

STATE EMERGENCY RESPONSE COMMISSION

State Emergency Response Commission Meeting Minutes February 13, 2003

Secretary James Ford – Public Safety	Al Johnson Jr. – Air Trans
John Blevins – DNREC	John Pierce – Water Transportation
Glenn Gillespie – DEMA	Bob Barrish – DNREC ARP
Dr. Maureen Dempsey - Dept. Public Health	S.R. Flegal – Wilmington OEM
Joseph L. Murabito – DSFS	David Hake – DEMA
Gene Donaldson - DelDOT	Jim Kenney – NCC LEPC
Bill McCracken – NCC LEPC	Dr. Gerald Llewellyn – Dept. of Public Health
Glenn Dixon – Delaware State Police	Steve Martin – DSFS
George Giles – Wilmington LEPC	Stephen T. Masten – Sussex Cty Econ, Dev
J. Allen Metheny, Sr. – KC LEPC	Arthur Paul – DEMA
Pamela Meitner – User of Hazardous Material	Robert Pritchett – DNREC
James Lee – Consignee of Hazardous Material	Dave Racca – University of DE
Ralph Baker – Baker Safety/Shippers	Robert Ross – Public Health/EMS
Michael G, Chionchio – State Fire Marshall	Marcie Williams – Wilmington OEM
Rep. Bruce D. Ennis – DVFA	

Secretary Ford, Chairman, called the meeting to order at 9:12 a.m. and thanked attendees for coming. Attendees introduced themselves and a quorum was verified. The December meeting minutes were approved as written motioned, by Mr. Glenn Gillespie and seconded by Rep. Bruce Ennis. The October minutes were not approved at the December meeting because there was not a quorum. The October minutes were approved as written, motioned by Ms. Pam Meitner and seconded by Mr George Giles. Attendees were given a copy of the Delaware Homeland Security Threat Level Guide. Secretary Ford mentioned that the document is available on the State and DEMA websites and is a recommendation guide, not mandatory.

Committee Reports

Finance and Budget Committee Report – Mr. Joseph Murabito

Status of SERC Finances as of 2/13/2003:

Calendar Year 2002 Summary

Carryover from 2001 calendar year	+ \$ 206,790
Fees collected during 2002	+ \$ 296,058 *
Reimbursements to facilities for reporting errors	- \$ 3,805 *
Interest received during 2002	+ \$ 9,417
Annual disbursements to LEPCs approved in June 2002	- \$ 243,976
Upgrades and equip. for Decon Trailers (transferred to DEMA)	- \$ 26,500

Final balance at end of calendar year 2002	\$ 237,984

Fees received thus far in 2003 \$ 14,960

Account balance as of 2/13/03 \$ 252,944

* After factoring in reimbursements, net fees collected during calendar year 2002 were \$292,253. Although this exceeds net fees collected in 2001 (approximately \$288,760), this number is somewhat deceiving. As previously discussed for calendar year 2002, the total fees due from facilities actually showed a slight drop over 2001. Although it was only a slight drop, it was the first drop since collection of fees began. The actual fees due during 2002 were approximately \$282,000. The larger amount collected during 2002 was due to back year reporting by several companies, and associated interest charged for late payment of fees.

HMEP Budget Status – Mr. David Hake

Mr. Hake referred attendees to the HMEP Budget Status letter in the SERC agenda package and reviewed the following proposals for Planning and Training:

Planning

1. The Kent County LEPC requests funds to hold a seminar on Anhydrous Ammonia accidents in the Spring of 2003. The anticipated audience will include facility managers, owners, engineers, and fire service representatives. Approximate Cost: \$2,500.00.
2. Kent County LEPC requests funds to conduct a tabletop exercise/drill involving the County, chemical facilities, and Dover Air Force Base. The event will be held during the May-June timeframe. Approximate Cost: \$4,000.00.
3. The NCC LEPC requests funds to conduct a tabletop exercise tailored to the Claymont Fire Company and the General Chemical Plant in April 2003. Mr. C. B. Melton and Associates will be used as the facilitators and planners. Approximate Cost: \$1,500.00.

