



Local Emergency Planning Committee
for New Castle County
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David Irwin, Chairman
Joe Murabito, Vice Chairman
County Council President Tom Kovach, Vice Chairman

**Meeting Minutes
May 14, 2012**

Host: BASF

Meeting Location: Minquas Fire Company, 21 North James Street, Newport, DE 19804

The May 2012 meeting of the LEPC for New Castle County was held on the above noted date and place.

Meeting called to order at 2:30 PM by Chairman Irwin.

ATTENDEES:

David Irwin, Chairman, LEPC for NCC
Joseph Murabito, Vice Chairman, LEPC for NCC
Christine Murabito, DE State Fire School
Terri Abegglen, American Red Cross
Richard Antoff, DNREC
Todd Bretz, PBF Energy
Emile Brown, Savage Services
Matthew Chamberlain, DNREC
Joseph Cochran, Jr., NCC OEMS
Mark Dolan, BASF
Tushar Durve, DuPont
Bruce Galloway, DuPont
George Giles, Wilmington LEPC
Babak Golgolab, Claymont Community Coalition
Kristoffer Gontkovsky, DNREC
Steven Griffin, WSFS Bank
George Hakun, WSFS Bank

Wayne Hopkins, DuPont
Bill Kelly, Sunoco
Ben Lehman, Moran Environmental Recovery
Jerry Llewellyn, Division of Public Health
Jason Loy, Ashland Research Center
Tony Murray, CIS DOT PHMSA
Arthur Paul, DEMA
Lynn Poling, Lewis Environmental
Joseph Rubin, WSFS Bank
Al Stein, LEPC
John Tim, Linde
John Verdi, BASF
Vimac Vijaykumar, DuPont Edgemoor
Dan Whitmarsh, Magellan
Marge Williams, Wilmington LEPC
Andy Zaun, Magellan

Welcome:

Mr. John Verdi of BASF welcomed the group and gave an overview of the company.

At Chairman Irwin's request, a round of introductions was held. A review of the attendance sheet by Vice Chairman Murabito showed a quorum was present.

1. **Approval of the Agenda:**

Chairman Irwin presented the agenda for approval. A motion was made by Mark Dolan, seconded by Jerry Llewellyn, to approve the agenda as presented. Motion was passed unanimously.

2. **Approval of Minutes:**

Chairman Irwin requested a motion to approve the March 12, 2012 minutes. A motion to approve the minutes as written was made by Babak Golgolab and seconded by Terri Abegglen. Motion was passed unanimously.

3. **Committee Reports:**

a. **Finance:**

Chairman Irwin reported that the LEPC funds are in good standing. The transactions that took place over the past two months were the payment of the Contractors salaries, a background check for new NCCIHMRA member, refreshments for NCCIHMRA training and a 50% deposit on the purchase of Wally Wise Guy costume. The balance in the appropriation is \$40,793.32.

b. **I.T. Committee:**

Vice Chairman Murabito reported that the I.T. Committee will meet again on June 6, 2012.

c. **Training - NCCIHMRA:**

Mark Dolan of the NCCIHMRA Planning and Training Committee reported two training sessions between March 12, 2012 and May 14, 2012. On March 31, 2012, NCCIHMRA partnered with the Fifth Annual Delaware Hazardous Emergency Response Training Workshop, which was hosted by the 31st Civil Support Team at the National Guard Smyrna Readiness Center. The second training session, Cargo Tank Truck Emergency Response Workshop, was conducted on May 4th and 5th at the Elsmere Fire Company. The next training session will be held on June 12th and 14th on the topic of Explosive Device Awareness. (report attached)

d. **Transportation Committee:**

Al Stein reported that Norfolk Southern is making it easier for communities and businesses to report issues relating to public safety and security to the railroad's police force in their new "Protect the Line" program. This is an on-line resource that connects you directly with the Norfolk Southern police at www.protecttheline.com. Details on this initiative are attached.

