

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes

March 10, 2010

Commissioners

Secretary Lewis D. Schiliro – DSHS, Chair	Glenn Gillespie – DEMA
Marjorie Crofts – DNREC/DAWN	David Irwin – New Castle County LEPC
Grover P. Ingle – State Fire Marshal	George Giles – Wilmington LEPC
Robert Newnam – DE State Fire School	Colin T. Faulkner – Kent County LEPC
Sen. Bruce Ennis – DVFA	Charles Stevenson – Sussex LEPC
Bill Betts – Fire Prev. Commission	Alfred Johnson Jr. – Air Transportation
Dwayne Day – DelDOT	Robert Byrd – Rail Transportation
James Lee – Consignees	Steve J. Owens – Water Transportation
Dr. Jerry Llewellyn – Div. Public Health	Ralph Baker – Shipper
Capt. William J. Alexander – DSP	

Members/Visitors

Arthur D. Paul – DEMA	Allen Metheny, Sr. – Kent Cty LEPC (Retired)
Nancy Wyatt – DEMA	Al Donofrio – NCC LEPC
Kevin Kille – DEMA	Ellen Malenfant – DNREC
James L. Cubbage – DVFA	Robert Pritchett – DNREC-EPCRA
Tim Cooper – SC EMS	Bill Hermstedt – Eastern Shore Natural Gas
Bob Barrish – Citizen/Kent LEPC	

The March 10, 2010 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 December 9, 2009 meeting minutes were approved as written, following a motion by Mr. Dave Irwin and seconded by Dr. Jerry Llewellyn. Secretary Schiliro stated that the Commission received Ralph Baker's letter of resignation and thanked him for serving on the Commission since 1996. Mr. Baker replied that he met many interesting people and had enjoyed the position.

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of 03/08/2010 (for accounts at DNREC):

SERC Fee Holding Account

Calendar Year 2009

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

Calendar Year 2010

Carryover from 2009 calendar year	+ \$ 272,234
Disbursement in Jan 2010 to Sussex LEPC for FY 2009	- \$ 30,095 (a)
Fees received thus far in 2010	+ \$ 267,960 (b)
<u>Projected reimbursements thus far</u>	<u>- \$ 0 (c)</u>
Account balance as of 3/8/2010	\$ 510,099

Decon Trailer Replacement Account:

Calendar Year 2009

Carryover from 2008 calendar year	+ \$ 192,223
Transfer into account in June 2009	+ \$ 31,000
Interest received in 2009 calendar year	+ \$ 8,814 (d)
<u>Interest taken in 2009 for State budget shortfall</u>	<u>- \$ 7,779 (e)</u>
Account balance as of 12/31/2009	\$ 224,258

Calendar Year 2010

Account balance (no interest data available yet for 2010)	\$ 224,258
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Notes:

- a. When the SERC approved annual disbursements in June of 2008 for FY 2009, the Sussex County LEPC had submitted a full budget request to the SERC. However, the Sussex LEPC was going through a re-building phase. They did not have an LEPC staff person, but were planning to hire. The SERC approved funding for the Sussex County LEPC for FY 2009, but the LEPC was to hire for their position first, and then submit a revised budget to cover the balance of the Fiscal Year. Funding was to be provided to Sussex County for FY 2009 once the final, adjusted budget request was received. Sussex County hired an LEPC staff person part way through the Fiscal Year, but did not submit a revised budget request. A retroactive request for FY 2009, documenting actual expenditures, was submitted in December 2009 and funds disbursed in January 2010.
- b. Reports and fees from facilities covering calendar year 2009 were due (to be postmarked) by 3/1/2010. Additional fees are expected as we continue to follow up on delinquent reporters. Net fees for 2009 totaled \$305,120.
- c. Reimbursements will be necessary to a small number of facilities for reporting errors. These will be identified as submission reviews are completed. Reimbursements are typically mailed to facilities later in the year. Reimbursements in 2009 totaled \$ 400.
- d. 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.
- e. 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 was 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 Hazardous Material Emergency Preparedness (HMEP) grant update and briefed on the status of the LEPC sub-grants. The grant amount was \$154,110.00, same as the previous year, and the LEPC sub-grant amounts were approved by the HMEP Grant Administrator based on the obligation and liquidation of the previously awarded sub-grants. The decision was made to sub-grant HMEP training funds to the Fire School to standardize and streamline the distribution of HMEP HazMat training monies.