Training

1. The New Castle County Local Emergency Planning Committee (NCC LEPC) requests funds for a special training session for the New Castle County Industrial Hazardous Materials Response Alliance (NCCIHMRRA). The training will use the Tank Truck Emergency Response Workshop Course provided by STTS Inc. This course uses an array of cargo tank replicas, training models and simulator to reinforce classroom concepts. The training will consist of two eight-hour sessions to accommodate the 60-team members. Approximate Cost: \$9,000.00.
2. The NCC Office of Emergency Planning (OEP) requests funds for eight employees to attend the HazMat Technician Refresher course at the Delaware State Fire School. This would train three personnel from the NCC OEP and five from the Emergency Medical Section of the Department of Police. Approximate Cost \$4,800.00.

3. DNREC EPCRA Reporting Program office requests funds to conduct Tier II Training Workshops at Delaware Tech Campuses in each of the three counties. A fourth workshop will be held at DNREC's Division of Air and Waste Management in New Castle, DE. Refreshments will not be served. Approximate Cost: \$500.00.
4. The Delaware State Fire School requests funds to supplement HazMat training for fire service, emergency medical service, and law enforcement personnel. Approximate Cost: \$4,800.00.
5. The Delaware Emergency Management Agency requests funds for one staff member to attend Initial Hazardous Material Technician Training at the Delaware State Fire School. Approximate Cost: \$900.00.
6. The NCC LEPC requests funds for two Officers of the Claymont Fire Company to attend 21st Century Hazardous Material Training, sponsored by the Maryland Department of the Environment (MDE). It will be held in Baltimore, MD in May 2003. Approximate Cost: \$1,956.00.

Mr. Hake advised the group that the FY 2003 HMEP Budget was approved at the same funding level as FY 2002 - \$91, 223.00

HMEP Key Dates: Obligation - September 30, 2003 and Liquidation - December 31, 2003.

Information and Technology (IT) Committee Report- Mr. Robert Pritchett

Committee has met twice since the December SERC meeting.

CAMEOfm – In support of our transition to the new version of CAMEO, known as CAMEOfm, we have arranged a “train the trainer” session for March 18&19 at DEMA. (CAMEOfm is the software we use to manage and distribute Tier II and other data.) EPA is providing an experienced CAMEO instructor for the session. Representatives from the various groups around the State that use CAMEO will be attending, and then will be responsible for going back and providing training for other users in their organizations.

Tier II Mailout & Industry Training Workshops – During the first week of January, the EPCRA group in DNREC mailed instruction packages to facilities around the State for 2002 Annual Hazardous Chemical Inventory (Tier II) reports due March 1, 2003. As an outreach effort, we also arranged and completed a series of 5 industry training workshops around the State between January 28 and February 6. The workshops covered Delaware's Tier II reporting requirements, and introduced the updated reporting software, Tier 2 Submit, which will be used for this reporting year. A total of 86 industry representatives attended the workshops.

Workshops at May LEPC meetings – The Committee has been arranging workshops for industry to be held at the May LEPC meetings. The workshops will focus on the newly revised Delaware 6028 regulation, and new procedures being established for notification of releases to the LEPC community emergency coordinators (see item below – listed under Old Business). We'll also be including updates on access to information in light of 9/11, and an update on the new Statewide

Notification System being established. We will be creating and mailing out a flier to announce the sessions.

LEPC Community Emergency Coordinator Notifications - This is an item the Committee has been working on for a while, and we are in the implementation stages now. As discussed at previous meetings, the Committee decided to establish a phone number for notification of releases to LEPC Community Emergency Coordinators in Delaware. The Committee is still working on development of the system. As part of this process, however, we need to make a change in the State EPCRA statute. Draft legislation has been established to make the correction, and is being presented for approval by SERC (separate agenda item under Old Business). Need to get legislation submitted and moving thru the process – will be noted at workshops at May LEPC meetings.

Committee Chair – With Bob Palmer’s term being up on the State Fire Prevention Commission, and thus the SERC, the IT Committee does not currently have a Chair. According to SERC by-laws, the SERC Chair appoints committee chairs with SERC approval, and committee chairs must be voting members of the SERC. The Committee would like to recommend Lynn Bullock be considered for appointment as Chair of the Information and Technology Committee.

Next meeting is scheduled for March 4 at 9:00 am at DSFS.

Planning and Training Committee Report – Mr. Arthur Paul

Mr. Paul briefed that the Committee met on January 8th and 22nd.

SERT Plan Update - The State Emergency Response Team, Oil and Hazardous Substance Incident Contingency Plan, is currently be updated to reflect the way the State responds to HazMat incidents. Some of the key changes include: an additional level added to reflect Federal Response, Fire School response to Level I by request, Public Health response to Level II automatic, and DNREC assuming radiological response.

