

# STATE EMERGENCY RESPONSE COMMISSION

## Meeting Minutes

March 27, 2007

### Commissioners

Secretary David B. Mitchell, J.D. – DSHS

Major Randy Hughes – DE State Police

Rep. Bruce Ennis – DE Vol. Firemen’s Assoc.

Michael G. Chionchio – State Fire Marshals Office

Robert Newnam – DE State Fire School

Ralph T. Baker – Shippers of HazMat

John R. Peirce – Water Transportation

George B. Giles – City of Wilmington LEPC

Marilyn O’Neal – Sussex Co. LEPC

Bob Byrd – Rail Transportation

Ellen Malenfant – DNREC

Jamie Turner – DEMA

David Irwin – New Castle County LEPC

Dr. Jaime H. Rivera – Div. Public Health

Gene Donaldson – DE Dept. of Trans.

Bill Betts – DE Fire Prevention Commission

James Lee – Consignees

Allen Metheny, Sr. – Kent County LEPC

Fred Bowen – Highway Transportation

### Members/Visitors

Arthur D. Paul – DEMA

Nancy Wyatt – DEMA

James L. Cabbage – DVFA

Bob Barrish – NCC LEPC

Anthony Murray – U.S. DOT HazMat

Ray LaMagdelaine – U.S DOT

Ken Belmont – DPH

Robert Pritchett – DNREC/EPCRA

Kevin Kille – DEMA

Patty Smenkowski – DEMA

Richard Antoff – DNREC

Jim Kenney – NCC LEPC

Fred Haas – Sussex County EMS

Bill Hermstedt – Eastern Shore Natural Gas

Bill McCracken – NCC LEPC

The March 27, 2007, meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:04 a.m. by the SERC Chairperson, Secretary David B. Mitchell, J.D. The attendees introduced themselves and a quorum was present. After the introductions, Mr. Paul especially welcomed the new Commissioners for Highway Transportation, Mr. Fred Bowen and Rail Transportation, Mr. Bob Byrd; all positions on the Commission are filled. The December 13, 2006 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 3/21/07 (for accounts at DNREC):

#### SERC Fee Holding Account:

Carryover from 2006 calendar year	+ \$ 256,918
Fees received thus far in 2007	+ \$ 255,080 (a)
Interest received thus far during 2007 (two months)	+ \$ 2,204
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Account balance as of 3/21/07	\$ 514,202

Decon Trailer Replacement Account:

Carryover from 2006 calendar year	+ \$ 119,084
Interest received thus far during 2007 (two months)	+ \$ 1,024
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Balance as of 3/21/07	\$ 120,108

Note: Reports and fees from facilities covering calendar year 2006 were due (to be postmarked) by 3/1/07. Additional fees are currently being received and processed.

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 PLANNINGProposals:

1. The Local Emergency Planning Committees (LEPC) requests funds to support upgrading of the Tier II Manager to enhance their planning efforts. Approximate Cost: \$ 10,000.00
2. Sussex County Decon Team requests funds for two members to attend the International Association of Fire Chiefs (IAFC) HazMat Conference in Hunt Valley, MD, June 2007. Approximate Cost: \$2,250.00.
3. The Delaware Emergency Management Agency requests funds for one staff member to attend the National Association of SARA Title Three Program Officials (NASTTPO) Conference HMEP Grant Workshop, Kansas City, MO, April 2007. Approximate Cost: \$1518.00
4. The DNREC Emergency Planning and Community Right-to-Know office requests funds to send one staff member to the NASTTPO Conference and HMEP Workshop in Kansas City, MO, April 2007. Approximate Cost: \$1410.00
5. New Castle County (NCC) LEPC Decon Team requests funds for the Decon Team Chief to attend the IAFC HazMat Conference in Hunt Valley, MD, June 2007. Approximate Cost: \$610.00.

Pending:

	<u>Planning</u>	
Balance as of 03/23/07		29,528.97
<b>Pending Items:</b>		
NCC LEPC 6 members attend US EPA Region III conference Dec3-6/Balance		19.45
Request funds for LEPC/SERC Meetings for through Sept 2007		300.00
Sussex LEPCtwo member of Decon Team Hunt Valley June 2007		2,250.00
NASTTPO/ HMEP Conf. April 15-20, 07 Kansas City MO		1,518.00
LEPC Request Funds for Upgrading of Tier II Manager		10,000.00
DNREC requests one staff to NASTTPO Conf, Kansas City, MO, April 07		1,410.00
NCC LEPC requests funds for Decon Chief to Attend HazMat Conf, Hunt Valley		610.00
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<b>Total Pending Items</b>		<b>16,107.45</b>
<i>Projected Planning Balance</i>		<i>13,421.52</i>

HMEP TRAININGProposals:

