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May 5, 2018

Dear Commissioner Burrows,

(Email was "blocked")

I am writing about the hearing on Thursday, May 10 at 1:30 pm seeking your approval for the new Local Emergency Planning Committee (LEPC) By-Laws.

Why are we here? (Here meaning considering By-Laws for LEPC). Why are we discussing LEPC? What is an LEPC and why the law?

During the early morning hours of December 3, 1984, a Union Carbide plant in a village just South of Bhopal, India released approximately forty tons of Methyl Isocyanate (MIC) into the air. Used in the manufacture of pesticides, MIC is a lethal chemical. The gas quickly and silently diffused over the ground and, in the end, killed, by some estimates, upwards to 5,000 people and injured 50,000 more. Congress passed EPCRA in response to that tragedy. Within the year, a similar but less serious accident occurred in Institute, West Virginia. The disorganized response of local authorities prompted further calls for systematic planning in anticipation of such incidents. Those in support of such planning also argued for improved disclosure to the public about the use, storage, and release of dangerous chemicals.

Sounds like what could happen if Painted Rocks Dam (or Como) was to become inundated! I can see the headlines, "Failure to plan for such an Event Contributed to the Massive Loss of Life".

Does the EPCRA require counties to have Local Emergency Planning Committees? No, it does not. However, in typical government fashion it tells counties there is no federal money available to help in disaster preparation and planning if you don't have an LEPC.

Generally, I believe conservatives at least, are opposed to government intrusion and being held hostage to their dictates because of money. However, because of the reasons this law was passed and signed by President Reagan I think we can agree that sometimes local governments and communities must have an incentive to do what is right and to be open to the community about possible disasters and their harm and possible destruction. It is horrifying to see the negligence on the part of government and sometimes industry in neglecting to consider **foremost and first** the welfare of the people that live there.

So, we are here because you want to follow the EPCRA or SARA laws, so you can get government money. I suggest that there is a higher reason to be here at this point and at this time.

For over ten years I was a "member" of the Ravalli County LEPC in different community positions. Over those years the LEPC had presenters come in to discuss several types of Emergency or Disaster issues with the Committee. Here is a partial list of subjects covered and discussed during that time:

1. Wild Land fires;
2. Areal flooding;
3. Hazardous Materials and handling;
4. Weather forecasts;
5. Dam inundation;
6. NGO Reports on Disaster Relief;
7. Active Shooter exercise reports;
8. River Safety – Diversion;
9. Contagious Diseases;
10. Incident Command Courses;
11. Pre-Disaster Mitigation program.

Under the Proposed By-Laws only Haz Mat issues could be discussed or acted upon. Cross everything else off the list!

I noticed that whenever the Emergency Action Plans (EAP) were discussed in the LEPC there would be broad consensus that the horrific loss of life in either a Como, but especially Painted Rocks Dam inundation needed to be discussed. The need for Early Warning Systems (EWS) was not very well received by the leaders of the OEM and in fact in one meeting EWS were poo-pooed as being not worthy of discussion.

Anyone who examines the EAP of these dams knows the potential for horrific loss of life without EWS. The present and past leaders of OEM have said to me and others that 10,000 people could be killed in a Painted Rocks inundation!

<http://www.bitterrootbugle.com/2014/04/23/dam-cavalier-attitude/>. I know the owners of the Painted Rocks Dam, the state of Montana and the Department of Natural Resources (DNRC) claim that their figures show that either 7 or 50 lives are at risk in a Painted Rocks inundation. They refuse to share how they come up with those numbers. Another Federal Requirement of Counties is that they do a Pre-Disaster Mitigation study every two years or so. In 2017 their studies show that an inundation would be disastrous and would wipe out the infrastructure of Ravalli County:

Document Path: O:\H-M\Missoula County\114-560556 - Missoula Cty PDM Plan\120-GIS\AroMap\Ravalli County\Figure9A_DamFailure_Hamilton.mxd