DENS Update - The Delaware Emergency Notification System Request for Proposal was advertised in December, a prebid meeting was held January 16th, and eight eligible proposals were received on February 11, 2003. The DENS Working Group Selection Committee will evaluate the proposals and select the top two/three for a presentation, before making a final recommendation to the Secretary of Public Safety. Secretary Ford asked when the committee would make a selection. The vendor should be selected by NLT the end of April.

Flow Study Review - Mr. Dave Racca, University of Delaware, gave a summary presentation on Phase I of the review and will be presenting the information to the Commission at today’s meeting.

Decontamination (Decon) Trailer Users Group – Mr. J. Allen Metheny, Sr.

The Decon Trailer Users Group met on January 30, 2003 at the Kent County Public Safety Building. Highlights of the meetings follow:

Standard Equipment List - All three DECON teams have received the funds approved by SERC to complete the Standard Equipment List purchases and are working on ordering the equipment. We hoped to be able to provide a complete report on these purchases by the February SERC meeting; however, due to a delay in receiving the funds, the report will come later.

Tow Vehicle Request Letter - We discussed the funding needs of all three counties for a tow/equipment vehicle and the request to have Secretary Ford request funding from the DNREC fines accounts. It is still the request of all three county DECON teams that this letter requesting \$375,000 be sent. None of the counties have secured funds from other sources to fund these vehicles. We believe funding for these three vehicles is becoming more critical each day and that "the State" is obligated to see that the funds are provided.

Standard Operating Guidelines - We are continuing on the work of drafting a Statewide Decon Trailer User's Group "Standard Operating Guidelines" (SOG). We are making progress on this project; however, it is going very slowly because all of us are involved in many other planning projects conducted by the State.

Standing Committee Status - We are awaiting approval by SERC of our request that the Decon Trailer User's Group be recognized as a "Standing Committee of SERC".

Trailer Response Report - Since the last SERC meeting, the teams have:

- Responded to one emergency incident
- Conducted one training class for volunteer firefighters
- Completed no public appearance/community outreach events
- Met with the Kent County Fire Chiefs to promote volunteer firefighter training and to brief them on the DECON teams/trailers.
- (No reports from Sussex County)

We continue to support the Budget and Finance Committee's recommendation for a ten percent replenishment set aside amount each year from the fees collected.

LEPC Reports

New Castle County LEPC Report – Mr. Bill McCracken

- LEPC Meeting Notes –Meeting held at Elsmere Fire Company Training Room. Joe Leonetti who is the NCC Fire Chief's representative to the NCC LEPC provided a very informative power point presentation concerning Weapons of Mass Destruction (WMD). Current status of planning and operations was reviewed and the future plans discussed.
- Facility Visits - Visits were finished on Feb. 4, 2003. There are three sites still being followed up. Ninety-eight facilities are visited on a three-year cycle. A complete report of the audit cycle will be provided in April 2003.
- HazMat Plan Status – The New Castle County Hazardous Substance Response Plan was updated and distributed. The State Emergency Response Team Plan is being reviewed. When those updates are in place the New Castle County Plan will be reviewed and revised.
- Exercise Status – Not reported.

- HazMat Incidents – There were no major HazMat incidents which occurred in New Castle County since the last report. The New Castle County Industrial Hazardous Response Alliance (NCCIHMRRA) had no responses.

City of Wilmington LEPC Report - Mr. George Giles

- Meeting Notes - The last meeting was held on January 10, 2003 at the Public Safety Building. The next meeting will be held on March 14, 2003 at 10:00 am in the multi-purpose room in the Public Safety Building. The following is a summary of the minutes from the January 10th meeting. The anti-Terrorism Committee continues to work steadily on plans. Training was completed in December with a mass influx of patients (over 100 in two hours) from a disaster scene to the Wilmington Hospital as well as the Christiana Hospital. The drill went well.

Delaware Environmental Alliance for Senior Involvement (DeEASI) and the Wilmington LEPC will continue with facility visits. The DeEASI and Retired Senior Volunteer Program (RSVP) group received an award at the EPA conference, which will be given to them by George Giles. Wilmington is putting the final touches to giving the PAL Center the generator needed to use the center as an Emergency Evacuation Shelter. The Wilmington Business Network (Wilnet) will be working with the Wilmington LEPC on the Disaster Recovery Program.

