

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes

June 13, 2007

Commissioners

Director James D. Werner – DNREC/AWM	Glenn Gillespie – DEMA
Rep. Bruce Ennis – DE Vol. Firemen’s Assoc.	David Irwin – New Castle County LEPC
Michael G. Chionchio – State Fire Marshals Office	Allen Metheny, Sr. – Kent County LEPC
Robert Newnam – DE State Fire School	Gene Donaldson – DE Dept. of Trans.
Ralph T. Baker – Shippers of HazMat	John R. Peirce – Water Transportation
James Lee – Consignees	Bob Byrd – Rail Transportation

Members/Visitors

Arthur D. Paul – DEMA	Kevin Kille – DEMA
Nancy Wyatt – DEMA	Dave Hake – DEMA
James L. Cabbage – DVFA	Richard Antoff – DNREC
Bob Barrish – NCC LEPC	Bill McCracken – NCC LEPC
Robert Pritchett – DNREC/EPCRA	Catherine Pomerantz – FEMA
Kurt Reuther – DNREC	Joe Leonetti – Elsmere Fire Company
Ken Belmont – Division Public Health	Mark Lucy – Miller Environment
Tim Cooper – Sussex EMS	Bill Hermstedt – Eastern Shore

The June 13, 2007, meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:04 a.m. by the SERC Vice-Chair James D. Werner. The attendees introduced themselves and a quorum was present. The March 13th meeting minutes were approved as written, following a motion made by Mr. John Peirce and seconded by Rep. Bruce C. Ennis.

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of 6/7/07 (for accounts at DNREC):

SERC Fee Holding Account:

Carryover from 2006 calendar year	+ \$ 256,918
Fees received thus far in 2007	+ \$ 285,620 (a)(b)
Interest received thus far during 2007 (four months)	+ \$ 5,569 (c)

Balance as of 6/7/07	\$ 548,107

Decon Trailer Replacement Account:

Carryover from 2006 calendar year	+ \$ 119,084
Interest received thus far during 2007 (four months)	+ \$ 2,024 (d)

Balance as of 6/7/07	\$ 121,108

Notes:

- a) Reports and fees from facilities covering calendar year 2006 were due (to be postmarked) by 3/1/07. A small amount of additional fees are expected as we continue to follow up on delinquent reporters.
- b) 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 2006 totaled \$3,160.
- c) Interest will continue to accumulate. Total interest received on this account in 2006 was \$14,109.
- d) Interest will continue to accumulate. Total interest received on this account in 2006 was \$4,505.

HMEP Grant Review— Mr. Arthur Paul

The FY 2007 Hazardous Materials Emergency Preparedness (HMEP) Grant budget projections are presented below. All amounts listed represent dollars.

HMEP TRAINING – FY 2006

Proposals: None

Pending:

	<u>Training</u>	
Balance as of 6/11/07		10,845.96
<u>Pending Items:</u>		
City of Wilmington funds for HazMat trn one tech 900.00 / one ref 400.00		400.00
Delaware Fire School funds support HazMat training for Decon teams		12000.00
NCC LEPC funds for HazMat Traing Dupont Emergency Response Group		5231.50
Total Pending Items		17,631.50
<i>Projected Training Balance</i>		-6,785.54

HMEP PLANNING – FY 2007

Proposals:

DEMA requests funds for renewal of update service to the Federal Toxics Program Commentary, by Specialty Technical Publishers. Approximate Cost: \$408.00

Pending:

	<u>Planning</u>	
Balance as of 6/11/07		24,600.94
<u>Pending Items:</u>		
Request funds for LEPC/SERC Meetings for through Sept 2007		222.09
Sussex LEPC two mbr of Decon Team Hunt Valley June 2007		2,250.00
LEPC request funds to support upgrading of Tier II Manager		10,000.00
NCC LEPC funds for Decon Chief attend HazMat Conf. June 2007		610.00
Wilmington LEPC requests two IAFC HazMat Conf. June 2007		1,800.00
Fire School request funds for one to attend the IAFC HazMat Conf. June 2007		975.00
Renewal of Fed Toxic Program Commentary Update Service by STP		408.00
Total Pending Items		16,265.09
<i>Projected Planning Balance</i>		8,335.85