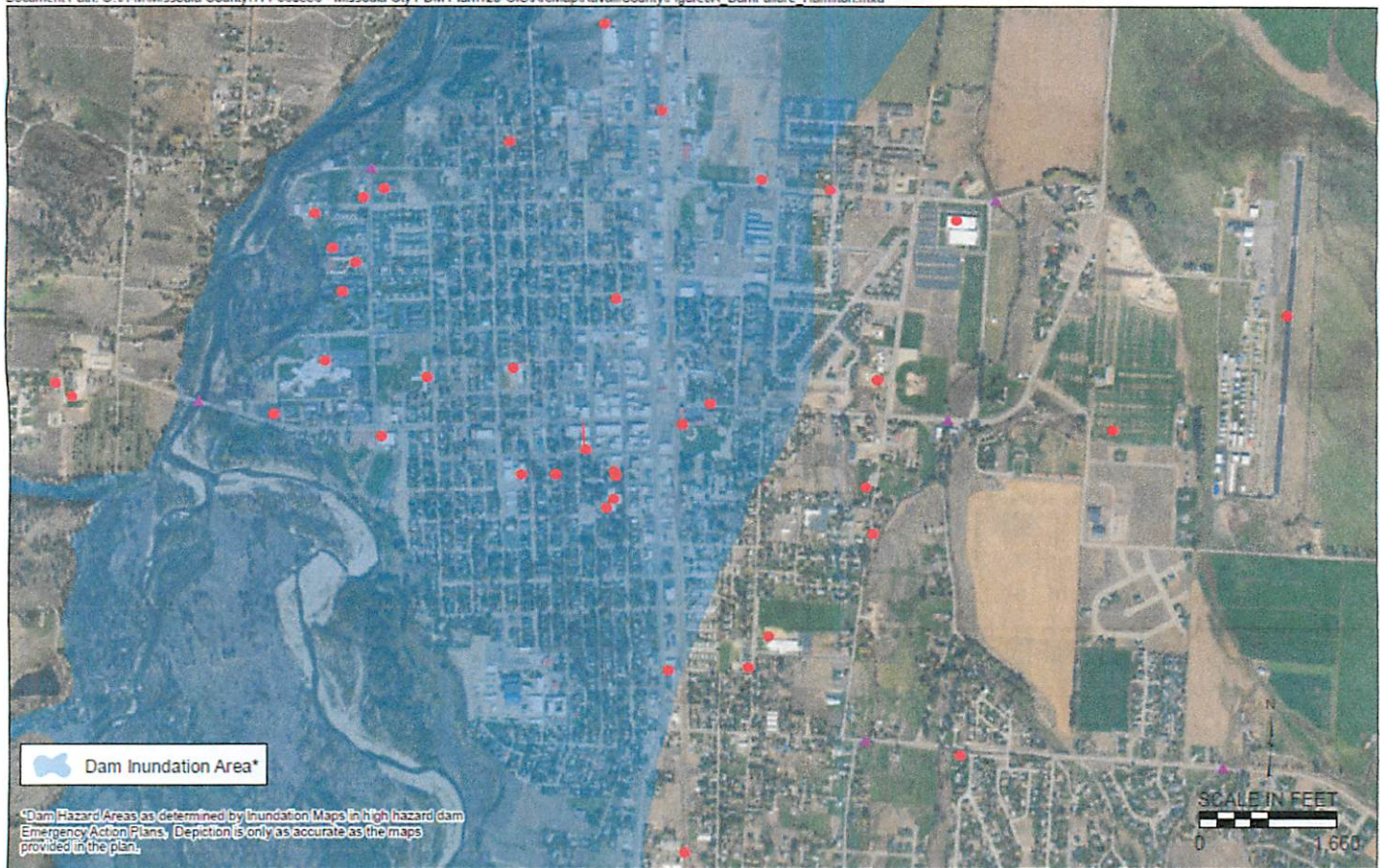


Figure 9A
Dam Failure Hazard Area
Hamilton, Montana
Pre-Disaster Mitigation Plan



Table 4.9-3. Ravalli Co. Vulnerability Analysis; Dam Failure

Category	Ravalli County (balance)	Hamilton, City	Darby, Town	Stevensville, Town
Residential Property Exposure \$	\$407,827,589	\$129,762,361	\$18,446,507	\$2,874,518
# Residences At Risk	2143	1230	202	13
Commercial, Industrial & Agricultural Property Exposure \$	\$79,470,807	\$155,108,530	\$12,704,778	\$0
# Commercial, Industrial & Agricultural Properties At Risk	351	380	79	0
Critical Facilities Exposure Risk \$	\$128,338,892	\$104,085,125	\$69,340,711	\$30,126,638
# Critical Facilities At Risk	20	27	9	2
Bridge Exposure \$	\$28,976,475	\$2,823,986	\$0	\$0
# Bridges At Risk	74	2	0	0
Persons At Risk	10,574	4,764	747	203
Persons Under 18 At Risk	2,113	949	184	41

The GIS analysis indicates that 51,792 acres in Ravalli County (3.4 percent) are located in the dam inundation hazard area including 3,588 residences, 810 commercial, industrial and agricultural buildings, and 58 critical facilities. This analysis has similar limitations as those described for flooding. The *Dam Failure* section in Appendix C presents supporting documentation from the risk assessment including the critical facilities and bridges located in the dam inundation hazard area.

