

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes

June 10, 2009

Commissioners

Secretary Lewis D. Schiliro – DSHS, Chair	Jamie Tuner – DEMA
Bill Betts – Fire Prev. Commission	David Irwin – New Castle County LEPC
Grover P. Ingle – State Fire Marshal	Colin T. Faulkner. – Kent County LEPC/DPS
Robert Newnam – DE State Fire School	Charles Stevenson – Sussex LEPC
Ralph Baker – Shippers	Robert Byrd – Rail Transportation
James Lee – Consignees	Steve J. Owens – Water Transportation
Ellen Malenfant – DNREC	Dr. Jerry Llewellyn – Division Public Health

Members/Visitors

Arthur D. Paul – DEMA	Bill McCracken – NCC LEPC
Nancy Wyatt – DEMA	Bob Barrish – Citizen
Kevin Kille – DEMA	Bill Hermstedt – Eastern Shore Natural Gas
Tim Cooper – Sussex EMS	Allen Metheny, Sr.–Kent County LEPC-Retired
Robert Pritchett – DNREC/EPCRA	Al Tunnell – Delaware State University
James L. Cabbage – DVFA	Tim Love – Honeywell

The June 10, 2009 meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:05 a.m. by the SERC Chairman Lewis D. Schiliro, Secretary Department of Safety and Homeland Security. The attendees introduced themselves; a quorum was present. The March 25, 2009 meeting minutes were approved as written, following a motion by Mr. Jamie Turner and seconded by Dr. Jerry Llewellyn.

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of 5/21/09 (for accounts at DNREC):

SERC Fee Holding Account:

Carryover from 2008 calendar year	+ \$ 337,428
<u>Fees received thus far in 2009</u>	+ \$ 302,760 (a)(b)
Account balance as of 5/21/09	\$ 640,188

Decon Trailer Replacement Account:

Carryover from 2008 calendar year	+ \$ 192,223
Interest received thus far during 2009 (first 4 months)	+ \$ 2,903 (c)
Interest taken in February '09 for State budget shortfall	- \$ 4,286 (d)
<u>Interest taken in April '09 for State budget shortfall</u>	- \$ 1,161 (d)
Account balance as of 5/21/09	\$ 189,679

Notes:

- Reports and fees from facilities covering calendar year 2008 were due (to be postmarked) by 3/1/09. A small amount of additional fees are expected as we continue to follow up on delinquent reporters. Net fees received in 2008 totaled \$317,800.
- Reimbursements will be necessary to a small number of facilities for reporting errors. These are typically mailed to facilities later in the year. Reimbursements in 2008 totaled \$1,280.

- c. 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.
- d. Interest earned on the SERC Fee Holding Account for the first six months of FY 2009 totaling \$4,286 was taken in February and transferred to the State General Fund to help with the budget shortfall. Additional interest of \$1,161 was taken in April. Interest on the Decon Trailer Replacement Account has not been taken.

HMEP Grant Review – Mr. Arthur Paul

A Hazardous Material Emergency Preparedness (HMEP) sub-grant spreadsheet was provided with the agenda (see agenda package) and the status of the LEPCs sub-grants were briefed. New Castle County is on track to liquidate all funds. Kent County will be able to liquidate the majority of the training funds however, only half of the planning funds (approximately \$8K) will be liquidated; projects are being considered to liquidate additional planning funds. Sussex County will be able to liquidate its planning funds, but not \$11K of its training funds; they do not have money for back-fills during training. The City of Wilmington should be able to liquidate most of its funds. Mr. Paul briefed that more than likely, some funds will be reverted, however, efforts are being made to expend all HMEP funds. NOTE: Next year's HMEP grant package was submitted to U.S. DOT in May 2009, and was reviewed by the Finance and Budget Committee. The grant package is available for SERC review.

Information and Technology Committee – Mr. Bill Betts

The IT Committee met on June 9, 2009 at the Fire School with 7 people present.