HMEP – FY 2007

Approved Grants:	Planning	\$46,090
	<u>Training</u>	<u>\$45,133</u>
	Total	\$91,223

Request Planning and Training Project Proposals for FY2007HMEP Key Dates:

Obligation and Performance period: September 30, 2007

Liquidation Date: December 31, 2007

IT Committee Update for 6/13/2007 SERC Meeting– Mr. Robert Pritchett

The IT Committee met on May 1st at the Fire School with eight people present. We have several projects we continue to work on, which we have reported on at previous SERC meetings:

Updates to outreach materials - The Committee has been updating the newspaper ad printed several years ago, along with the general EPCRA flier and several outreach items highlighting emergency release reporting requirements and phone numbers. These documents will be finalized and re-printed using HMEP funds.

Procedures for public access to EPCRA info - At the last SERC meeting, the Committee presented a draft paper. The draft paper outlined recommended policies and procedures for public access to EPCRA information, including LEPC plans and facility reports submitted under the reporting requirements. The Federal EPCRA requires SERCs and LEPCs to have procedures in place for public access to plans and reports. After discussion, it was decided that a meeting should be arranged with Delaware's FOIA attorney and county attorneys to discuss the issues. Once that meeting is held, we'll move forward on the draft policy as appropriate.

Tier II Manager – As noted during previous meetings, the Committee had developed and submitted a wish list of roughly 90 changes/enhancements to the system. Some of the changes were minor, while others would require significant effort and would be very costly. The contractor completed evaluation of the list, and to address all the changes would cost several times more than we have available. We currently have \$43,700 available for upgrades (a balance of \$13,700 from the original penalty funds provided for the Tier II Manager project, and an additional \$30,000 from the additional DNREC penalty fund request approved earlier this year).

Our current Delaware system is based on version 2.1 of Tier II Manager, with customizations to meet Delaware's requirements. They are now marketing version 3.3 of the system, which has several hundred additional features over version 2.1. Many of these new features address items on our list of proposed changes. Complete purchase of and migration to version 3.3, including customizing the version to meet Delaware's specific reporting and fee requirements, would cost approximately \$62,000.

Essentially, the decision comes down to spending \$43,700 to get a small number of upgrades to our current 2.1 version, or spending \$62,000 to move to version 3.3 with several hundred enhancements (not to mention having more "current" coding in general). The Committee recommends purchasing the customized 3.3 version. In addition to the \$62,000 for the upgrade, an additional \$4,000 will be needed for training sessions on the new version to be provided by the contractor. We have been waiting to

implement this project, in order to request a limited amount of funds for the project through the annual SERC budget process. The project cost and sources of funds will be as follows:

Upgrade Project Costs	
Cost for the upgrade, including customization of the upgrade for Delaware's specific reporting and fee requirements, data migration, etc.	\$61,965
Costs for one full day of training for system administrators, and two half day training sessions for key emergency planning and response personnel ("train-the-trainers" approach) on the new system	\$4,000
Total project cost	\$65,965

Sources of Funding	
Balance of original penalty funds remaining after purchase of Tier II Mgr in 2005	\$13,700
Additional DNREC penalty fund request approved in 2006	\$30,000
Funding from HMEP grant for planning activities	\$10,000
Balance of project to be funded by SERC	\$12,265

Contingent on approval of funds during the annual SERC budget process, the Committee requests SERC approval to move forward with this upgrade project.

***The Tier II Manager system is proving very successful. Last year, roughly 64 % of the facilities reported on-line. This year, initial estimates are that 85% percent have reported on-line. That means the updated data is already available for planners and responders in the field, whereas with our old system, it would have taken roughly 9 months to process and distribute.

