in the Farmington area and folks in the Durango area, to provide and share assets across the border.

For example, we recently used the bomb squad out of Farmington to detonate some very nasty old chemicals that we took out of school lab in one of the small communities down there. So -- and they routinely practice. In a lot of ways that is an outgrowth of wild land fire coordination, and cooperation. And that was sort of the thing that gave us the idea that we might be able to pull this into other areas.

That's what our objective is, is to try to promote that kind of cooperation. The very remote (inaudible) they need help, it's just as likely that that help is closer on the other side of the border than it is within the state.

MR. MAGNIN: I think up there they are looking at Amarillo for quick help. We cut the EMAC, the Emergency Management Assistance Compact, between states. We're working Senate Bill 242, which went dormant last year, trying to crank it up again this year for intra-state, mutually which also will allow the Governor to move people from a community, a response team, or whatever, to become a state asset.

MR. GABLEHOUSE: We have a statewide that accomplishes that same thing.

MAJOR GRIMES: I'd say this for

Cimarron County, it moves about the third highest population of trucks through that county than any place in the state.

UNIDENTIFIED: That's just a lot of traffic seems to move through that area. I think we have a port of entry in Springfield that's pretty easy to (inaudible) if you care to and just (inaudible) point of entry in Oklahoma?

UNIDENTIFIED: There is no point of entries in Oklahoma. There is a weigh station.

UNIDENTIFIED: A weigh station.

UNIDENTIFIED: Which operates about a third of the time.

CHAIRMAN: Well, I don't see that there's anything -- we have nothing to lose and everything to gain by trying to do some kind of commodity flow studies in working with Colorado in that arena so we're not losing in Monty's offer to step out in front with -- along with Tom and see what could be worked out. I think it's an obvious opportunity to see what we can get done with this thing before we get too much further down the pike and we find out for sure, you know, how much we're going to be able to do, who's going to be able to do it and how we're going to get it done and what it's going to do for everybody.

So, I don't think the State's forming an action on the part of the OHMERC, other than to say that we accept your offer.

MR. GABLEHOUSE: Okay, that's fine with me.

MR. MAGNIN: I think that we can also probably provide a little bit of cash for Cimarron and Texas Counties as an incentives, hey, guys if you want to test this, we can set aside, I don't know, \$500.00

MS. ELDER: Sure. That's a (inaudible).

MR. GABLEHOUSE: We're going to be putting money into this cause to try to motivate facilities?

MR. MAGNIN: Just a little more incentive and assistance.

MS. ELDER: Great. Because we will be getting with you Tuesday. Thank you.

CHAIRMAN: Tim, did you want to talk about the individual facility (inaudible) estimate worksheet?

MR. GABLEHOUSE: I would be happy to talk about that.

MS. MURPHY: Let me interrupt for just a second. We have copies of this if anybody would like to look at while we discuss.

MS. ELDERS: You know, our basic idea here is we'd like to steal this and make it available to LEPC's and to communities. I don't know that we need to mandate it, but we sure would like to make it available and I think it's a tool -- another one of those tools that can get some interest in LEPC and it's just a helpful thing.

MR. GABLEHOUSE: (Inaudible) LEPC applied for and attained at headquarters EPA online security (inaudible) here a year ago, which was designed to improve facility security at small facilities handling chemicals, those that generally fall below the threshold.

Many of you will recognize the cover page, the first page of this as it is quite similar to an ODP document from several years ago. And the biggest differences are, if you will notice that the quantities in threshold kinds of indications are much smaller than that original ODP document. And we did that to try to be relevant to the small communities.

What follows is completely different. It is a different sense of directions, the instructions for use are all intended to be usable without training.

So, we put this in the hands of LEPC's rural fire departments, rural law enforcement. We've also done a fair amount of compiling on our own. And the base idea here is that a volunteer firefighter can knock on the door of a guy who is handling welding supplies or (inaudible) supplies in their community and walk through this with a fairly quick read.