Budget – the first item on the agenda was the approval of the IT Budget for FY 2010. Bob Pritchett previewed the budget proposal that had been submitted to Biff Newnam, Chairman of the Finance and Budgeting Committee. The budget consisted of \$7,490.00 for the annual maintenance and support of the Tier II Manager System, the associated MSDS on-line system, and the phone charges for the Emergency Notifications to the LEPCs (\$240.00). There were also three new items in the budget that had been discussed and approved at the October 22, 2008 meeting. Special products included programming to create master backup files of the facility data from the Tier II system (\$5,200.00), Programming modifications to allow the Fire Company access to the Tier II facilities in their fire districts (\$6,800.00), and a contingency fund to cover essential Tier II Manager Support costs (\$1,000.00). Art Paul also reported that he was informed that the ADASHI software license renewals were not allowed to be funded by the HMEP funds, and stated that the charge would be \$4,000.00 for the thirteen units in the State. After discussion on the ADASHI products, and their value to the system in plume development and federal recording information, it was decided to add this \$4,000.00 to our budget, and Art and Bob reported that the Finance and Budgeting Committee was okay with this addition. There was a motion, and second, to approve and submit a proposed budget of \$24,730.00 to the Finance and Budgeting Committee for FY 2010. Motion Carried.

Latitudes and Longitudes from the 911 Centers – Bob Pritchett reported that the data from Kent County is complete, Chip Stevenson reported that Sussex is 75% complete, and that we are awaiting data from New Castle County.

Format and Loading of Facility Plans – Bill McCracken had asked a question about loading facility response plans into the Tier II Manager system. There was a lot of discussion on this issue, and it was recommended that the plot plan and emergency response plan be provided for the responders during their pre-plan visits of the facilities. It was decided that we wait to see how the new Fire Company access will spur interest into using the Tier II site more frequently for their pre-planning

assistance, and it was agreed that we need to develop a standardized information format for future use of adding this information to the Tier II Manager system.

Annual Newspaper Ads – Art Paul presented his updated ad for submission to the newspapers. After some minor changes, Art will put the ads in the newspapers in June and September, as we are required to do this once per year by federal law.

Federal Homeland Security Data Request – Bob Pritchett reported that he was contacted by the University of Texas at Dallas that they are developing an E-plan web based system for the Office of Homeland Security. Bob reported that he had a lot of concerns as it competes with the Tier II data forms, and feared that it would compromise some of the confidentiality of our State system. Jay Brabson reported that they already have received information from the EPA on the coverage of all companies under the Risk Management Program. After discussion, we are going to be waiting to receive the confirmation letter from the Office of Homeland Security that Bob requested from the University of Texas.

Art Paul had a question of additional printing of the three informational cards that are given out. Bob reported that he thought that Art had taken these directly to the graphics division for printing.

There was no other business, and the meeting adjourned.

Planning and Training Committee – Mr. Jamie Turner

The Committee met on May 28, 2009 and 10 members attended. Committee Chairman Jamie Turner chaired the meeting. Attendees were provided a copy of the meeting agenda and the last meeting minutes, which were approved. The following agenda items were briefed and discussed.

SERC Meeting Program – The next SERC meeting will be Wednesday, June 10, 2009 at the Delaware State Fire School, Room 5b. The Committee approved a SERC meeting presentation on a hydrogen fluoride-anhydrous tanker offloading operation.

Rail Hazardous Material Letter – Mr. Dwayne Day, DelDOT, briefed on the Rail Line Security Advisory Committee meeting held on May 20, 2009. The meeting was attended by Secretary Schiliro, Department Safety and Homeland Security, and included representatives from all of the rail companies; Amtrak, CSX, and Norfolk Southern. Participation by the rail companies is very encouraging however, local participation needs emphasis. Mr. Day briefed that railroads want to stop transporting Toxic Industrial Chemicals (TIC); this could have a positive impact on rail HazMat shipment concerns but would significantly increase the numbers of HazMat highway shipments. Presentations were given by CSX Transportation Railroad Police and there was a demo on a License Plate Reader project by Asynchrony Solutions and Delaware State University. Amtrak briefed on their Full Spectrum Integrated Vulnerability Assessment, March 30 - April 3, 2009, and their National Operations Center moving to Delaware. The next meeting will be July 29th, 2:00 p.m.