Planning and Training Committee – Mr. Arthur Paul

The Committee met on May 23, 2007 in the Technical Assessment Center (TAC) of the State Emergency Operations Center. Jamie Turner, Committee Chairman, chaired the meeting. Eleven people attended the meeting. Attendees were given a copy of the meeting agenda and a draft revision of the SERT Plan. The previous meeting minutes were approved. The following agenda items were briefed and discussed.

HMEP Update – Art Paul provided an update of the grant provided with the agenda. Currently, more than enough of the training funds have been obligated and there is approximately \$9,000.00 planning funds yet to be obligated. Art had planned on using the planning funds for printing the SERT Plan, however it is not likely the plan will be ready for print prior to the liquidation date (Sept 30, 2007). Therefore, the HMEP Sub committee will need to discuss alternative projects; possibly outreach materials for the Information and Technology Committee and the LEPCs.

Rerouting of Rail Hazardous Material – This is an open item stemming from New Journal article on rerouting trains in metropolitan areas. Rail cars containing HazMat are stored on New Burton Road in Dover and pose potential hazard. Director Turner previously mentioned that Norfolk Southern (NS) had an engineering study conducted in Dover and that rerouting and storage of the railcars would cost approximately 4 million dollars, the study was presented to the city of Dover. Additionally, there are no alternated locations. After lengthily discussion the Committee decided to work with the Rail Representative to relay concerns about the risk and vulnerabilities. Director Turner will invite Scott Muir, NS, to the August P & T Committee.

SERT Plan Revision & Review – Attendees were given a copy of the draft revision to the SERT plan. Minor changes were included to address National Incident Management System (NIMS) compliance and the Radiological Incident Response Plan was included as an Annex. A question was raised concerning the name of the SERT Plan: Oil and Hazardous Substance Incident Contingency Plan. After lengthily discussions Director Turner suggested scheduling a State Emergency Response Team (SERT) meeting in mid-July to review the revision. The Fire School will coordinate the revision with fire companies following the July meeting; and the revision can be presented at the September SERC meeting for approval.

Delaware HazMat Conference – Art briefed that a special committee had been established to plan the first annual Delaware HazMat Conference for April 2008. Members of the committee include NCC LEPC members, DNREC/ERB & ARP, SERC Decon Committee, DEMA, and Decon Team chiefs. The current agenda is a Friday night teambuilding dinner with speaker Buz Melton, and Saturday is a training exercise rotation. Additional, training opportunities are being considered for the emergency medical service. Attempts are being made to involve industry HazMat teams and the 31st Civil Support Team.

Art briefed that the last meeting of the Sussex County LEPC was canceled because Marilyn O’Neil, Interim Chairperson, was on medical leave. The meeting will be rescheduled upon her return. A Sussex County Working Group has been established which should facilitate continued improvements in the program.

The remaining meeting dates for 2007 are: - August 22 / Nov 28

Decon Trailer Committee – Mr. J. Allen Metheny, Sr.

The DECON Trailer User’s Group met on May 23, 2007 at the Kent County Public Safety Building with all three teams represented. Highlights of the meeting follow:

Since the last meeting, the teams have:

- Responded to two emergency incidents
- Conducted eleven training classes or drills
- Completed two public appearance/community outreach events.

Currently, there is a lack of “standard dispatch” among the three counties. The Fire Chiefs in each county have established how and when they want the DECON teams dispatched. DNREC folks have expressed some concern that the DECON team is not dispatched at the same time the DNREC responders are dispatched. This issue is being addressed in each County by the Fire Chiefs.

Training the companies that house the FDU trailers was again discussed. This program has been stalled. The new Director of the DSFS assured the Committee that he would get the training program for the FDU’s developed and ready for presentation in the near future.

Credentialing of the team members remains an issue because the State has not adopted a plan that meets the federal requirements. Now the Federal mandate to provide credentialing is in question. There is now an active WMD sub-committee working on this project. The team reviewed the “wish” list for items from the WMD FY06 funding cycle. The list was a “short” list due to limited funding. Primarily, FY 06 funds will be used to cover the State Field Service Maintenance Contract. We also reviewed the status of FY04 and FY05 purchases. All FY 04 WMD funds have been expended and most of the remaining FY 05 funds will be re-allocated to acquire new sensors to replace some expired ones.