You will note there is a lot of language in here to make it very clear that we recognize this is a subjective process. The purpose of the scoring is simply to be relative to the next time you come visit. Did you buy a gate, did you buy a lock, did you put light bulbs in the light fixture? None of this is rocket science, but we want to create some mechanism so that a facility and the local folks can make an assessment of are we getting better.

We made it very clear we believe that in deed the big threat to most of the rural part of the state, are local wackos and routine accidents. And we want to get

better at preventing local wackos and routine accidents, and the kind of guy that will come in and kick out the door in the (inaudible) supply shop because he's trying to supply his meth lab or stealing Walden's supplies or things like that. That person can present a tremendous risk to that community in terms of property damage, injure to people, things like that. But on a national radar screen it's just invisible.

None the less, we want that local community to have some tool, some means of getting at that problem. This is not an enforcement driven thing, it is arguably -- I mean, these facilities are just plain not regulated unless they are regulated by fire codes. And in Colorado much to the chagrin of many people, we have a patchwork of fire code. And we have some counties where if you get out in the unpopulated parts of the county, you don't have a fire code, just hopefully you don't burn things down.

So, as a result, we're trying to do something that is underly and doesn't rely on the fire code, doesn't rely on a golden code, doesn't rely on a federal regulatory standard for its implementation. It ends up being very much the power of moral persuasion. If I'm your neighbor or if I'm the local fire chief, if I can go knock on the door and say, we think we can help you reduce threat, reduce vandalism, better secure your facility, and here's why that's good for the community -- and by the way, it's really not going to cost you much money, we think that's going to be fairly successful and so far has been.

So, right now we're getting very positive feed back on it. I'm perfectly happy to have you folks steal it and use it as you want. It is electronically available as a PDF file to modify or whatever. But really our intent here was to put something in the hands of people in communities that does not require somebody from the state or otherwise to go out there and train them and motivate them to use it. They can download it and use it straight away. That's what that's about.

CHAIRMAN: Okay. Thank you, Tim.

Any questions?

MR. GABLEHOUSE: And if you get out there and use it and you have comments or questions, I'd like to hear them. We'd like that feed back.

CHAIRMAN: Okay. Thank you, Tim.

Any questions relative to this particular project, if you will?

(No response)

CHAIRMAN: Okay. Well, I think Monty and Tom and (inaudible) and Jami will probably look in to this thing to a degree to see if we can offer an opportunity to enhance security, at least for those facilities where we might be able to tie this to a little regulatory structure.

MAJOR GRIMES: We definitely have to do assessments on risk elements on -- with Homeland Security and so that's something that could be beneficial from our state.

CHAIRMAN: Okay. Any new business to come before the Commission? New business?

Hearing none, any miscellaneous discussion?

MS. MURPHY: Just a bit.

Chief Doke, you know that newsletter that you were talking to me about?

CHIEF DOKE: Yes.

MS. MURPHY: And I'm going to write an article (inaudible). When does that go out?

CHIEF DOKE: We do it monthly and we also -- well, I say monthly, it goes out 10 times a year, the circulation is 15,000 in Oklahoma. Most of it is -- it goes to the fire service. We also do what's called the Fireline. About three times a year, we may boost that up to five times a year which is an insert in that same newsletter.

MS. MURPHY: Right.

CHIEF DOKE: And it has a bit more specific information, with charts (inaudible). Linda Richardson does most of that for us.

MS. MURPHY: So, if we get an article over to you, will you be able to get it in one or the other of those?

CHIEF DOKE: Oh yeah.

MS. MURPHY: And when would it go out? Because -- I'll tell you why I'm asking, it came up in the Ad Hoc meeting --

CHIEF DOKE: Tell us when it needs to go out and we'll just --

MS. MURPHY: It came up in the Ad Hoc meeting, that we didn't want to schedule another Ad Hoc committee meeting to discuss these additional SARA Title III changes until we had had a chance to get the word out a little bit. And going through the fire services was one way to do it.