Concerns were expressed about the time it took to complete the sub-grants. As briefed at the December 9, 2009, SERC meeting: the U.S. DOT did not award the FY 2010 grant until October 19

(normally awarded in August, new Administration and scrutiny of grants) this slowed down the sub-grant process. Coordination of sub-grant amounts started in late August, before the end of the fiscal year (September 30, 2010) and the requested amounts were approved by the end of October 2009. The decision was made not to have the sub-grants coordinated for signature until the grant was approved by the Clearing House Committee. The HMEP Grant Administrator received Clearing House approval on January 8, 2010 and the sub-grant process was further delayed by unavoidable circumstances. This was only the second year of sub-granting HMEP funds and even though the process started earlier than the previous year; the delay of the grant award and the decision to wait for Clearing House approval delayed the awarding the LEPC sub-grants.

Senator Bruce Ennis suggested contacting the Budget Office for written clearing house approval, this has done in the past and will eliminate delays in coordinating the sub-grant packages.

Information and Technology Committee – Mr. Bill Betts

We compiled and submitted our FY 2011 budget request. Other than that, we are still working with the New Castle and Sussex 911s to get the Latitude/Longitude (and other data such as Fire District, Cross Street, etc.) so we can create the Tier II facility GIS layer. That project is key to a lot of other efforts. My group is currently focused on Tier II submissions for 2009 which were due March 1. Once that calms down, we can get back to some of the IT projects, including that effort to roll out the system with training to the Fire Departments (but we need the data from the 911s first).

Planning and Training Committee – Mr. Arthur Paul

The Committee did not hold its regularly scheduled February meeting due to inclement weather. The Commission was briefed on the 3rd Annual Hazardous Material Conference to be held the weekend of April 9-11, 2010. The Next meeting will be May 27, 2010.

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

The Decon Trailer User's Group met on Dec 09 and the members present were all three counties, HS Grant Working Group and Division of Public Health.

- Decon Annex to SERT Plan: Review and make notes of any changes to be made to SERC plans.
- Hazmat Conference: Will be held the 2nd weekend in April (9th-11th) at Delaware State Fire School. Friday will be a dinner with rotating training and exercises on Saturday and Sunday.
- Repairs/Maintenance: 1). Sussex County – fine. 2). Kent County – generator was not working. Internal maintenance corrected the problem with little cost. Inverter was not working on the trailer but it has been replaced in house and will have a receipt soon. The truck itself had a low voltage reading. It was discovered that wires melted together in the electrical box. Hackney has sent the replacement parts. The replacement wires were messed up and burnt the unit that charges the truck but that has all been replaced. 3). New Castle County – new generator came in. Hope to have it back together soon. Having a problem with the truck. When first start it will not go over 20 mph. Have to turn it off and restart it. Lights were not working but let them go and concentrated on the generator problem. Now that is fixed will concentrate on the lights.
- FDU Update: Need to hold a separate meeting. Each county needs to get contact information together for this meeting. Tentative date for meeting in January. Need better training on the equipment in the units. FDU's electronic inventory list will be sent out by Joe. Purpose of the Field Decon Units: 1). Hospital assistance 2). Support of main team Monitoring equipment needs to be taken off the units and given to Dave: 1). ATD 2000 2). Bio Seekers 3). Dregger CDS 4). PIDs
- WMD Funding: Maintenance money is back. Main units under DNREC. Field Units under Fire Service. Need to find out what monies are left. These figures come from DEMA.

- Status Reports: New Castle County -- 1). Four demonstrations 2). Two trainings 3). Eight responses. Kent County -- 1). One response 2). Regular training conducted 3). Joint trainings being planned with CST and DAFB
- Dispatch: Need clarification of when to dispatch units. Get New Castle County's SOPs on dispatch and adopt them into Kent and Sussex Counties SOPs. Once adopted go to County Chief meeting and tell them this is the new procedures to be followed. If it is a Level 1 then DNREC needs to call dispatch and tell them to send Delaware State Fire School personnel to the scene.
- DECON Plan: Needs to be updated. Nicole will send electronic copy to everyone for their review.