Odessa Fire Company brought their Field DECON Unit (FDU) to the meeting for review by the group. It was determined that several small items were needed for the FDU's to make them more operational. It was anticipated that we needed approximately \$5,000.00 for each of the 10 FDU's in the State. This funding is in the FY07 WMD request list. A reasonable list of needed equipment is being developed. Finally, at the meeting a discussion was held concerning a Statewide HazMat Conference. The group agreed to participate in the planning and management of such a Conference in the spring of 2008.

Prepared and submitted our FY 08 budget to the Committee for consideration.

Our next meeting is scheduled for August 22, 2007 at 1:30 P.M

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS

New Castle County – Mr. David Irwin

- Meeting Notes – There has been one LEPC meeting held since the last SERC meeting. That meeting was held on May 14, 2007 and was hosted by the DuPont Edgemoor Plant at EdgeMoor, DE. A total of 31 individuals attended the meeting. Highlights of the meeting were: 1. The NCCIHMRMRA training report discussed the all day training program conducted by the Delaware State Fire School at the DuPont Edgemoor plant on April 28, 2007. In addition to the NCCIHMRMRA Team members, DNREC and HAZ Mat 30 personnel also participated. Additional training was provided when HazMat 30 personnel reviewed their decon procedures with the group. A representative of the 31st CST observed the program. Objectives accomplished were: reinforced previous hands-on Chlorine training, enhanced the level of trust among team members, and opportunity to interact with HazMat 30 DECON team. A special thanks to DSFS for the excellent training and the DuPont Edgemoor plant for hosting the event; 2. Pat Covert the Environmental Manager for the Valero refinery gave a presentation concerning four incidents that had occurred during the winter. He detailed the cause and corrective actions. Herb Netsch the Fire Chief at the refinery discussed their considerable fire fighting capabilities; 3. Planning for the HazMat Conference is continuing and is on track. A tentative agenda has been developed and a location selected; and 4. The contracts for the consultants (J. Kenney and B. McCracken) was discussed by the group. A motion to renew the contracts for a period of one year commencing July 1, 2007 and ending June 30, 2008 was approved unanimously. Duties and terms remain the same.
- HazMat Plan Status – The Hazardous Substance Response Plan was revised October 2006 and was passed to the NCC Emergency Management Office for inclusion as an annex in their Comprehensive Emergency Management Plan(CEMP).
- Facility Visits – The current cycle began January 1,2007. Since that time 12 on site assessments have been conducted. Additionally one follow up visit was concluded in a satisfactory manner. LEPC staff participated with the Accidental Release Prevention office in the investigation of an incident.
- HazMat Incidents – Since the last report there have been no incidents that required activation of the NCCIHMRMRA.

Next Meeting: The next LEPC meeting is scheduled for July 9, 2007 and will be hosted by DNREC at their Lukens Drive facility

City of Wilmington – briefed by Mr. Arthur Paul

- Meeting Notes – the last meeting of the Wilmington LEPC was held on May 18, 2007, at the Public Safety Building. The next meeting will be held on July 13, 2007. The following is a summary of the minutes from the May 18th 2007 meeting: the FY 08 budget has been submitted with an increase in Margie Williams's salary; the anti-terrorism committee continues with its work, training and outreach programs continue; and EHS visits will begin shortly letters & questioners have been mailed.
- Facility Visits – DeIEASI will start inspections in the next couple of months. All sites were sent letters pertaining to the inspections and questioners to be filled out.
- Training and Exercise Status-We are continuing training on the new HazMat Program. (ADASHI Software). Four members attended the HazMat Conference in Hunt Valley. Reimbursement request are in the mail.
- Training and Exercise Status – Completed Critical Incident Management in the Maritime Environment and also completed training on Tactical Marine Operators Course. 38 people trained. First responders were taught decision making on Evacuation and sheltering in place 15 Wilmington Police were trained in HazMat Tech through the EPA.
- Hazardous Material Responses – None to report this quarter.
- Planning and Outreach – In the process of doing presentations on Evacuation and Sheltering in Place to Citizens and business establishments; mapping has been completed for the population based on the 200 census report--maps are divided into 27 planning districts; we are doing a CERT class in Wilmington this month for Bank of America; working with our radio station 22 to prepare for the upcoming hurricane season and heat related education; working with the West End Neighborhood House on a project to try to figure out why the Special needs population does not know what to do during disasters and trying to find ways to improve their notification and information; and the new AM Radio station will go on the air by July 1, 2007.
- Hazardous Material Plan - Currently being reviewed by LEPC members for update.