So, we are asking you, when does it go out so we can schedule after that?

CHIEF DOKE: You just tell me when you want it put in. Well, you -- just kind of get the rough draft in to the subcommittee, with you and Linda and I, and she'll tweak it and find out about what part of the year, what month you want that in and --

MS. MURPHY: But we could theoretically have it in, in an October edition, maybe even September? Is that possible?

CHIEF DOKE: Maybe October. I think September's has already -- in order to get September's out, I have to have it submitted by August 1st. So, my September issue is already --

MS. MURPHY: Is in place. Okay.

MR. MAGNIN: We've got an Emergency Management Association letter that goes out quarterly, but I'm not sure of the dates. But I can get back to you on that. If you provide the information, we can forward it and they can insert it.

CHIEF DOKE: The monthly article they hold me to 300 words, but on The Fireline, in our own insert, we have four pages. Well, we have two large pages that we can fill out so that we can work anyway.

MS. MURPHY: What I'll do is I'll get that over to you and we'll just let you edit and then -- but you're saying it would theoretically be the first of October before we could actually contact them? And we don't know when the quarterly emergency management --

MS. ELDER: You know, we could probably give emergency management heads up at the meeting -- at the conference.

MR. MAGNIN: Actually, if you've got something prepared like a one-pager or something, pass them out, too.

MS. MURPHY: We can do that.

CHIEF DOKE: There's the Fire Chief's conference at the end of January in Stillwater and you can use also that same item and I'll just take them there and have it distributed amongst the chiefs.

MS. REATIES: We're hoping we have something to give to the OHMERC by the November meeting.

MS. MURPHY: But hopefully by the end of January it will at least be something that maybe the fire chiefs are informed about.

CHIEF DOKE: Well, and the fire

chiefs are going to read those that go out in the regular newsletter also. Keep throwing it up on the radar screen sooner or later it's going to stick.

CHAIRMAN: Further miscellaneous discussion?

MS. MURPHY: Betty, do you want him to look at something on the Ad Hoc date?

MS. REATIES: Well yes. Do you want to do that here?

MS. ELDER: Does anyone have a calendar?

MS. REATIES: Yeah. I have (inaudible). Tom, do you want to have meetings in Tulsa again? Have you thought about that?

MR. BERGMAN: I think we'll probably have to at least schedule three.

MS. REATIES: Three meetings? And maybe one in Tulsa? So, what, one in September? When is the meeting in November? It's November the 8th. Do you want to do a September and October and say the first week in November maybe?

MR. BERGMAN: Well, there's no reason we have to spread them out --

MS. REATIES: That much.

MR. BERGMAN: -- for the two sessions.

MS. MURPHY: If we had -- then what if we had first or second week of October, maybe second week of October (inaudible).

MS. REATIES: We don't want to have something in September?

MR. BERGMAN: I don't know.

MS. ELDER: It would have to be the end of September. Way toward the end of September.

MS. REATIES: How about the 27th, that's a Tuesday?

MR. BERGMAN: I don't know. I think we may need -- some period of time to mail a letter but this is only the 9th.

MS. ELDER: Right. So, I'm thinking the 27th of September would be --

MR. BERGMAN: We could even have one at the end of this month.

MS. REATIES: No. I think that's too soon.

MR. BERGMAN: Okay. Well, the last week in September is bad for me.

MS. REATIES: How about the week before?

MR. BERGMAN: That's bad for everybody as a respect.

MS. REATIES: What about the week before?

MR. BERGMAN: The week before I think is okay on my schedule.

MS. REATIES: The 20th is a Tuesday.

MR. BERGMAN: Yeah.

UNIDENTIFIED: I'll be gone all that time.

MS. REATIES: Okay. So, we're thinking September 20th, and give two weeks and then one in October?

MS. ELDER: And then another one.

MS. REATIES: How about --

MR. BERGMAN: So you're looking at the 4th?

MS. REATIES: The 4th?

MR. BERGMAN: Is that right.