1. The NCC LEPC requests funds for HazMat training at the DuPont Edgemoor Plant, April 28, 2007. The training will be conducted by DuPont Emergency Response Instructors. It will be an 8-hr training program with four-five one-hour, hands on sessions followed by a drill scenario which will exercise all response elements. Training will be provided for the NCC Industrial HazMat Response Alliance (NCCIHMR), DNREC-ERB, Decon team, HazMat 30, and Brandywine Fire Co. The CAER railroad car will be used. Approximate Cost: \$11,845.00.
2. The NCC LEPC requests funds to support HazMat chemical monitoring training at the DSFS NCC location, training is for the NCCIHMR in March 2007. Approximate Cost: \$450.00
3. The DNREC/ERB requests funds for two members to attend Tank Car specialist training in Pueblo, CO, in April 2007. Approximate cost: \$5,264.00.00.
4. The DNREC/ERB requests funds for HazMat training: four Technicians @ \$600.00 each = \$2,400.00 and eight Pipeline Emergency @ \$50.00 each = \$400.00. Approximate Cost: \$2,800.00.

Pending:

<u>Training</u>	
Balance as of 03/23/07	27,193.00
<b>Pending Items:</b>	
Sussex Cnty HazMat Training Oct 06-Mar 07 (11,300)	6200.00
NCC LEPC Funds HazMat at Fire School Mar 6-8, 07	450.00
EPCRA Office request funds one member to attend Access training classes	450.00
City of Wilmington requests funds for HazMat trn one tech 900.00 and one ref 400.00	400.00
NCC LEPC funds for HazMat Trn by the DuPont Emergency Response Group	11845.00
DNREC requests funds two to attend Tank Car specialist trn April 2007	5264.00
DNREC/ERB request funds for HazMat trn Tech 4@600.00 / Pipeline 8@400.00	2800.00
<b>Total Pending Items</b>	<b>27,409.00</b>
<i>Projected Training Balance</i>	<i>-216.00</i>

HMEP – FY 2007

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

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 3/27/2007 SERC Meeting** – Mr. Bill Betts

The IT Committee met on March 21<sup>st</sup> at the Fire School with 12 people present. Bill Betts, Committee Chair, chaired his first IT Committee meeting.

Tier II Manager – As noted during the last SERC meeting, we 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. Approximately \$10,000 will be requested from HMEP funds and \$10,000 from the SERC through the annual budget process, to cover the total cost of \$62,000.

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.

Tier II Manager training – The Committee will be arranging a refresher "train the trainer" course to be held in the next several months.

Budget request for FY '08 – The Committee has developed a budget request for submission to the Finance Committee for FY '08. The budget will cover annual costs for the 800 phone number for release notifications to the LEPCs, annual maintenance/support costs for Tier II Manager, and the additional funds needed to purchase the system upgrade. The total budget request for the IT committee will be \$11,000.00.

Procedures for public access to EPCRA Info – The Committee discussed the issue of 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. A draft document, outlining the various federal and state legal requirements, along with a first draft of procedures, was discussed. After lengthy discussion, it was decided that the four LEPC's would take a look at the draft, and decided their course of action on how much information would be released, and how much sanitization would be used. It will probably involve getting legal opinions for each jurisdiction. The Committee will continue discussions at the next meeting, and try to arrive at a consensus on procedures, that can then be submitted for legal review. As an interim measure, the Committee recommends loading the SERT plan onto the website, for public access.

Updates to Outreach Materials – The Committee reviewed the newspaper ad printed several years ago, to update the info in anticipation of having it printed again statewide. Annual newspaper notices, outlining that EPCRA information is available to the public, are required under the Federal law. The Committee also reviewed the general EPCRA flier and an outreach item highlighting emergency release reporting requirements and phone numbers. These documents will be updated and re-printed using HMEP funds.

National Geospatial-Intelligence Agency (NGA) – The State has been contacted to participate in a data sharing project with the federal government's NGA. With this project, states submit data sets important for a wide range of preparedness and response work. The data sets are standardized and states get information back. The project and data sets are being managed through GIS. We have submitted our data on Tier II facilities, and expect to receive a GIS layer of our data in return, along with other valuable data sets that can be loaded into Tier II Manager. Procedures are also being put in place to provide for periodic updates to the data sets.

The next meeting is scheduled for 9:00 a.m. May 1 at the Fire School in Dover.

### **Planning and Training Committee** – Mr. Jamie Turner

The Committee met on February 28, 2007 in the Technical Assessment Center (TAC) of the State Emergency Operations Center. Jamie Turner, Committee Chairman, chaired the meeting. Twelve people attended the meeting.

Outreach Initiatives – Arthur Paul briefed that a copy of the Fire Pal CD Rom would be distributed to all Fire Companies and Elementary Schools statewide with order forms for ordering additional copies and for ordering Shelter-in-place videos for children. Special thanks to Kim O'Malley and Mike Lowe of the Fire School for helping with the outreach initiative.

