

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes

December 9, 2009

Commissioners

Secretary Lewis D. Schiliro – DSHS, Chair	Jamie Turner – DEMA
Marjorie Crofts – DNREC/DAWN	David Irwin – New Castle County LEPC
Grover P. Ingle – State Fire Marshal	David Mick – Kent County LEPC
Robert Newnam – DE State Fire School	Charles Stevenson – Sussex LEPC
Sen. Bruce Ennis – DVFA	Alfred Johnson Jr. – Air Transportation
Dwayne Day – DelDOT	Kim Gomes – Rail Transportation
James Lee – Consignees	Steve J. Owens – Water Transportation
Dr. Jerry Llewellyn – Div. Public Health	Ralph Baker – Shipper
Jim Paige – DSP	

Members/Visitors

Arthur D. Paul – DEMA	Bill McCracken – NCC LEPC (<i>Ret.</i>)
Nancy Wyatt – DEMA	Mark Dolan – NCC LEPC
Kevin Kille – DEMA	David Ennis – NCC LEPC
Rosanne Pack – DEMA	Allen Metheny, Sr. – Kent County LEPC (<i>Ret.</i>)
Jim Woznicki – DSP	Richard Antoff – DNREC
James L. Cubbage – DVFA	Ellen Malenfant – DNREC
Maj. Gen. Francis Vavala – DNG	Robert Pritchett – DNREC-EPCRA
Col. Dallas Wingate – DNG	Michelle Price-Fay – US EPA
Clyde J. Luton – DE Fire Service	Bill Hermstedt – Eastern Shore Natural Gas
Catherine Pomerantz – FEMA	William Purdy – AMTRAK
Tim Cooper – SC EMS	Paul Williams – Norfolk Southern
Bob Barrish – Citizen/Kent LEPC	David Carpenter Jr. – NCC OEM
Anthony Murray – US DOT HazMat	Joan Armstrong – US EPA
Pam Meitner – Retired SERC	

The December 9, 2009 meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:10 a.m. by the Chairman Lewis D. Schiliro, Secretary Department of Safety and Homeland Security. The attendees introduced themselves; a quorum was present. The September 9, 2009 meeting minutes were approved as written, following a motion by Mr. Dave Irwin and seconded by Sen. Bruce Ennis.

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Mr. Newnam distributed a SERC Finance Package, which contained graphs/charts on the annual income, fees paid by facilities, expenditures and yearend balance, LEPC allocations, overall expenditures, and the Decon trailer replacement account. The package also included a History of SERC Finances from 1991 to 2009. As a follow-up to budget questions at the September meeting, Mr. Newnam briefed that there was a \$65,194.00 shortfall from the last fiscal year. Additionally, the budget process will need to start earlier (March vs. June 2010) to consider budget reductions for the next fiscal year.

Summary of SERC finances as of 12/3/2009 (for accounts at DNREC):

SERC Fee Holding Account:

Carryover from 2008 calendar year	+ \$ 337,429
Fees collected in 2009 calendar year	+ \$ 305,520 (a)
Final reimbursements for errors	- \$ 400 (b)
Annual disbursements for FY 2010 in June '09	- \$ 339,315 (c)
Transfer to decon trailer replacement fund in June '09	- \$ 31,000 (c)
Account balance as of 12/3/2009	\$ 272,234

Decon Trailer Replacement Account:

Carryover from 2008 calendar year	+ \$ 192,223
Transfer into account in June 2009	+ \$ 31,000
Interest received thus far in 2009 calendar year (first 10 months)	+ \$ 7,904 (d)
Interest taken in 2009 for State budget shortfall	- \$ 7,779 (e)
Account balance as of 12/3/2009	\$ 223,348

Notes:

- Net fees for 2009 are \$305,120. Net fees received in 2008 totaled \$317,800.
- Reimbursements are necessary to a small number of facilities annually for reporting errors. Reimbursements in 2008 totaled \$1,280.
- Disbursements approved in June '09 were as follows:

Organization	Approved Allocation
New Castle County LEPC	\$ 115,968.00
Kent County LEPC	\$ 47,400.00
Sussex County LEPC	\$ 70,917.00
City of Wilmington LEPC	\$ 51,927.54
DEMA (for decontamination trailer maintenance/equipment account)	\$ 13,685.00
DSFS (for SERC IT Committee)	\$ 24,730.00
DNREC/DAWM EPCRA Program support	\$ 14,687.00
Total	\$ 339,314.54

Additional Transfers	Approved Amount
Decon Trailer Replacement Fund **	\$ 31,000
Decon Trailer Replacement Fund **	Interest on SERC fee holding account shall continue to be deposited into the decon trailer replacement fund as received.