Kent County – Mr. J. Allen Metheny, Sr.

- Meeting Note-regular meeting held on May 8 with 27 members present. Provided updates to the members on the following topics: Decon III operations; Tier II reporting and fee collections; Budget issues; Delaware Emergency Notification System (DENS); and the Tier II Manger System
- Facility Visits - one site visit to a manufacturing business
- HazMat plan status - No change
- Exercise Status- Kent County participated in a functional exercise on March 28, 2007 in conjunction with the Del-Mar-Va Emergency Task Force, which includes all of the counties on the Del-Mar-Va peninsula and some municipalities. One of the objectives of this exercise will to determine how well the three states can work together to bring about a successful evacuation of the peninsula in a timely manner. This functional exercise was a follow-up to the tabletop exercise held last October. The three states worked together making decisions that would provide for the evacuation of the coastal and low-lying areas of the peninsula. For this exercise, each state/county that participated opened and operated from their local EOC.
- HazMat Incidents - None

The next LEPC meeting will be July 10, 2007 at 10 a.m. at the Dow Reichhold Speciality Latex LLC Plant north of Dover. They have invited the LEPC for the meeting and a tour of their facility in order to point out some of the improvements made since the August 2006 incident.

Sussex County Marilyn O'Neal – No Report

DNREC REPORT – Director James Werner

Attendees received handouts on HazMat releases and responses. Mr. Warren briefed on the increased of residential heating oil spills, contamination of oil from old tanks, and transportation spills.

OLD BUSINESS

NCC LEPC Grant Motion, tabled – Mr. Irwin, NCC LEPC Chair, motioned at the on March 2007 that the LEPC grant be administered through the Delaware Emergency Management Agency (DEMA), because . He stated that the current process of the NCC Office of Emergency Management (OEM) administering the grant is no longer working. On June 13, 2007, Mr. Irwin stated that the problem was resolved. There is no farther action need by the SERC or DEMA.

NEW BUSINESS

1. FY 2008 SERC Budgets – Mr. Robert Newnam, Chair of Finance and Budget Committee, reviewed the Committees budget approval recommendations, provided in the agenda package along with the budget approval Worksheet. A motion to approve the budget recommendations was made by Mr. Newnam and second by Rep. Ennis and passed. A vote was held and the budget recommendations were passed unanimously.
2. Upgrade of Tier II Manager – Mr. Pritchett reviewed the IT Committee proposal to upgrade Tier II Manager to version 3.3, as briefed during the Committee report. A motion to approve the upgrade was made Mr. Newnam, seconded by Mr Irwin, and the upgrade was passed by Commission

PRESENTATION

Mr. Leonetti, NCC Industrial HazMat Response Alliance (NCCIHNR) gave an overview of the state DECON capability and a comprehensive presentations on the NCCIHMR. Several members thanked Mr. Leonetti for the thorough presentation.

CLOSING COMMENTS

Mr. Tim Cooper, Sussex County EMS, invited attendees the Special Operations Station Dedication and Open House on June 28, 2007 at 10:00 a.m. in Country Garden, Business Center, Dagsboro, Delaware. For more information please contact at 302-854-5050.

A Motion was approved to change the next meeting from September 12th to September 19th 2007, to accommodate the Delaware Volunteer Firefighters Association Conference. The meeting will be held at the Delaware State Fire School.