In 2017 the Bureau of Reclamation under the Department of the Interior conducted an exercise of the EAP for Lake Como. I asked to participate in that and traveled to Boise, Idaho to meet with those in the Bureau in Boise Idaho that were planning the exercise (ended up being limited only to dam owners and first responders). I told them of my concerns on that dam and my feelings of the need for EWS. I told them about my experiences in trying to discuss the issue in the Ravalli County LEPC and they told me that those things should not be discussed in an LEPC because that was only for Haz Mat issues and they assured me that they would be talking to the county OEM. They also said the EAP, including the inundations maps, were for internal use only and were not for the public to see. I advised them of the Montana Constitutional guarantee of Freedom of Information and they said they would not send them to Ravalli County if they were going to be available to the public. The Bureau did invite me to tour the dam with the press during the exercise. My wife and I took them up on that. It was the 2nd Como Dam tour that we had taken. On the first one there was a sink hole in the dam that they were just getting a handle on and that had concerned the Sheriff's Office enough that they met with the hospital (apparently failing to inform the rest homes) to advise of the danger.

During that tour on April 7, 2017 I was speaking with Erik Hoover about some of our discussions and concerns expressed in LEPC in front of the media. One of the directors of the tour from the Bureau of Reclamation, told Erik that he needed to get those rules changed so dam inundation could not be discussed during the LEPC meetings. Erik nodded his head in agreement. For several months I did not get my regular notice of Ravalli County LEPC meeting and I emailed Erik and asked him to put me back on the list several times. He refused to do that for several months and consequently I heard about the new "By-Laws" that were passed by a handful of LEPC members after the fact.

That is the next reason we are here. It was passed on as being my fault that the LEPC meetings were suspended when in actuality the By-Laws were passed illegally by OEM.

I think it is ironic that the laws requiring LEPCs, if counties want to receive federal money, were passed because local governments and agencies and industry were in a mode of a conspiracy of silence when it came to Haz Mat Issues. Thus, assuring that citizens would not be protected in a Haz Mat disaster and in fact many would die because of that silence. Now these new By-Laws are clearly being passed to silence those who think there is a conspiracy of silence when it involves inundation of either Painted Rocks or Como Dam. The LEPC is being changed from what it historically was to a limited committee only allowed to discuss Haz Mat issues. They tried to do it without notice to those who have been involved over the years and was actually passed by some who were not allowed to be members under the new By-Laws.

It has also removed some of the agencies that were able to participate before. The Red Cross is one example, as is the Salvation Army and other National NGOs which are the ones that actually do the work and cover the expense to take care of the people displaced or hurt in a disaster.

As commissioners, who purport to be against interference from Federal or State Government, I would ask you to recognize who is pushing this through the OEM and from the State.

I think it is also interesting that the committee required by the Feds is called "Local Emergency Planning Committee". The question is, will the Ravalli County LEPC be truly a committee to benefit the community or will it be a committee so limited in its scope and so dictated by State government that it will just be something to do to get federal money. It could be a vibrant committee made up of local talented people who work in this area of concern or are devoted to the issue to the extent they volunteer their time? I would like to see changes in these By-Laws to allow it to be a vibrant organization which is very active in helping the community to be prepared for all disasters. You commissioners, it is clear, want absolute control of the committee. Instead of allowing the Members to elect a Board which elects officers and providing for the election and removal of officers and board members you control that in an apparent distrust of an actual citizen run committee. Having an organization that is citizen run with goals to increase community preparedness would be what I recommend but I don't think you will do that for want of control.

Instead of letting citizens choose the leader you desire to dictate who the leader will be, and it can only be that person. A citizen and truly local committee could be overseen by the Director of OEM but led by experienced and dedicated citizens. I think these By-Laws set up the committee to continue to be an "organization" that really doesn't serve a purpose other than to have meetings once in a while, so the county can collect money from the feds. That is all that it has done in the past decade. A well run, truly Local Committee, could do some things that need to be done without expense to the county. But I don't think that is what you want.