** Separate interest bearing account maintained at DNREC for SERC.

- Interest will continue to accumulate. Effective July 2008, interest from both the Fee Holding Account and Decon Trailer Replacement Account are being jointly deposited into the Decon Trailer Replacement Account. This line item includes total interest earned from both accounts.
- Interest earned on the SERC Fee Holding Account is currently being taken and transferred to the State General Fund to help with the budget shortfall. Interest earned on the Decon Trailer Replacement Account is not being taken. During calendar year 2009, a total of \$7,779 in interest earned on the SERC Fee Holding Account has been taken as follows:
 - \$4,286 in February covering interest for the first six months of FY 2009
 - \$1,161 in April
 - \$1,161 in June
 - \$1,171 in September

HMEP Grant Review – Mr. Arthur Paul

Mr. Paul provided a HMEP update and briefed on the status of LEPC sub-grants. New Castle County and the City of Wilmington have turned in their paperwork for reimbursement. Kent and Sussex LEPCs will be forwarding their paperwork shortly. It is estimated that 90% of the funds will be liquidated. The U.S. DOT did not award FY 2010 grant until October 19, later than usual; this has slowed down the sub-grant process. We have accepted the award but it needs to be approved by the Clearing House before we can sub-grant the funds.

Information and Technology Committee – Mr. Bill Betts

- IDSI has developed the back-up CD's for the emergency dispatch centers.
- IDSI is also working on developing data bases for each fire district in the State to be used by the Fire Chief's. Training will be coming up on this in the near future.
- Training is being initiated for the 2010 fiscal year of turning in the Tier II requirements.

Planning and Training Committee – Mr. Jamie Turner

The Committee met on November 19, 2009 and 12 members attended. The following agenda items were briefed and discussed:

- Rail Hazardous Material Security – No meeting has been scheduled since the July 29, 2009 meeting was postponed. A meeting will probably be schedule for the beginning of the year.
- New Castle County LEPC Status – Mr. Paul Briefed that Mr. Bill McCracken retired September 30 and Mr. Dave Irwin will retire November 30 because of conflicts with the New Castle County contracts. Currently, Mr. Mark Dolan is serving as the only LEPC Planning Consultant and he has no contract. The SERC Finance and Budget Committee approved using funds from the LEPC budget line for Professional Services to meet the new requirement of the NCC government for the consultants to carry Professional Liability Insurance. When Mr. Dolan completes the insurance paperwork, the NCC government will assist in obtaining insurance and then the planning consultant contract can be signed.
- SERC Retreat – Worked on Retreat Agenda
- Meeting dates for 2010
 - P & T Committee meets the fourth Thursday of the month before the SERC meets, except for November (Thanksgiving Day) meets the third Thursday: Feb 25 / May 27 / Aug 26 / Nov 18.
 - SERC meets quarterly starting in March; second Wednesday of the month:
Mar 10 / Jun 9 / Sept 8 / Dec 8

Closing Comments – The meeting was adjourned at approximately 10:15 a.m. The Next meeting will be Feb 25, 2009.

Decon Trailer Committee – Co-Chairs Mr. David A. Mick and Robert Newnam

The Decon Trailer User's Group met on Sep 08 and the members present were all three counties, HS Grant Working Group and Division of Public Health. This was a re-scheduled meeting due to lack of quorum at the regularly scheduled meeting.

- Transition of Chairmanship: Due to the retirement of past Chair J. Allen Metheny, the group agreed to establish a Co-chairmanship as noted above. This arrangement maintains statutory requirements of the Group and provides for Kent County EMA to function as operational Co-chair.
- Plan regarding any Decon unit O.O.S.: The Group agreed that continuity of operation plans (COOP) should be reviewed and/or revised should any of the primary Decon units be out of service for an extended period.
- FDUs: The Group agreed that the mission and deployment of FDUs needs review. This review will include representation from the current FDU FDs.