- Facility Visits - This is an ongoing process of the Wilmington LEPC.
- HazMat Training and Planning - The Wilmington LEPC has had training for the Wilmington Police on HazMat Awareness. There was also a drill between Amtrak and the Wilmington Fire Department. We have also participated in the Cameo Training, Tier II Training and have been involved and taking Decon Training.
- Exercise Status - The drill we have been trying to do with the International Petroleum Company has been postponed due to weather complications twice now. We are trying to schedule the training now for April. There is also a drill with CSX planned for this month.
- Hazardous Material Responses - We have no hazardous material clean ups to report at this time.

Kent County LEPC Report- Mr. J. Allen Metheny Sr.

- Meeting Notes - Regular meeting held on January 14, 2003 with 20 members present. Provided updates to the members on the following topics: Decon III operations, Tier II Reporting and Fee Collections, Budget Issues, Hazardous Materials Response Plan, and the Delaware Emergency Notification System. Heard reports from two LEPCs members from Kent County who attended the EPA “spills” conference in Baltimore, introduced the state’s new emnet emergency alert system, including the “AMBER” system, to the group, and appointed “planning committee” to develop a long-range plan for the Kent county LEPC in order to enhance our services to the community and facilities within the county

Update on the planning for anhydrous ammonia seminar to be held on April 23, 2003 at the Sheraton Dover hotel. The planning group confirmed the following topics:

- Public relations for site emergencies
 - Facility preventive maintenance operations
 - Incident management and communications
 - Today's regulations
 - A 10 year history in Delaware - lessons learned
 - Site security/site emergency plans and emergency response
 - Hazards of ammonia
- Facility Visits - In cooperation with the DeLEASI group, eight facility visits were scheduled for the month of January, reports not completed.
 - Hazmat Plan Status - Approved by SERC; copies will be provided to first responders and others on CD-rom, as necessary.
 - Exercise Status - Two requests for exercises were presented to the LEPC. The first was from the Cheswold Fire Company and Dow-Reichhold Speciality Latex, LLC for a tabletop exercise for their facility. The second was from the Dover Air Force Base to do a combined drill. Both were approved with the possibility of combining the two issues into the same drill. A planning committee was appointed to develop these exercises.
 - Hazmat Incidents - Two accidental releases from facilities reported - no emergency response necessary.

Sussex County LEPC Report

No Report

Old Business

1. SERC Membership Vacancies – Mr. Arthur Paul

The new candidates for the vacant Highway and Rail positions are: Mr. Steven Scuggs, Norfolk Southern Railroad, and Mr. Michael LePore, Delaware Motor Transport Association. Mr. Scuggs application has been received and we are awaiting Mr. LePore's. The applications will be forwarded to the Governor's office to complete the appointment process.

2. Emergency Coordinator Notification Procedures – Mr. Robert Pritchett

Mr. Pritchett briefed that Federal law requires the SERC and Community Emergency Coordinators (CEC) to be notified when hazardous material releases occur. Mr. Pritchett presented a draft amendment, to title 16 of the DE Code, which updates and clarifies procedures for implementation of Federal emergency release notification requirements. Notifying 911 centers will no longer satisfy the Federal requirement to notify CECs. The LEPCs will serve as the CECs and will be notified by a 1-800 telephone number which is being established by the Information and

Technology Committee. The question was asked if a live person would answer. LEPCs may receive live notification during daytime; however, notification of the LEPCs does not replace the requirement for facilities to notify 911 Centers for immediate help. Notification to DNREC will serve as notification to the SERC. Mr. Pritchett made a motion, Mr. Murabito seconded, and the draft was approved as written.

3. House Bill 520

Mr. Paul briefed that House Bill 520 made some changes in the epilogue language and the issue was being worked by the legislative members of the SERC. Rep. Bruce Ennis stated that he believed that HB 437, which clarified the use of SERC funds, superseded HB 520. It is believed that Mr. William Bush, Public Safety Policy Advisor is researching the issue. Secretary Ford will discuss the issue with Mr. Bush.

4. Request for \$375,000 for Decon Tow Vehicles

Secretary Ford gave an overview of this agenda item. During the October SERC Workshop the Decon Trailer Users Group asked the SERC to send a letter to DNREC requesting the use of HazMat fine monies to fund Decon Trailer tow vehicles. However, a motion was not made and approved by the Commission. After discussion at the December SERC meeting, this issue was referred back to the Decon Trailer Users Group. This issue requires discussion and a motion by the Commission, a draft letter is available.