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS

New Castle County – Mr. David Irwin

- Meeting Notes – There have been two LEPC meetings since the last SERC meeting. On January 11th a meeting was hosted by the DuPont Edge Moor Site. Highlights: 1). A video was presented by Mr. Tushar Durve on driving distractions. 2). Mr. Irwin informed the members that as a result of discussions with members of the Executive Committee and the LEPC, he has rescinded his resignation submitted at the November 9, 2009 meeting and will continue as the Chair and paid consultant for the LEPC. 3). Chairman Irwin provided the group with a report on the December 9th 2009 SERC Retreat. 4). Mr. Mark Dolan presented the NCCIHMRRA training report. 5). Mr. Bruce Galloway reported that a trial involving twenty-five chlorine cars have installed advanced fittings. A brochure was sent to members as part of the minutes. 6). After 10 months efforts to resolve contract and liability issues with NCC are continuing. 7). Chairman Irwin informed the group that Mr. Mark Dolan had accepted a full-time position with BASF (formally Ciba) and will be stepping down as Vice-Chair and paid consultant at the end of January. He will assume Mark's responsibilities until a replacement is hired. Chairman Irwin informed the group that he wants to move back to the two person operating model and requested authorization to form a selection committee, advertise the position, interview candidates and extend an offer contingent upon member approval at the March 8th meeting. The request was approved unanimously. The second meeting hosted by AstraZeneca occurred on March 8, 2010. Highlights: 1). Mr. David Gobris Regional SH& E Director welcomed the group. 2). Mr. Mark Dolan, Training Committee Chair, updated the group on scheduled NCCIHMRRA training activities. 3). Mr. Bruce Galloway, Transportation Committee Chair, discussed recent train derailment incidents. 4). Chairman Irwin informed the group that after 12 months he is still working with NCC and private insurance companies to resolve liability insurance and contract language issues. 5). The proposed three FY 2011 budgets were approved by the members. 6). The proposed FY 2011 Work Plan was approved. 7). The CY 2009 Performance Review was presented to the group. 8). The published draft amended by-laws were approved with a minor change to the Mission and Purpose sections. 9). LEPC members approved the renewal of David Irwin's FY 2011 contract. 10). Chairman Irwin informed the group that the LEPC Selection Committee after a robust selection process had extended an offer for the part-time position of Vice Chair/Planning and Training Coordinator to Mr. Al Donofrio contingent upon member approval. The hiring of Mr. Donofrio was approved unanimously by the members with a start date of March 9, 2010. 11). LEPC members approved adjusting the consultants salary from a three to a two person operating model for the balance of FY 2010 and a 50/50 split for future budget cycles. 12). Chairman Irwin provided the group with an HMEP Grant update and expressed concerns that although the Grant period expires September 31, 2010 the funds still need to be appropriated by NCC before the LEPC can begin approved initiatives. 13). Mr. Mark Dolan presented an overview of the upcoming April 9, 10 & 11 HazMat Conference to the group. 14). Mr. Dave Carpenter, Coordinator NCC OEM, informed the group of two upcoming drills, Croda – May 1st and NCC Airport – July 10th. 15). Mr. Dave Carpenter, Coordinator NCC OEM, informed the group that for future State declared emergencies employers should have on file with NCCOEM a letter identifying critical job

classifications and description of the type of identification each employee will have in case they are stopped by the police. He also stated that employees should have in their possession a letter identifying them as a critical employee to show police officers. The Chair recommended that NCC provide employers with a template of the letter they should submit.

- Facility Visits – No Plan Reviews or Onsite Assessments were conducted during this period due to ongoing liability insurance issues.
- HazMat Plan Status – The NCC LEPC Emergency Response Plan review is underway.
- Exercise Status – 1). Efforts to develop a request for quotes package for an HMEP Grant funded phase II functional exercise has started. 2). Participated in the DEMA-led joint planning session for the April 2010 Delaware Hazardous Materials Conference. 3). Conducted negotiation of evolution content and transfer of coordination with vendor of specialized hazmat training for the April 2010 Delaware Hazardous Materials Conference to DEMA
- HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMR. The next LEPC meeting will be May 10, 2010 – DuPont Edge Moor Facility at 2:30 p.m.

