

## LEPC Executive Committee

Tuesday, August 28, 2018

12:00 noon

Rutland Regional Planning Commission

### In Attendance

Bob Schlachter, Jan Sotirakis, Beth Diamond, Mike McLean, Ed Bove (ACRPC), Todd Cosgrove (SERC Chair), and Don Richardson (by telephone)

### Absent

Lt. Michael Studin

### Minutes

1. Meeting was called to order at 12:08 by Bob Schlachter.
2. Beth made a motion to approve the agenda, Jan seconded, motion passed.
3. A broad discussion was held of issues presented in the LEPC2 Executive Committee letter of resignation that had been presented to Todd Cosgrove, chair of the SERC, at the SERC's regular meeting of May 16, 2018.
  - a. Liability: Todd Cosgrove stated that he received a letter from Deputy Commissioner Chris Herrick stating that LEPC members are protected as agents of the state, in the same way as first responders is protected. If any LEPC members should be sued, they would receive representation from the State's Attorney. Todd stated that he will be attending the NASSTPO conference October 14-18 and will ask about it on a national level and report back to us.
  - b. Tier II Plan Reviews: Todd stated that what that means is a Tier II reporter would present its plan at an LEPC meeting, that organizations that are party to the plan would attend and give suggestions. He said doing that four times a year would be sufficient. (We note that he did not present documentation to this). He said that the Federal law that covers LEPCs is Title 42 (CFR), and the state statute is Title 20. (However, the copy of the Vermont Title 20 that Todd provided seems to only cover the financial aspect.)
  - c. Todd talked about the SERC LEPC Liaison Committee that is chaired by Prescott Nadeau. He stated that the SERC is looking at the roles and responsibilities of LEPCs and also at updating the handbook. A copy of the minutes was provided. These minutes clearly state the SERC is considering having LEPCs provide "**digital chemical facility reports and derivative data such as GIS layers including evacuation zones to first responders**" and response "**plan templates to their memberships**".
  - d. Todd stated that the SERC Finance Committee was looking into what it might cost to have paid staff for larger LEPCs, but we did not see any documentation. He also said that \$18,000 additional dollars were put into the SERC's budget for LEPCs. He stated that although the \$4,000 grant to LEPCs could only be applied for once a year, requests for additional funds could be made at any time.

- e. Vermont Emergency Management (VEM) involvement in the LEPCs: Todd stated the reason that VEM is no longer a presence at LEPC meetings is due to cuts in the budget. He said that we should speak with Chris Herrick or Erica Bornemann directly, and to our legislators, about this, but added that he thought that VEM would be there if we specifically requested their presence at a particular meeting or exercise.
- f. Todd clearly stated that LEPC2 had been doing what we were supposed to do.

Todd and Ed Bove left the meeting after this discussion, at which point the Executive Committee members held some further discussion. We agreed that we would compose a letter to the SERC explaining under what circumstances we would withdraw our resignations.

- 4. Plans for the future of LEPC2; Set date for Annual Meeting
  - a. A date was set for the September meeting, which will be held on Wednesday, September 19, 2018 at 6:00 pm. A location will have to be found.
  - b. A decision was made not to set a date for the Annual Meeting, but that it will be held in October.
- 5. Discussion on where items currently held by RRPC will be stored.
- 6. Discussion on the issue of a fiscal agent - TABLED
- 7. Public comments and discussion – no members of the public were present

The meeting was adjourned at 1:30.

Respectfully submitted,  
Beth Diamond, Secretary