4. **SERC/DEMA Activities:**

The report was given by Art Paul from DEMA

a. At the last SERC Meeting in March, the Committee approved the budgets for the LEPC's.

b. A portion of next year's HMEP funds will be allocated for a New Castle County Hazardous Materials Transportation Study.

c. DEMA will be conducting a FEMA graded REP Drill on May 22, 2012.

d. The next SERC Meeting is scheduled for June 13, 2012.

5. **Tier II Update:**

Kris Gontkovsky gave the attendees an update on Tier II activity. Collection of \$272,080 has been taken in so far from the 2011 Tier II reports. There is presently 1,938 active facilities, 192 facilities have not started their 2011 reports, and 7 facilities have started their report but have not finished. Work is continuing in reviewing received submittals for data quality/compliance issues. DNREC is working with 911 Centers to update street addresses, lat/long coordinates, and corresponding fire districts for new facilities. The NASSTTPO Conference provided an opportunity to meet other state Tier II Managers. Tier II Manager is in the process of being

upgraded by IDIS and it was agreed that interested parties will work together to submit comments and recommendations to improve functionality and efficiency to the program.

6. **NASSTTPO Conference:**

Chairman Irwin attended the NASSTTPO Conference on April 25-26, 2012 and provided an overview of the conference. His report is attached.

7. **Staff Report:**

Vice Chairman Murabito presented the LEPC staff report to the group. The report is attached

8. **Old Business:**

a. **5th Annual HAZMAT Workshop:**

The 5th Annual HAZMAT Workshop held March 30-31, 2012 at the Smyrna Readiness Center was a success. Art Paul reported that 100 attended the session on Friday and 150 attended on Saturday.

b. **Emergency Preparedness Guideline Reprint:**

Chairman Irwin explained that of the 156,000 copies of the Emergency Preparedness Guideline printed in 2009 only 13,000 remain. The Chairman requested that the original committee members review the document for any changes/updates that will be needed for the reprint. John Verdi volunteered to burn CDs for the committee members and D. Irwin will distribute to the committee. Chairman Irwin also requested LEPC members to start thinking about being a sponsor by making a contribution towards the reprint costs.

c. **Wally Wise Guy Program:**

As part of the LEPC FY 2013 budget the SERC approved an additional \$3,200 for the purchase of Wally Wise Guy costume for promoting a HAZMAT Shelter-In-Place Program. Any Delaware LEPC will have the use of the costume. The costume has been ordered.

9. **New Business:**

a. **Wilmington LEPC Report:**

- 1) Director Giles briefed the members on the mulch fire that occurred near the port of Wilmington on Easter Day that lasted for several days. The fire created numerous challenges to responders. He announced that the Port of Wilmington will be conducting a full-scale exercise on Saturday, September 8, 2012. The next Wilmington LEPC meeting will be held on Friday, May 11, 2012.

d. **STTS Training Presentation:**

Chairman Irwin gave a presentation on the Cargo Tank Truck Emergency Response Workshop held on May 4th and 5th at the Elsmere Fire Company. Training was conducted by Safe Transportation Training Specialists. STTS utilized working model cargo tank replicas, valves, and safety devices representing various tank trailer configurations.

10. **Other Business:**

- a. Tony Murray, of DOT PHMSA, announced that the Emergency Preparedness & Hazmat Response Conference date has been changed from the late October, early November timeframe to September 23-27, 2012. Information is attached.
- b. DIAC will be presenting Threat Briefing for the Private Sector at the Wilmington University on May 30, 2012.
- c. Tony Murray, of DOT PHMSA, reported that the 2012 Emergency Response Guidebooks will be available in June. He also reported that the Hazardous Materials Transportation Multi-Modal Training Seminar at Dover Downs on July 31, August 1, 2, 2012 has been cancelled.
- d. Vice Chairman Murabito thanked Kris Gontkovsky for all his assistance to the LEPC in regard to the Tier II Manager program.
- e. George Giles announced that he has been asked to sit on the review committee for the oil spill that occurred at the Paulsboro, New Jersey refinery. He requested that anyone with any information regarding the incident contact him.
- f. Art Paul congratulated John Verdi for his appointment to the State Emergency Response Commission.