City of Wilmington – Mr. George Giles

- Meeting Notes – 1). LEPC FY2011 budget has been submitted 2). Completed HMEP FY09. HMEP FY2010 submitted. Awaiting approval. 3). Extra planning and training monies being utilized. 4). Training again has a busy schedule. 5). Participation at the Delaware Hazmat Conference. 6). DelEasi will start inspections starting very soon
 - Facility Visits – As stated above the EHS site visits will begin for the City of Wilmington shortly.
 - HazMat Plan Status – Not Reported
 - Exercise Statue – Operation REACT March 9th.
 - HazMat Incidents – 1). 2 responses at the Port of Wilmington Magellan Corp. for sulfuric leak due to a 1 in ball valve failure. Approximately 2000 gal released. Because of the good weather conditions it was contained but if not for that it would have spread. 2). Several responses to oil leaks in basements of City residence.
 - Comments – HazMat Training – 1). The WFD has been doing training with Magellan Ethanol Terminal at the Port of Wilmington classroom and onsite training to be better equipped to be efficient if an incident should occur. This training will continue. 2). We co-hosted table top exercise Operation REACT in March 9th. 3). Will continue to provide refresher courses for Hazmat Tech in April. 4). Will also provide updated Dot Guide Book training and refresher courses. 5). Will be supporting any other drills scheduled with the Port of Wilmington and Noramco etc
 - Comments – Planning & Outreach: 1). Continue teaching an all hazards approach to citizens, community groups, business groups and our City employees. 2). We will start preparing our summer information tips for dispersements at events throughout the City and our TV and radio stations. 3). Still doing presentations on evacuation and sheltering in place. 4). Distributed 50 Emergency Alert Radios to large employers in the City as another notification tool. 5). Activated the DENS System due to Public Health issues (Water). 6). Hazardous substance and hazardous material plan – The City of Wilmington plan was updated and reprinted in September 2009
- The next City of Wilmington LEPC meeting will be May 14, 2010 at the Wilmington Emergency Operation Center

Kent County – Mr. Colin Faulkner

- Meeting Notes – The last regular meeting of the Kent County LEPC were held on January 12, 2009. Ten monthly training sessions were held last year. A few repairs were handled. Will hold a statewide meeting on January 25th to review the initial purpose of the DECON Teams. Courses have been completed for the Kent County Technical Rescue Team. Twenty-four members are certified on high angle rope and three are nationally pro-board certified in rope rescue.

- Facility Visits – No visits since last meeting. Finished last year on target. Came up with a target for this year. Going through and seeing if any facilities have been missed. Want to re-visit facilities that were visited over three years ago. Will begin Visits again in March.
- HazMat Plan Status – Not reported
- Exercise Status – Not reported
- HazMat Incidents – Decon: Two activation at the same company (LD Caulk) but different locations.
- Comment – 1). Outreach Incentives – Business as usual. Safe summer day meetings will start this month for the June event. DEMA would like to keep Family Emergency Preparedness Day in Kent County. 2). FY10 Budget – On track. 3). Sussex County LEPC – Working on Tier II latitude and longitude information. Going to start facility visits soon. 4). Exercise Program – Collapse table top exercise that will be a mock weather related incident at Lake Forest High School. The exercise will be held at Felton Fire House. It will be a good way to look at the relationship between the school and the fire department. The Kent County Technical Rescue Team will be involved. The next phase of the exercise program will be more hands on dealing with an active shooter scenario at the Dover Mall. This phase will test communications. Observers are welcome. 5). 2010 Statewide Hazmat Conference – Planning of the conference is moving along. There will be 90 minute sessions with 4 sessions running concurrent. These sessions will be held on Saturday and Sunday. Friday night will be a dinner with guest speaker. Simulation mannequins will be used for EMS. 6). Poultry Ammonia Notification Requirements, There is no regulatory requirement to submit a one year written follow-up report on ammonia emissions from large poultry operations. In January 2009 the Environmental Protection Agency (EPA) exempted Concentrated Animal Feed Operations (CAFOs) from certain notifications of ammonia and hydrogen sulfide. That meant that under community right-to-know laws poultry farms with more than 125,000 chickens had to report yearly estimated emissions of ammonia and methane as a continuous release. DNREC as well as EPA developed a ‘continuous release report’ form that used university studies and emission factors to estimate emissions. An initial phone report was required and a written follow-up report was due within 30 days. An updated report is due if there is a ‘significant increase’ or a change in the ‘normal range’. DNREC encourages any new operations with 125,000 chickens to make the initial report and the written follow-up continuous emissions report. DNREC has more information and the written follow-up report at webpage: <http://www.dnrec.delaware.gov/services/pages/Forms.aspx> 7). Kent County Amateur Radio Club Is planning an exercise over a 24 hour period from noon January 30th until noon January 31st at Big Oak Park. It will be a field day where members will be able to operate on everything but commercial power. Came in first place last year. 8). Program-Ed Durst – FEMA Damage Assessment Overview