MS. MURPHY: Kick that back just a little bit so we can let this fire -- fire service newsletter get out.

MS. ELDER: Well, we're going to have one in -- later on in the month of October.

MS. MURPHY: Oh, okay.

MS. ELDER: So there are going to be three meetings.

MS. REATIES: And then how about October 25th? That's the last week in October. Tuesday.

MS. ELDER: Great.

MS. MURPHY: So the second one was the 4th? October 4th? These are all Tuesdays, right?

MS. REATIES: Right.

UNIDENTIFIED: I just did Tuesday.

UNIDENTIFIED: Okay. That's three.

MR. BERGMAN: Do you want to just do it like last time? The first one in Oklahoma City, the second one in Tulsa, the third one in Oklahoma City?

MS. MURPHY: That's fine with me.

MS. ELDER: So, you need to find rooms? Okay.

MR. BERGMAN: Right, depending if we can find a place to have it.

MS. REATIES: That's three reasons. And we want to do what time of day?

MR. BERGMAN: Let's see, what did we do last time? We did one in the -- first in the afternoon and the second was --

MS. MURPHY: It was well into the morning.

MS. REATIES: The afternoon one was pretty good.

MR. BERGMAN: Yeah. It was, like, 1:30?

UNIDENTIFIED: 1:30 on the 20th?

MR. BERGMAN: Over at the -- which was a nice place to have it by the way.

MS. REATIES: The Oklahoma County Extension Center?

MR. BERGMAN: The Extension Center.

MS. REATIES: We'll have to call to (inaudible).

MR. BERGMAN: Yes. We'll have to check on that. Tulsa, we'll just have to TBA it at this point.

MS. REATIES: Okay. And on the 25th, do you want to have it back out at Oklahoma County or --

MS. ELDER: Why don't you have it here?

MR. BERGMAN: Have it here probably.

MS. ELDER: And I'll check and see if we've got the room.

MS. REATIES: For what time? Afternoon?

MR. BERGMAN: Let's see --

MS. REATIES: 1:30 again?

MR. BERGMAN: That's okay.

MS. ELDER: I'll check and see what we got the room for.

MR. BERGMAN: Yeah.

MS. REATIES: 1:30, DEQ. Okay.

CHAIRMAN: All right. Any further miscellaneous items?

MR. BERGMAN: I was catching a few articles by the futurist, is what they're calling themselves, on population growth in the future. By the year -- let's see, Dallas is now pretty well landlocked and they're trying to expand their manufacturing industry. Their surrounding communities, are their bedroom communities and it's not in my backyard attitude. So, now they are now going north up I-35 and said by the year 2020 Oklahoma City will be at the maximum climb then it will taper off a little bit.

So, you look at I-35 corridor and say 30 to 50 miles either side, it looks like we're going to have a large increase in product storage, transportation, so then any emergency responders -- emergency management, DEQ, there's going to be -- the more products stored and shipped then the

more incidents are going to occur. I mean, I got to where I can say Grace over today with our Agency but as I'm looking towards this, I'm ready to start planning for years ahead when I'm not even going to be around to keep us up with then. As more information comes out, we'll kind of watch and see how it's going. Not to be the bearer of bad news but --

CHAIRMAN: It's not bad news, it's just news. At this point in time, it's just news. News for planning, news for the future.

All right. Anything else?

(No response)

CHAIRMAN: Hearing nothing, I entertain a Motion to adjourn.

MR. GRIMES: So moved.

CHAIRMAN: Second?

MR. MAGNIN: Second.

CHAIRMAN: All respond by saying

Aye.

COMMITTEE

MEMBERS: (Unanimously) Ayes.

CHAIRMAN: Opposed the same sign.

We're done for the day. Thank you very much.

(End of proceedings)

C E R T I F I C A T E

STATE OF OKLAHOMA)

) ss:

COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceedings were tape recorded and taken in shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 9th day of August 2005, at Oklahoma City, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the _30th day of September, 2005.

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310