11. The meeting adjourned at 4:00 p.m.

NOTICE OF NEXT MEETING

Host: Ashland Research Center

Date and Time: July 9, 2012 – 2:30 p.m.

Directions and security requirements will be sent with agenda.

Monday, May 15th, 2012

NEW CASTLE COUNTY INDUSTRIAL HAZARDOUS MATERIALS RESPONSE ALLIANCE

NCCIHMRA TRAINING COMMITTEE REPORT TO NCC LEPC

The New Castle County Industrial Hazardous Materials Response Alliance Training Committee conducted two training sessions between the March 12th and the May 14th, 2012 LEPC for NCC meetings. The two training sessions were the first and the second training sessions of 2012.

The New Castle County Industrial Hazardous Materials Response Alliance Training Committee partnered with the Fifth Annual Delaware Hazardous Materials Emergency Response Training Workshop, hosted by the 31st Weapons of Mass Destruction Civil Support Team at their Army National Guard's Smyrna Readiness Center. NCCIHMRA 2012 Training Session I corresponded to the Saturday, March 31st Workshop classes.

NCCIHMRA 2012 Training Session II was conducted on Friday, May 4th, and was repeated on Saturday, May 5th, 2012, from 8:00 am to 4:30 pm, at the Elsmere Fire Company. Safe Transportation Training Specialists presented their nationally recognized Cargo Tank Truck Emergency Response Workshop which included cargo tank identification, basic construction features and operating principles, safety device functions, normal loading and unloading process, emergency loading and unloading practices, and leak containment techniques. STTS utilized working model cargo tank replicas, valves and safety devices representing various tank trailer configurations including MC-306, 307 & 312, and DOT-406, 407 & 412 cargo tanks.

The New Castle County Industrial Hazardous Materials Response Alliance's upcoming training sessions include the following:

- (1) Training Session III => Energetic materials awareness level field training course conducted at the University of Delaware South Campus, on Tuesday, June 12th & repeated on Thursday, June 14th, 05:00 pm – 09:00 pm. WMD/CBRNE specialists from Jesse Taylor Ltd. and bomb technicians of the Delaware State Police Explosive Ordnance Disposal Unit will present an awareness level course through classroom presentation and field demonstrations designed to prepare hazardous materials emergency responders to perform safely during incidents of terrorism where components and precursor materials of energetic materials such as improvised explosive devices are involved.
- (2) Training Session IV => Tank trailer full scale field exercise utilizing the Dana Transportation training tank trailer with the hazardous materials and decontamination units from the Belvedere, Elsmere, Cranston Heights and Five Points Fire Companies at the Delaware State Fire School New Castle Division, Saturday, September 8th, 08:30 am – 02:00 pm;
- (3) Eleventh Annual NCCIHMRA Planning and Training Meeting => Wednesday, November 7th, 05:30 pm – 09:00 pm, at the Elsmere Fire Company.

The NCCIHMRA Training Committee conducted Committee Meeting #33 on Tuesday, March 20th, 2012, at the DNREC Lukens Drive Facility to finalize the agenda and logistics for the NCCIHMRA Eleventh Annual Planning and Training Meeting, to explore possible additional initiatives for CY2012 and to conduct long range planning for the CY2013 training projects.

Submitted by:
Mark Dolan
NCCIHMRA Training Committee

Transportation Committee

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invites public to help protect the**

**Subject: rail line; Joins BNSF in
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security initiative**

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May 11, 2012

**Norfolk Southern invites public to help protect
the rail line;
Joins BNSF in expanding community rail
security initiative**

NORFOLK, VA. – Norfolk Southern is making it easier for communities, businesses, and informed observers such as rail fans to report issues relating to public safety and security to the railroad's police force. The NS announcement is a significant expansion of the community-based rail security initiative started by BNSF Railway.

Everyone with a stake in rail operations is invited to join Norfolk Southern's new "Protect the Line" reporting program, an online resource that directly connects you with NS Police. By becoming a Protect the Line member at the new www.protecttheline.com website, observers can report immediately to NS Police any suspicious activity relating to equipment maintenance, track obstructions, trespassing, vandalism, suspicious items

and vehicles, and terrorism.