The next Kent County LEPC meeting will be 11 May 2010 at the Public Safety Building starting at 10:00 a.m.

Sussex County – Mr. Charles Stevenson

- Meeting Notes – There has been one LEPC meeting since the last SERC meeting. January 14th Meeting-There was 21 members/visitors in attendance. Topics covered: 1). Shannon Splittorff from DNREC-EPCRA provided the LEPC with the status of the Tier II reporting process. 2). Tim Cooper from SCEMS reported one activation of the Sussex County Decon team. 3). Maureen Murray from DEMA reported that the application process for the next round of HMEP grants is continuing. 4). Presentations: Milt Warren of Delmarva Two-Way Radio, as well as representatives from Motorola, provided an interesting overview of various wireless data devices along with a display of some of the devices. They also discussed software applications and how they impact the public safety market.

- Facility Visits – Two facility visits conducted since the last SERC meeting. 1). Lewes Dairy on Pilottown Road in Lewes was visited to review their emergency response plan, as well as checking suggested updates since a small ammonia leak at the facility in December 2009. 2). Two separate facilities operated by Intervet in Millsboro and Gumboro were visited with Jay Brabson of DNREC-ARP. Emergency response plans were checked, as well as the communication with the two local fire departments.
- HazMat Plan Status – The Sussex County HazMat Response Plan is in the process of being reviewed.
- Exercise Status – The LEPC is still in the process of setting up a training exercise with Norfolk Southern Railway's Hazard Materials section.
- HazMat Incidents – There were two incidents reported since the last SERC meeting. 1). There was a release involving an unknown amount of oil into the water at 103 South Pine Street in Seaford. DNREC is investigating. 2). There was a release involving greater than 100 gallons of Fuel Oil into the ground at 108 East Grove Street in Delmar. DNREC is investigating.
- Comments – Other LEPC activities include: 1). Attended the Kent County LEPC meeting. 2). Attended the DECON Trailer User's Group meeting. 3). Attended the SCFCA meeting in Gumboro.

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

DNREC REPORT – Ms. Marjorie Crofts

Attendees were given a copy of the entire DNREC Emergency Response Summary. Statistics for the fourth quarter 2009 show the DNREC Emergency Response Team (ERT) responded to 74 incidents. This is compared to 70 responses in the 3rd quarter of 2009. The largest number of responses this quarter was from residential heating fuel spills with 18 reported. The next highest number of responses in the 4th quarter 2009 was from spills on waterways and marinas with 12. Transportation incidents accounted for the third highest number of responses with 10 spills and releases from motor vehicle accidents. Of the 10 transportation incidents, 5 involved fuel from the vehicle fuel systems, and 5 incidents involved releases from the material hauled by the vehicle.

EPCRA Activities: On December 1, 2009 DNREC released the annual Toxics Release Inventory (TRI) data for 2008. This data was compiled by DNREC from Delaware's reporting facilities. This is the 22nd year of TRI data collection from facilities for distribution to the public, and the first year that the data has been released to the public in the same year in which it was received. Statewide, TRI total on-site releases reported in Delaware for 2008 were lower by 11 percent compared to 2007. The TRI detail and summary reports for calendar year 2008 are now available at:

<http://www.serc.delaware.gov/reports.shtml>. Data is available for review at:

<http://www.serc.delaware.gov/services/search/index.shtml>

OLD BUSINESS – None

NEW BUSINESS – Sen. Ennis mentioned the need to create legislation to provide more liability protection for LEPCs; similar to the protection for some first responders. OPEN

PRESENTATION None

CLOSING COMMENTS – Meeting adjourned at approximately 10:27 a.m.