Mr. Metheny, Decon Users Group, gave an update on the efforts to acquire trailers and explained the need for the tow vehicles. Because of additional and an increase in the trailer towing weight, there are safety concerns with moving the trailers and a lack of efficiency because of the increased storage requirements. The Group wants a fire rescue type vehicle with storage space. Members of the Commission expressed the need for supporting the trailers and acquiring tow vehicles.

Mr. John Blevins, spoke on the availability of penalty funds. Currently, there is 1.2 million dollars; however, three months ago there were no funds. Approximately \$800k is normally set aside for annual projects. There are legislative discussions going on attempting to set aside 25% of the fine funds to support communities. Mr. Blevins supported the idea of requesting the funds and suggested that the 25% set aside funds could possibly be used to support LEPCs. He also mentioned the possibility of the vehicles being considered as environmental improvement projects would depend on company facing fines.

Questions and discussion took place on other sources of funding for the vehicles to include grants and Weapons of Mass Destruction funds. Other sources are being examined however, Secretary Ford is not encouraged about WMD funds at this time. Rep. Bruce Ennis made a motion that the SERC request the funds from DNREC, Mr. Metheny seconded, and the motion was approved.

5. Decon Users Group Standing Committee Designation

The SERC membership received two weeks notice of this proposed change to the SERC by-laws, as required. Mr. Metheny made a motion and Rep. Bruce Ennis seconded. The motion was approved by three-fourths majority of the entire SERC membership. The by laws will be amended to include the Decontamination Trailer Committee.

New Business

1. Mr. Murabito introduced the following new business:
 - Mr. Murabito and Mr. Metheny will be meeting with Sussex County officials to determine the status of the Sussex Decon Unit. This item will be added to New Business for the next Commission meeting.
 - Suggest the Commission consider an Administrative Policy that if a LEPC representative cannot attend a meeting, they be required to submit a written report.
 - Budget packages were distributed and should be completed and returned by April. The Finance and Budget Committee will meet, review the budgets, and make recommendations at the June SERC meeting.
 - Mr. Murabito made a motion that \$5,000 from the SERC contingency fund be set aside for annual maintenance of the Decon Trailers. Mr. Giles seconded the motion. Discussion: There was some discussion on the use of the funds and the process for repairs. The Decon Trailer Committee Chairman will approve emergency repairs and following repairs, the bill will be forwarded to DEMA for payment. Ms. Pam Meitner expressed concerns about future expenses driving up the cost of user fees, she also questioned the constitutionality of using the SERC funds on the trailers. Secretary Ford recommended sending courtesy copies of the DNREC vehicle request letter to the three SERC legislative members. The motion was approved with one opposed, Ms. Meitner.
 - Mr. Murabito made a motion that 10% of the users fees collected annually be set aside to provide funds for Decon Trailer replacement. Mr. Glenn Gillespie seconded the motion. Discussion: Ms. Meitner opposed using SERC funds to replace Decon Trailers, she stated that the State needs to address and fund from State sources and not just user fees. The motion was approved with one opposed, Ms. Meitner.
 - Mr. Murabito made a motion to approve Mr. Lynn Bullock as Chairman of the Information and Technology Committee. The motion was seconded by Mr. Gillespie and approved by the SERC.
2. Mr. George Giles, Wilmington LEPC, mentioned that there is an effort by the Decon Group to get reimbursement from parties responsible for HazMat incidents. He praised the Wilmington Emergency Network (EMNet) as a direct contact for emergencies. Finally, Mr. Giles mentioned, as a point of interest, that we need to look at HazMat response times of the DNREC response vehicle to an incident. He said Decon units are getting to the incident before the response vehicle.
3. Mr. Gene Donaldson, DelDOT, mentioned that they have procedures in-place for emergencies, and that they need to work with DEMA to develop procedures for non-emergency responses, for instance the need for cones and other support. DelDOT is interested in any training related to transportation. Mr. Donaldson stated that he will be the proxy for the Secretary of the Department.

4. Mr. Bill McCracken asked if DEMA could use Homeland Security funds for tow vehicles. Mr. Gillespie stated that the past budget allocations only allowed for trailers. Mr. Gillespie will coordinate with DEMA's Weapons of Mass Destruction coordinator to determine whether funds could be used in the future.

Presentation: HazMat Flow Study Review Phase I – Dave Racca, University of Delaware

Following the presentation, the Commission approved a motion to have the Planning and Training Committee meet with DelDOT and the Delaware State Police to review the recommendations.

Closing Comments

The SERC meeting adjourned at approximately 10:30 a.m. The next meeting will be on April 9, 2003.