NS' Protect the Line and BNSF's Citizens for Rail Security are part of an industry-wide initiative that works to include everyone with an interest in railroads.

"Community awareness and participation are critical to keeping the railroad line safe and secure," said David Julian, NS vice president safety and environmental. "Through Protect the Line and Citizens for Rail Security, the public can work directly with us to prevent and mitigate situations that jeopardize the railroad line and those whom we serve."

Mark Sinuefield, NS director of police, said, "Protect the Line members will be doing their part to safeguard America's critical commerce network by serving as responsible additional eyes and ears for railroads and our employees."

"More than 10,000 citizens have joined the Citizens for Rail Security effort and are making the rail network a safer place by reporting potential trespassers, stolen equipment, and suspicious behavior near the tracks," said Duwayne Pennington, BNSF's assistance vice president of Resource Protection.

Interested people can access the Protect the Line website a number of different ways: directly at www.protecttheline.com, through the Norfolk Southern website at www.nscorp.com, and through BNSF's Citizens for Rail Security website at www.citizensforrailsecurity.com. Visitors are encouraged to register by clicking Protect the Line and providing contact information. The Protect the Line website explains more about the program, including a link to BNSF's site.

Citizen reports can be made to the NS Police at 800-453-2530 and nspolice@nscorp.com and to BNSF

Police at 800-832-5452 and www.citizensforrailsecurity.com, either directly or through the website. Stay tuned. NS is developing an update to its smartphone app, NS Corp, that will include access to Protect the Line, with enhanced communications capabilities.

The NS and BNSF police forces are charged with safeguarding people and freight shipments over the systems. They work closely with local, state, and federal law enforcement agencies to protect railroads and communities.

[Norfolk Southern Corporation](#) (NYSE: NSC) is one of the nation's premier transportation companies. Its Norfolk Southern Railway subsidiary operates approximately 20,000 [route miles](#) in 22 states and the District of Columbia, serves every major container port in the eastern United States, and provides efficient connections to other rail carriers. Norfolk Southern operates the most extensive intermodal network in the East and is a major transporter of coal and industrial products.

BNSF Railway is one of North America's leading freight transportation companies operating on 32,000 route miles of track in 28 states and two Canadian provinces. BNSF is one of the top transporters of grain, consumer goods, industrial goods and low-sulfur coal that help feed, clothe, supply, and power American homes and businesses every day. BNSF and its employees have developed one of the most technologically advanced, and efficient railroads in the industry. And we are working continuously to improve the value of the safety, service, energy, and environmental benefits we provide to our customers and the communities we serve. You can learn more about BNSF at www.BNSF.com.

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National Association of SARA Title III
Program Officials Annual Conference
April 25-26, 2012

Meeting Notes

1. Board Meeting:

Group once again agreed to partner with Hot Zone for the fall meeting. Several locations were discussed for the 2013 Annual meeting. After discussion it was agreed that Colorado will host the Annual meeting.

2. Chemical Safety Board (CSB) Presentation - Dr. Rafael Moure –Eraso , CSB Chairman, appointed by President Obama in 2010:

CSB created in 1990 by Clean Air Act and the CSB is an independent agency that reports directly to Congress. Congress funded CSB beginning in 1998. The CSB conducts root cause investigations of chemical accidents at fixed industrial facilities. The agency does not issue fines or citations, but does make recommendations to plants, regulatory agencies such as the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA), industry organizations, and labor groups.

The CSB has conducted 122 investigations. Dr. Moure-Eraso presented the findings of their latest investigation, the DuPont Bell West Virginia plant Phosgene fatality. Free Safety videos are available from the CSB website

3. PHMSA (Pipeline and Hazardous Materials Safety Administration) Updates –

Not all Grant funds are being used and a significant portion of what is being awarded is being returned. Transportation industry is questioning why they are continuing to be assessed fees. Concern is that HMEP Grant could eventually end and that would be a catastrophic event for many states.

Recommendations –

Need to ensure that grant requestor follows the exact requirements for approved activities.

Only request the funds you can use.