- Standard Dispatch Criteria: The Group addressed the need to create standard dispatch criteria Statewide. Additional education/information sharing needs to be delivered to first responders to facilitate the dispatch criteria.
- NCC Decon Generator: Joe Leonetti reported the main trailer generator out of service for 2 months due to problems with the LPG conversion of the motor. Contact with the trailer manufacturer (Modec) and the generator manufacturer (Honda) yielded no solutions. The sub-contractor that performed the after-market conversion to the unit is no longer in business. NCC is pricing a replacement unit to be powered by diesel to avoid a recurrence of this issue. The same problem occurred with SC Decon which was resolved with a system modification, but at considerable cost at the time. Kent Decon has had slight problems which have been resolved internally to Little Creek FD, however, it can be anticipated that a system failure due to similar circumstances may occur. The Group agreed to approve the replacement of the generator with appropriate notifications to DEMA.
- NCC Decon suffered two tire blow-outs. Consultation with local tire service indicated the existing (original) tires were not rated for the load of the trailer. It was recommended that they destroyed tires be replaced with stronger ply tires. The Group agreed that since the regular maintenance plan for the units has a 5-year replacement clause, all units should be upgraded as appropriate with the higher rated tires.

The next regularly scheduled meeting of the Group is 20 November 2009 @ Kent County Public Safety @ 1:30 p.m.

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS

New Castle County – Mr. David Irwin

- Meeting Notes – There has been one LEPC meetings since the last SERC meeting. The meeting was held on November 9, 2009 at Ashland-Hercules Research Center, Wilmington. Mr. M. Hassman, Facility Director welcomed the group. David Irwin provided the LEPC Finance and Staff reports. Mark Dolan provided overview of NCCIHMRRA activities :
 1. Coordinated the NCCIHMRRA 2009 Radiation Training (Session VI) on September 29th and 30th at DNREC's New Castle Facility.
 2. Completed the planning and preparations for the November 10th NCCIHMRRA Eighth Annual Planning and Training Meeting.
 3. Obtained recognition plaques for retiring NCCIHMRRA members.
 Bill McCracken retired from the LEPC effective September 30, 2009. In recognition for his many years of Public Service he was presented with three Tributes:
 - Governor – presented by Mr. Art Paul
 - Senate – presented by Senator Bruce Ennis
 - House of Representatives – presented by Rep. Tom Kovach
 The LEPC sponsored, HMEP Grant funded, Delaware Hazardous Material Response video has been completed and was shown to the members. Mr. Mark Seifert and the staff of DelTech did an outstanding job of delivering a first class product. A special thanks Bill McCracken and to all the individuals who helped make the video possible. Ethylene Complex Presentation by Bill Kelly, Sunoco. Response to Emergency Evacuation Guidelines has exceeded expectations – Grass root distribution process is working very effectively. Also, Red Cross official from Alaska has requested copy of files. Proposed FY2010 HMEP Grant initiatives were presented to and approved unanimously by the members present. After eight months FY2010 LEPC Staff contracts are still being negotiated with NCC personnel. Announced that the LEPC is seeking hosts for the 2010 meetings. Announced that DNREC is hosting three Tier II workshops in December, 9, 11 & 16.
- Facility Visits – None due to liability insurance issues
- HazMat Plan Status – No reviews conducted during this period due to liability insurance issues.

- Exercise Status – 1). Reviewed and provided comments on the draft After-Action Report for the NCC LEPC 2009 Hazmat Functional Exercise. 2). Served as an evaluator for DuPont Experimental Station Hazmat Functional Exercise.
- HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMR.
- Comments – Outreach Initiatives: 1). Created 2 hour LEPC instructional course presentation for Goldey-Beacom College, 40 individuals attended the class. 2). Attended FMC CAP meeting. 3). Launched grassroots distribution process for Emergency Preparedness Guideline. 4). Distributed outreach materials for two fire company public safety open houses and one industrial safety and health fair. 5). Attended the New Castle County Fire Chiefs Association November Meeting
- Additional Staff Activities: 1). Attended the SERC Planning and Training committee meeting. 2). Organized and facilitated the November 10th NCCIHMR Eighth Annual Planning and Training Meeting, currently working on identified action items. 3). Reviewed 2009 and presented 2010 NCCIHMR training sessions to NCCIHMR members. 4). Continued to work with State and County personnel to resolve contract issues. 5). Attended LEPC Staff Meeting. 6). Attended the U.S. Federal Bureau of Investigation's Regional National Improvised Explosive Familiarization Training Seminar on September 17th at Dover AFB. 7). Transitioned Bill McCracken's job responsibilities. 8). Worked on LEPC staff recognition initiatives. 9). Worked to identify and develop brochure and outreach material short term storage solution – DuPont Edge Moor Site has agreed to store LEPC materials.