SERT Plan Outreach – The State Emergency Response Team (SERT) Sub-Committee briefed the SERT Plan at the three February County Fire Chiefs meetings and distributed info flyers and the SERT Plan to Fire Companies. Additionally, during the month of May briefings were given at three Local Emergency Planning Committees (LEPCs); New Castle, Kent and Sussex Counties. Briefings have been offered to the states 911 Centers; however there have been no request. The Committee discussed concerns following Sunoco Refinery explosion in May 09; the SERT Sub-Committee needs to reach out to communities i.e. Claymont Coalition, Brandywine Hundred, etc., and send info

flyers to the Legislature. The Sub-Committee will offer the SERT briefings to local governments and civic organizations—via email.

SERC Retreat – At the December 2008 SERC meeting a motion was made and approved to have a Retreat at a future date. With the current funding issues impacting the State, the Chair recommended, and the Committee agreed, that a retreat should be considered for the December meeting.

HazMat Training – Chairman Turner stated that the Occupation Safety Health Administration (OSHA) is being questioned directly about training requirements for volunteer firefighters—as a follow-up to our last meetings concerns about interpretations (and possible reductions) of training requirements.

New Business: Kent County LEPC – Mr. J. Allen Metheny, Kent LEPC Chairman, is retiring May 2009 and his position will not be filled in the near future. The Chair recommended a tribute/commendation for his significant program improvements to the State and Kent County.

The Committee will meet on the following dates in 2009: Aug 27 / Nov 19, please mark your calendars.

Decon Trailer Committee – Mr. J. Allen Metheny, Sr. (retired)

The Decon Trailer User’s Group met on May 21 and all three counties were represented. Training in Sussex and Kent County continues. The primary topic of discussion was replacement of decon trailers. Since Feb 2003, 10% of annual fees have been set aside for this purpose; trailer cost and designs will be researched. New Castle County has the oldest—1997—but it is in good shape, even though it is used the most; it has always been stored inside. Sussex County Trailer has had the most maintenance problems and repairs; the unit was stored outside—until recent years. Kent County received the last trailer; it is in good shape and is stored inside. Options for locating the new trailer were discussed; however, the most likely scenario is to purchase a new trailer for New Castle County and give their old trailer to Sussex County.

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS

New Castle County – Mr. David Irwin

- Meeting Notes – There has been one LEPC meetings since the last SERC meeting, May 11th. The meeting was hosted by the Christiana Hospital. Mr. Bob Mulrooney, Vice President of Facilities and Services, welcomed the group and provided a brief overview presentation about the Christiana Care Newark Campus and Staff Services. He also explained the Wilmington site expansion project.
 - The LEPC Finance and Staff Reports were given.
 - Mark Dolan presented the NCCIHMRRA training report.
 - Bruce Galloway reported on ethanol/gasoline mixtures fires.
 - Bobak Gogolab gave a presentation on the “Bucket Brigade” report about particulate pollution in Claymont.
 - Bruce Galloway provided a presentation on the history of NCCIHMRRA.
 - Arthur Paul provided an overview of the latest version of the SERT Plan.
 - Mr. Jeff Benyo with Christiana Care provided a tour of the dispatch center, decontamination tank room and patient decontamination room.