Turning back funds is viewed as a performance issue.

When submitting applications need to ensure exercises are for transportation related incidents

Budget narrative must accurately describe what your objective is.

4. EPA Updates -

Final Rule on solids in solution changed 100% to 20%, only sections 302, not 311 or 312

Tier I and Tier II Rule

Should be finalized by the end of May 2012

Rule effective March 2014

Looked at ways to make forms most useful to SERC's & LEPC's

CERCLA/EPCRA Ag. Rule Reconsidered

Issued 2008

Sued by both sides

Re-adjusting final rule

Continuous release forms

Designed 40 CFR 302.8

OSHA's Hazard Communication Standard – Final Rule issued.

Revisions may affect reporting requirements under EPCRA 311 and 312. EPA will provide guidance soon.

LEPC Database status

OEM website will remove LEPC list

States would be asked to provide to links to the LEPC's

OEM will maintain SERC list

EPCRA on-line Training

Need to get better information for LEPCs

Training for LEPC's & emerg responders may be completed by end 2012

EPA's plans to disinvest regarding Enforcement & Compliance of EPCRA 311/312 –strong opposition by regions & other stakeholders has caused them to be reconsidered – mostly because states would lose the power to use EPA's findings to get state legislation passed – As result they have rescinded this decision.

Over 500,000 facilities captured by 311/312.

RMP – June 1996 – rule published, June 1999 - rule effective, 9/01 EPA

removes RMP info from internet, EPA proposed putting info back on internet in July, 2012.

Due to the concerns raised EPA has decided to suspend the release of info to the internet. States will have the option of posting info on the web.

National Humane Association has sent letters to several states requesting information regarding continuous release (CAPO – Confined Animal Plant Operations) info for chicken farms.

5. LEPC Investigations Panel Discussion

Several regions discussed their experiences with the HMEP grant audit process –some horror stories but over all getting better as everyone becomes familiar with program requirements.

6. PHMSA – Top Findings from HMEP Audits

2009 PHMSA Internal Review and audit was an awakening –led to implementation of internal controls and Grant oversight

Planning fund are the ones coming back

Staff training

Reduce Deobligating

Supplemental budget request

Loading and unloading incident on facility to train 1st responders is allowable

Year-on-year exercise using similar scenario is OK if you're training first responders

Can use unused funds to conduct allowable activities

25% of HMEP Grant funds can be used for Administrative & management

7. Pipeline Safety Act and How it affects the LEPC's

Regulate 2.5 million pipeline miles – LNG, hazardous materials, natural gas, crude oil, refined petroleum products, gas propane, and anhydrous ammonia.

2,500 pipeline operators

Municipal pipelines town's responsibility to replace – budget cuts, underground can't see.

Incidents – January 19, 2011 Philadelphia, PA., February 2011, Allentown, PA. Bruno, CA,

Deepwater Horizon

Pipelines installed pre-1970 are grandfathered from regulations

A 36" compressor station has a enough batteries to be captured by EPCRA

8. Gulf of Mexico Offshore Oil and Gas Exploration Overview –

No coordination between states

Tabletop 11/11 identified gaps between expectation of what counties and state are responsible for.

Booms don't work in ocean

Oil stuck to ship hulls as they pass through the impacted areas – had to develop procedures to decon ships.

Agreements between countries, 200 mile EEZ except for Cuba where it's 45 miles off Florida coast

Response challenges:

Very complex legal issues from extraterritorial incidents

Cooperation and coordination with countries

US Oil Spill Liability Trust Fund (OSLTF) has modest limits

Reality:

Oil does not need to reach US shores for huge economic impacts

9. Regional Reports:

Budget and competing priorities are a major concern

Common concerns and issues over HMEP Grants

Many LEPC's state the amount of effort required to get GRANT is not worth the effort.

Finding matching funds

Numerous challenges in working with rural LEPC's –large area, few people

Some states have annual LEPC workshops

10. Proposed legislation that may affect LEPC's –

Ammonium Nitrate Security – Homeland Security will track the manufacture, transportation and use. No sharing of information with state or locals.