The next LEPC meeting will be January 11, 2010 – DuPont Edge Moor Facility at 2:30 p.m.

City of Wilmington – (report emailed)

- Meeting Notes – FY2010 budget in place. Completed HMEP FY09. HMEP FY2010 submitted. Awaiting approval. - Extra planning and training monies being utilized. -Training again has a busy schedule. -Participation at the Delaware HazMat Conference. -DeLEASI will start inspections starting after the holidays.
- Facility Visits – As stated above the EHS site visits will begin for the City of Wilmington after the holidays.
- HazMat Plan Status – Not Reported
- Exercise Status – There will be an exercise including tabletop, drill and full exercise with DEMA within the next 18 months to include multi building collapses' involving gas and hazardous materials.
- HazMat Incidents – Two incidents since last report. DNREC responded to residential fuel spill in the basement of two homes and HMHTTC responded to a residential pesticide spill.
- Comments – Planning & Outreach: 1). Continue to do Pandemic Influenza outreach and H1N1 flu information has been distributed to City personnel and citizens. Our dispensary will provide the vaccinations for our 1st. responders. 2). Winter weather and hazards information has been provided to and submitted to the TV & radio station. 3). Still doing presentations on evacuation and sheltering in place. 4). HazMat Training provided by representatives from the Magellan Corporation at the Port of Wilmington to OEM and the Wilmington Fire Department. Will continue to provide refresher courses for HazMat. Will also provide updates ICS training and refresher courses.

Kent County – Mr. David Mick

- Meeting Notes – The last regular meeting of the Kent County LEPC were held on November 10, 2009. Technical Rescue: The Kent Team is now in Cheswold. November training included Rope Rescue I, High Angle, and Confined Space. No calls. Tier II: Workshops in December for added compliance. Upgrades have been installed for Fire Service access with training being scheduled for the FDs.

- Facility Visits - Bob Barrish completed three more visits since the last report
- HazMat Plan Status – Not reported
- Exercise Status – Not reported
- HazMat Incidents – Decon: No calls. Training continues on the 3rd Tuesday of each month. Formulating joint training with CST and DAFB.
 - Comment – Outreach: Family Preparedness Day went very well. HSEEP: Kent exercise calendar is quite robust including TTX and FSE for “Active Shooter”, Building Collapse, and “WMD Attack”. These will take place over the next three years.

The next Kent County LEPC meeting will be 12 January 2010 at the Public Safety Building starting at 10:00 a.m.

Sussex County – Mr. Charles Stevenson

- Meeting Notes – September 10th Meeting-There was 14 members in attendance. Topics covered: Shannon Splittorff from DNREC-EPCRA provided the LEPC with the status of the Tier II reporting process. Tim Cooper from SCEMS reported two activations of the Sussex County Decon trailer. Maureen Murray from DEMA reported that the application deadline for the next round of HMEP grants will be October 1st. She also reported that DENS is scheduled to be tested in August 2009. Presentations: Jamie Bethard and Tim Cooper outlined the roles and responsibilities of the DNREC Emergency Response Branch and the Sussex County EMS Hazmat Decon Team during a hazardous materials release.