In regard to other disasters, that will no longer even be discussed in LEPC if these By-Laws are passed, I have been shocked as I have advocated for Early Warning Systems on Lake Como and Painted Rocks Dams that no one in the county has even contacted the Rest Homes that would be so horribly affected by an inundation of either dam. None of them we visited with even knew what the owners of the dam's studies show the inundation area! They are required by Federal Law to practice possible disaster scenarios in their community and to have plans to save their clients. The first question they asked us is where would we take the people? I was shocked. It was made clear to us that it would take 3 hours for most of the rest homes to evacuate their residents. The assisted living establishments could have their people out of the buildings in an hour, but it would take another hour or so to take them (where?) to the place of evacuation.

The hospital indicated that it would take at least an hour to evacuate. Where would they take their patients? The hospital said they had been contacted once by the Sheriff's Office about getting ready to evacuate and shown the old EAP and inundation map for only Como. The was the same year we toured the dam and there was a "sink hole" on the dam that threatened it.

This is all so shocking that the OEM or the Sheriff nor anyone else has worked with these establishments. The EAP for Painted Rocks indicates the water would hit Hamilton 5 hours after an inundation. (If inundated at 11:00 PM it would hit Hamilton at 5:00 AM. The wall of water near the hospital, according to the owners of Painted Rocks, indicate the wall of water could be up to 50' in height near the hospital! The time for travel of an inundation of Como dam is about an hour and would destroy much of the same area that Painted Rocks would. Why this conspiracy of silence? Do you know your liability? A well run, truly local community planning committee could do wonders to mitigate the loss of life. And even a fool would agree that there must be Early Warning Systems on those dams.

Considering the army it would take to get those of our most helpless people evacuated from the inundation zone has convinced me that one thing that needs to be done to prepare for that possible event is to organize and get a Citizen Emergency Response Team set up in the county trained and ready to help. The county received federal money for that

Team, but the money was illegally or legally appropriated for something else with the clear we don't care attitude about the safety of the community.

So, along with my proposal for a truly Community run LEPC with a regular board of directors and officers chosen by the members, I suggest the amendments to the By-Laws that I have submitted on a separate form:

As you will notice in the proposed By-laws under purpose it only allows for discussions and actions on Haz Mat issues. Those issues are important but one of the reasons it is there is to get it away from the Ravalli County LEPC history of discussing all disasters. I propose that you make these changes:

1. Under Article II – Purpose; Remove reference to the Montana State Emergency Response Commission at bullet 4. This should be a local committee and the state should not be dictating to it on any duties. That should come from the members and the commissioners.
2. Under Article II – Purpose; Add the following wording to bring this local committee back to it's history under a fifth bullet point: To plan, develop, train and exercise community emergency response plans for all other risks and hazards identified in Ravalli County including but not limited to flooding, wildfires, major structure fires, winter storms, earthquakes, tornadoes, terrorism, etc.
3. Under Article III-LEPC Members Section 1: Organizations Represented that you add: Volunteer & Public Assistance Agencies since the list does not allow National Disaster Relief organizations or Faith based groups who do most of the work to take care of the people affected in Haz Mat and other disasters.
4. At ARTICLE VI—Powers and Duties of Officers and Section 2: Secretary remove: "to the State Emergency Response Commission". This is a local committee and as such should not be run by anyone else, especially since that Commission is appointed by the Governor.
5. Instead of Article IX requiring the submission to the MT SERC it should read: Section 1: Adoption of Bylaws
The bylaws of the Ravalli County LEPC must be approved by the Board of County Commissioners. ~~and submitted to the Montana State Emergency Response Commission.~~

It is important to note that your approval of the By-Laws as written is an endorsement of the conspiracy of silence on an issue every bit as important as the Haz Mat issue in India. I pray that the consequences are not as predicted by the EAP of Painted Rocks or the secret EAP of Como.

You have an opportunity to stop and desist in the conspiracy of silence on these dams. Since future history is not known, except by God, I pray that you will do what is right. Make these changes and promote the discussion and the preparation for either dam inundation for the benefit of the institutions housing the people who need special care and for the families in the valley, all of whom would be affected by an inundation. Encourage a vibrant LEPC ran by competent and established people involved in disaster preparation and response. It is in your hands. History will show it.

Sincerely,

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P.S. Don't be caught up by the lie foisted upon us the owners of Painted Rocks and Como. They say EWS are not feasible. The Department of Interior, through the BIA, requires, and has, EWS on all the dams that threaten Native Americans. In Flathead County there are several dams with EWS. Many of them more remote than either Como or Painted Rocks. The owners of Tin Cup dam have a refreshing attitude that should be adopted by the owners of Como and Painted Rocks. "If we are going to make money on water impounded in a dam that puts lives at risk we have an obligation to have EWS on the dam". And they do.