OECA Disinvestment in 311/312 Enforcement

CSB Five Year Plan

LEPC “Enforcement” of RMP Coordination Requirement – EPCRA 303(d)(3) – gives LEPC legal right to request information regarding Emergency Planning

Small Business Exceptions – No Exemption to 311/312

11. Training Discussion on EPCRA – EPA

IDSI is in the process of updating Tier II Manager. Several states are networking to compile “user “recommended improvements/enhancements. Kris Gontkovsky (DNREC) will represent Delaware in the group.

12. Grant Application Peer Review and Walk-thru – Kyra Stewart discussed the checklist used by PHMSA staff to review grant applications for completeness.

Staff Activity Report
March 12, 2012 to May 14, 2012
David Irwin and Joseph Murabito

SERC/DEMA Activities:

- Participated in Annual Hazardous Material Workshop Conference Calls
- Participated in SERC Quarterly Meeting
- Submitted quarterly LEPC performance reports in timely manner
- Submitted FY 2013 HMEP Grant application in timely manner
- Submitted quarterly LEPC HMEP performance report
- Co-facilitated 5th Annual Hazardous Materials Training Workshop
- Participated in one Commodity Flow Study meeting
- SERC approved LEPC Budget and Work Plan
- SERC agreed to Purchase Wally Costume
- Secured funding for FY 2013 Administrative Support

Emergency Response Plan Reviews and Facility Visits:

- 2 Site Visits: Artesian Water, Air Liquide
- Site Visit by invitation to DuPont Tralee Site
- Continued contact and follow through with facility of interest to schedule a meeting to learn more about hazards (Graver Technologies)
- Continued to schedule site visits for May and June
- Attended meeting and made presentation with Ashland to assist in emergency response options planning

Exercise Status:

- Worked with consultant to facilitate Functional Table Top Exercise
- Scheduled and participated in 3 Functional Exercise planning meeting with Holloway Terrace Fire Company
- Scheduled and attended a Functional Exercise facility tour and meeting with Contractors
- Continued scenario development to be consistent with State and Federal response objectives
- Extended formal invitations to exercise participants
- Met with Coast Guard personnel to discuss Coast Guard participation

NCCIHMRRA:

- Attended a Planning and Training Committee Meeting
- Facilitated 2-day Low Pressure Tank Truck Emergency Response Workshop
- Attended a NCCIHMRRA 8 hour training session on low pressure tank trucks at Elsmere Fire Company
- Participated in Training Committee meeting
- Invited Sec. Schiliro to be Keynote Speaker at Annual Planning and Training Event

Outreach Activities:

- Provided 220 Awareness and Emergency Preparedness guides to a DuPont Facility
- Mailed each Fire Chief and individual letter requesting LEPC participation in open houses and community events, included Awareness and Emergency Preparedness Guide
- Participated in four CAP meetings, Delaware City Refining (3/13, 4/10/& 5/8) and FMC on 4/4
- Participated in DC_CAER meeting (4/12)
- Participated in NCC OEM sponsored CERT program , delivered HAZMAT/S-I-P module (3/23) at Delaware City Fire House

Additional Staff Activities:

- Attended 2 Kent LEPC Meetings
- Attended Wilmington LEPC Meeting
- Modified Assessment Checklist to include information on transportation routes relevant to the state commodity flow study
- Met with DNREC to obtain current lists of EHS's by fire districts
- Mailed individual letters to each chief with EHS list for their fire district.
- Mailed individual letters to each chief with request to participate in open houses or other community events and included Awareness and Emergency Preparedness Guide
- Provided follow up information and resources to Artesian Water and Wilmington Trust Co.
- Participated in NASTTPT Annual Meeting (4/24-26) in Tampa FL
- Participated in Coast Guard Sector Delaware Bay Meeting (5/10)
- Completed 3 facility release reports
- Worked with Delaware State Fire School and Cowan Costumes to order Wally Costume
- Served as technical resource to 2 LEPC local companies
- Provided 21 sets of speaker gifts for the 5th Annual Hazardous Material Workshop
- Identified and hired Administrative Support person to start in July

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