- The members were advised that Joe Leonetti will resign from his LEPC Staff position effective May 31, 2009. He has accepted a position with the St. Francis Hospital as Safety and Security Manager. His duties will be assumed by Dave Irwin and Bill McCracken.
- Facility Visits – A total of five were conducted since the last SERC meeting –
 - FMC Corporation
 - Linde Company
 - Kuehne Company, Inc
 - GE Energy - Solar
 - Southern States
- HazMat Plan Status – The NCC LEPC Emergency Response Plan review is underway
- Exercise Status – Plans to develop and conduct the HMEP Grant funded railcar tabletop exercise is progressing
- HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMRAs.
- Comments – Outreach Initiatives and additional Staff Activities
 - Attended the Richardson Park Civic Association meeting
 - Coordinated with NCC OEM on outreach materials
 - Attended NCCFCA meeting at Delaware City.
 - Presented LEPC Presentation to the DE Chapter of the American Industrial Hygiene Association.
 - Attended the FMC Corp. Community Advisory Panel (CAP) meeting.
 - Participated in the 2nd Annual HazMat Conference
 - Participated in the SERC Planning and Training Committee meeting.
 - Conducted two Staff meetings.
 - Met with Dave Carpenter and Jamie Bethard to plan the HazMat Video Response simulation.
 - Met with Dave Carpenter on Tabletop Exercise.
 - Met with Del Tech on the production of the Delaware Hazardous Materials Response Video.
 - Met with NCC OEM representatives to discuss HMEP Grant budget questions.
 - Participated in the LEPC Brochure Meeting.
 - Conducted 8 hour training class for the A.I. DuPont Hospital.
 - Reviewed A. I. DuPont Hospital's Decontamination Plan.
 - Attended the NCCIHMRAs SOP meeting at DNREC.
 - Attended gas monitoring training at University of Delaware.
 - Participated in the NCCIHMRAs Steering Committee meeting.
 - Attended NCCIHMRAs annual intermediate and advanced toxic industrial chemical sampling, identification and monitoring training session hosted by DuPont Experimental Station
 - Participated in the IT Committee meeting.

The next LEPC meeting will be Jul 13, 2009 at Astra Zeneca, Newark, DE, at 2:30 p.m.

City of Wilmington – Mr. George Giles, No Report

Kent County – Mr. J. Allen Metheny, Sr. (Retired) and Mr. Colin Faulkner, Public Safety Director

- Meeting Notes – The last regular meetings of the Kent County LEPC were held on May 12, 2009, with 21 members present. Provided updates to the members on the following topics: Decon III Operations, previous SERC meeting, budget issues, Delaware Emergency Notification System (DENS), Tier II Manger System, Dover Mall shooting tabletop exercise, and a State

Emergency Response Team (SERT) plan update was provided by Jim King, DE State Fire School.

- Facility Visits – Mr. Bob Barrish conducted eight visits since the last meeting; ten visits year to date. He is convinced that the facilities could respond effectively to emergencies. Most facilities don't have a written plan; however, they can explain the response procedures. Will be visiting Kent County Waste Water Treatment facility to review their plan, and will map out an schedule for the second half of the year.
- HazMat Plan Status – not reported
- Exercise Status – not reported
- HazMat Incidents – None reported
- Comment – Mr. Faulkner thanked Mr. Metheny for a job well done and reported that the County will not be filling his position for 12-18 months. County leadership has assured him that the position will be filled eventually. In the interim Mr. Faulkner and other members of Kent County Public Safety will be working as a team to perform the emergency management and LEPC duties.

The next LEPC meeting will be July 14, 2009, Kent County Public Safety Building at 10:00 a.m.