November 12th Meeting-There was 14 members in attendance. Topics covered: Shannon Splittorff from DNREC-EPCRA provided the Sussex LEPC with the updated status of the Tier II reposting process, with 20 outstanding submissions. She also announced a Tier II training workshop on Thursday, December 10, 2009 at the Sussex County EOC. Tim Cooper reported no activations of the Sussex County Decon trailer. Maureen Murray reported on the status of the DENS system. Presentations: Doug Williams of GW Stephens, a local surveying/engineering firm, provided a presentation of the company’s 3-D laser imaging capabilities. He talked about the mechanics of surveying and some of the possibilities available through the emerging technology. Cheryl Littlefield provided the LEPC an overview of her role as the Trauma and Emergency Management Coordinator for Beebe Hospital. She also talked about a recent drill testing the hospital’s DECON team response and operations.
- Facility Visits – Two facility visits were conducted since the last SERC meeting. PATS Aircraft and Schagrin Gas, both located in the Georgetown Industrial Airpark, were visited. Two more facility visits, Internet in Millsboro and Lewes Dairy in Lewes are scheduled for January, 2010.
- HazMat Plan Status – The plan has been reviewed and updated.
- Exercise Status – There is a progressive training exercise involving a rail car incident being planned for 2010.
- HazMat Incidents – There were six incidents reported since the last SERC meeting. 1). There was a diesel fuel spill, as a result of a motor vehicle accident, in the Milton area. DNREC and HazMat trailer from Millsboro responded. 2). There was a diesel fuel spill, as a result of a motor vehicle accident, in the Georgetown area. DNREC and HazMat trailer responded. 3). There was a recycled oil spill, as a result of a ruptured container, in the Georgetown area. DNREC and HazMat trailer responded. 4). There was a small oil spill, as a result of a propulsion line rupture, at the Woodland Ferry in Seaford. 5). There was a diesel fuel spill, as a result of a ruptured fuel line, in the Seaford area. DNREC and HazMat trailer responded. 6). There was a gasoline fuel spill, as a result of a motor vehicle accident, at Massey’s Landing boat ramp in Long Neck. DNREC responded.
- Comments – Other LEPC activities include: 1). Provided a power point presentation about the LEPC chairman’s roles and responsibilities at Sussex County Association of Town’s monthly

meeting. 2). Attending the Kent County LEPC meeting. 3). Attending the SERC Planning & Training committee meeting. 4). Attending a disaster preparedness exercise at Beebe Hospital. - Attending the EPA Region III HazMat Preparedness Conference in Baltimore, MD. 5). Attended the DECON Trailer User's Group meeting.

The next Sussex LEPC meeting is scheduled for January 14, 2010, 10:00 a.m. at the Sussex County EOC.

DNREC REPORT – Ms. Marjorie Crofts

Statistics for the Third quarter 2009 show the DNREC Emergency Response Team (ERT) responded to 70 incidents. This is compared to 75 responses in the 2nd quarter of 2009. The largest number of responses continues to be transportation related spills and releases from motor vehicle accidents. Of the 18 transportation incidents, all but 3 involved fuel from the vehicle fuel systems, with 5 diesel, 4 hydraulic oil, 3 motor oil and 2 gasoline spill incident.

The next highest number of responses in the 3rd quarter 2009 was from spills on waterways and marinas 13 including 3 reports of large vessel groundings in the Delaware River which were successfully refloated without a released.

DNREC's Accidental Release Prevention (ARP) Program received all but one of the 5-year Risk Management Plan (RMP) updates that were due in 2009 for most ARP regulated facilities in Delaware. DNREC's ARP program currently has 100% compliance with all RMP updates.

OLD BUSINESS – Annual Report copies were provided to the Governor and copies were included in the SERC Retreat packages for Commissioners and Retreat attendees.

NEW BUSINESS – None

PRESENTATION

1. Transportation Community Awareness and Emergency Response (TRANSCAER), following a suggestion by George Giles, Wilmington LEPC, this briefing was added to the SERC agenda. Mr. Giles was not able to attend the meeting because of flooding in the City of Wilmington, therefore, Catherine Pomerantz, FEMA Region III, briefed on the TRANSCAER program and the possibility of Delaware's involvement. The presentation was well received and it was suggested that the Planning and Training Committee explore the possibility of participating. OPEN ITEM
2. Delaware Hazardous Materials Response DVD - the recently released DVD was shown to attendees and was enjoyed by all. The video was the vision of the New Castle County LEPC and included assistance, input and participation from planners and responders statewide. The video briefly addresses the history of EPCRA and depicts, in detail, a simulated HazMat response in Delaware to include the State Emergency Response Team (SERT) Levels and associated responsibilities and actions. Mr. Paul presented a plaque and recognized Mr. Bill McCracken, recently retired Planner for the NCC LEPC, for his coordination and production of the video.

CLOSING COMMENTS – Meeting adjourned at approximately 10:45 a.m. and the SERC Retreat followed.