Sussex County – Mr. Charles Stevenson

- Meeting Notes – The LEPC met May 14, 2009 and there were 21 members in attendance. Topics covered:
 - Joe Thomas, Director of Sussex EOC, provided an update on the status of upcoming exercises, ranging from several planned tabletop exercises to a full scale at the Sussex County Airport.
 - Shannon Splittorff from DNREC-EPCRA provided the LEPC with the status of the Tier II reporting process.
 - Art Paul from DEMA gave report on the 2nd annual HazMat conference in Dover. He also provided information on the state SERT plan and DENS.
 - Bill Satterfield, Executive Director of Delmarva Poultry Industry, gave a presentation on the poultry industry's planned response structure to an avian influenza emergency.
 - Jim King, Delaware State Fire School, provided an overview of the updates made to the State Emergency Response Team (SERT) plan.
- Facility Visits – The LEPC coordinator has visited numerous Kent County facilities with Mr. Bob Barrish to observe the processes he utilizes during facility visits. The Sussex LEPC will be contacting several facilities to begin the process in Sussex County.
- HazMat Plan Status – The LEPC coordinator continues the process of reviewing and revising, as needed, the HazMat Plan for Sussex County. The targeted completion date for this task is end of month in June 2009.
- Exercise Status – The Sussex LEPC is coordinating with Director Thomas on several planned exercises, possibly in the fourth quarter of 2009.
- HazMat Incidents – There were three incidents reported since the last SERC meeting: mixed liquid spill at Pinnacle Foods, bomb threat in Georgetown, and a diesel fuel spill in the Millsboro area.
- Comments – Other LEPC activities include: attended 2nd Annual Delaware HazMat dinner and Conference, attended Sussex County Fire Chief's meetings at Slaughter Beach and Frankford, involved with the planning of a video production of the statewide HazMat response capabilities, attended the Kent County LEPC meeting, attended the DelDot Rail Line security meeting, met with Rich Antoff of DNREC, Dave Mick from Kent County, and representatives of Dentsply

Caulk in Milford, attended the SERC Planning and Training meeting, and attended the SERC Information and Technology meeting.

The next Sussex County LEPC meeting is scheduled for July 16, 2009 at 10:00 a.m. at the Sussex County EOC.

DNREC REPORT – Ms. Ellen Malenfant

Statistics for the first quarter 2009 show DNREC Emergency Response Team (ERT) responded to 66 incidents. This is compared to 64 responses in the 4th quarter of 2008. The largest number of responses (15) continues to be to transportation related spills and releases from motor vehicle accidents. The next highest number of responses (11) in the 1st quarter 2009 was from heating fuel spills primarily from residential fuel storage tanks.

DNREC's Accidental Release Prevention (ARP) Program notified facilities with Extremely Hazardous Substances that fall under the US EPA Risk Management Program and Delaware's ARP Program that they are required by state and federal law to have a risk management program and a Risk Management Plan (RMP) which must be updated and submitted to the US EPA and DNREC every 5 years. June 30, 2009 is the next 5-year RMP update due date for most ARP regulated facilities in Delaware. Propane is an ARP regulated extremely hazardous substance in Delaware and risk management plan updates are due for propane facilities as well as federally regulated extremely hazardous substance facilities by July 2009. Facilities can contact Jay Brabson of the Delaware ARP Program for more information or assistance with RMP update submissions.

ERT Responses of Note:

- March 1, 2009 the DNREC ERT participated in the Delaware City Community Awareness and Emergency Response Group (DC-CAER) full scale exercise at the DuPont Red Lion facility.
- On February 25, 2009 DNREC ERT responded to a 6,000 gallon #6 fuel oil spill into the Christina River at the Port of Wilmington from the RORO M/V HONOR, an American flagged ship, carrying vehicles. The oil spill was confined to the Christina River in the area of the port, no oil was reported out in the Delaware River, or up Brandywine Creek.
- On April 5, 2009, the DNREC ERT responded to an overturned gasoline tanker at the Route 1 exit on the southbound side of the Roth Bridge over the C&D Canal. The driver of the gasoline tanker lost control of the vehicle as he was exiting Route 1.
- On April 3, 2009 the DNREC ERT was called to a diesel fuel spill from a single vehicle accident on Route 1 at the Dover Toll Plaza. A Tidewater Express tractor trailer collided with the concrete barrier dividing the EZ Pass Express lanes rupturing the vehicle's saddle tanks and spilling more than 100 gallons of diesel fuel onto the roadway and into the nearby storm water retention pond. DNREC oversaw the cleanup and recovery of the fuel. The EZPass Express lanes were closed approximately 10 hours as a result of the spill.
- DNREC ERT worked from April 20 through May 15, 2009 to assess, inventory and stabilize hazardous materials abandoned at the NVF Yorklyn facility when it filed for Chapter 7 liquidation on Friday, April 24. As a result, the majority of the hazardous chemicals on-site are now accounted for and awaiting disposal.
- On April 27, 2009 DNREC ERT responded to a release of spent sulfuric acid on Route 9 north of the Delaware City refinery from a tractor trailer tanker enroute from Sunoco in Marcus Hook to the DuPont Red Lion plant. Ten electrical workers at the DP&L substation on Route 9 were exposed to the acid spray from the spill and were treated at Christiana Hospital and three motorists reported damage to their vehicles from driving through the acid on the roadway right

after the spill and before the road was closed to traffic. The trucking company hauling the spent acid tanker has taken responsibility for the cleanup and for damages from the spill.

- On May 18 and 19, 2009 the DNREC ERT responded to the explosion and fire at the Marcus Hook Sunoco refinery. DNREC follow up will be conducted by the Accidental Release Program (ARP).
- May 29 through May 31, 2009, DNREC ERT and the Delaware State Police - Explosive Ordinance Disposal (DSP - EOD) team formed a Joint Hazard Assessment Team (JHAT) for the spring 2009 NASCAR races at the Dover Downs International Speedway.

OLD BUSINESS – During the March meeting a presentation from Honeywell was suggested.

NEW BUSINESS

1. Annual Report – Mr. Paul briefed that the SERC Annual report closes out on June 30, 2009. He requested everyone to review last year's report and provide input by July 31, in order to allow time for a draft to be presented to the Commission for review prior to approval at the September meeting.
2. Budget Recommendations – Mr. Newnam, Finance and Budget Committee Chairman, briefed the recommendations for the FY 2010 Budget. Mr. Dave Irwin, NCC LEPC Chairman informed the Commission that the LEPC Executive Committee had been attempting to resolve issues with NCC regarding the administration of the FY 2010 SERC Grant; all efforts have failed. Based on the current situation and past history, the Executive Committee voted to terminate NCC as the Grant administrator effective June 30, 2009 and would seek to incorporate and file for 501(c)(3) status. The Committee further requested that DEMA not forward any FY 2010 funds to NCC and recommended that the FY 2009 carryover funds remain with NCC to cover administrative costs. The SERC Chairman suggested meeting with Colonel Gregory, NCC Public Safety Director, to resolve the administrative issues. Following further comments and discussion, the SERC Chairman directed that a solution be sought through discussions with NCC. Mr. Newnam made a motion to approve all Finance Committee budget recommendations and that the NCC funds would be released at the direction of the SERC Chairman, the motion was seconded by Director Turner and approved by the Commission.

NOTE: Following the SERC meeting, Mr. Irwin spoke with Colonel Gregory and there will be a Memorandum of Understanding established which will resolved the discussed the issues. The Chairman directed that the money be released to NCC on schedule.

PRESENTATION – Mr. Tim Love, Honeywell Plant, Claymont, DE, gave a presentation on the plant and an accident, in Pennsylvania involving an overturned tractor trailer carrying 33,000 pounds of hydrogen fluoride, anhydrous, there was no leak. The tanker was transported to the Honeywell Plant, in Northern Delaware—on the PA side—for offloading operations. The outcome was safe and uneventful.

CLOSING COMMENTS – Mr. Ralph Baker, Shippers, introduced and welcomed Mr. Allen Tunnell from the Delaware State University.

Next meeting will be September 9, 2009, at the Fire School. Meeting adjourned at approximately 10:40 a.m.