Delaware Emergency Notification System (DENS) – Art briefed that significant upgrades and improvements have been made to the system following coordination and meetings with FirstCall and DelDOT mapping personnel. The improvements have been verified by comparing inaccuracies during the Dow Reichhold activation to call-out list created following the upgrades; additionally a significantly higher amount of the states 900,000 telephone numbers have been geo-coded to the improved maps because of the increased mapping parameters. The system will be tested March 26-30, 2007. Public outreach will include news releases and advertisements in primary and local newspapers statewide. Additionally, Art will visit the county and City of Wilmington 911 Centers and do training and testing of selected areas. The Committee discussed other outreach initiatives such as advertising in phonebooks; Art will follow-up.

NIMS for SERC & LEPC – At the August meeting, Art offered National Incident Management System (NIMS) and Incident Command System (ICS) to the LEPCs, and to the SERC at their September meeting. Since that time, a two-hour Overview for Executives/Senior Officials has been provided at three LEPC meetings: City of Wilmington, New Castle County, and Kent; and was made available to the SERC. Additionally, the New Castle County Industrial Hazardous Material Response Alliance (NCCIHMR) has received the four-hour course.

HMEP Update – Chairman Turner previously established a sub-committee to consider ways of liquidating HMEP funds. The sub-committee consisted of the four LEPCs, DNREC, and DPH. Art will contact the members and schedule a telephone conference to brainstorm ideas and report back to the Committee. The New Castle County LEPC has established a sub-committee to explore the feasibility of conducting a statewide HazMat conference, as suggested in an earlier meeting. The LEPC sub-committee has met and

has considered partnering with the DE Volunteer Firemen's Association Conference in September; however, they have not had a good response to their training opportunities. The issue will be discussed at the next SERC Decon Trailer Committee. Art is working closely with the effort to have a DE HazMat Conference in April 2008.

Sussex LEPC Program Status – Sussex Interim LEPC Chairperson Marilyn O'Neil, was not able to attend this meeting. Marilyn has been instrumental in guiding the working group to prioritizing LEPC performance measures, developing a LEPC coordinator job description, and working on proposed a budget. The Sussex LEPC Working Group met at the Del Tech Georgetown campus on Feb 21, 2007. The most significant item from the group is Sussex's request for assurance that budget monies will be available for hiring a LEPC coordinator for the LEPC Chair. Art will coordinate with the SERC Finance and Budget Committee and provide input before the Sussex County budget hearings are held.

Rerouting of Rail Hazardous Material – This is an open item stemming from SERC discussions on the possibility of rerouting trains, based on a New Journal article. Jamie will coordinate a briefing on rerouting with Scott Muir, CSX Railroad.

SERT Plan Revision & Review – The SERT plan needs to be revised to consider NIMS compliance. This is primarily a terminology issue. DEMA has conducted an initial revision which is being reviewed by the Director Turner. Following his input the plan will be distributed to the rest of the Committee for comment.

Civil Support Team Exercises – Major Knight from the 31<sup>st</sup> Civil Support Team briefed the Committee on the mission, role, and capabilities of the team, which was recently certified for response to weapons of mass destruction (WMD); in Delaware and the surrounding areas. The immediate goal of the team is to educate Delaware responders on their capabilities and to start interfacing and discussing needs with various teams; with emphasis on the worker level. The team has extensive capabilities that may be provided depending on the situation. The team would be alerted at the direction of the Governor after a determination by DEMA. The team has been making presentations statewide and will present to the SERC at the March meeting.

The meeting dates for 2007 are: - May 23 / August 22 / / Nov 28.

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

The Decon Trailer User's Group met on February 28, 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 seven emergency incidents
- Conducted eight training classes or drills
- Completed one public appearance/community outreach events.

A lot of test sensors have expired. Through WMD funds, these are being replaced as needed. The State has awarded a State Field Service Maintenance Contract that is being used for testing, calibrating, and replacing test components of our equipment.

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. New Castle

Decon has purchased their own system and Kent and Sussex will be working on acquiring a credentialing/ID system.

A concern was raised concerning the decontamination of persons exposed to radiation either as a victim or an emergency worker. One concern was the lack of the New Castle County Decon team being incorporated into the Decon plan for PSEG incidents. New Castle County raised a concern for the safety of some of their County police, EMS, and fire workers. Director Turner responded specifically to this issue as it relates to PSEG incidents. Second, a State Radiological Incident Response Plan has been developed in DRAFT form for all types of radiological incidents. This DRAFT plan does not include any responsibilities for decon of victims or workers. DNREC will address this issue through Response SOP's. In the meantime DEMA requested that the RAD detectors provided to the Decon teams be turned back into DEMA. After further consideration this decision was changed to allow the Decon teams to retain the detectors after DEMA re-calibrates them. Each Decon team will be requesting updated RAD detectors through DHS funds. After the new detectors are received, the older models will be turned back into DEMA.

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. We also discussed the use of FY 07 WMD funds. DEMA requested a list of our needs by December 15, 2006. That list was provided.

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 being pursued through DHS. 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.

Our next meeting is scheduled for May 23, 2007 at 1:30 P.M.

## **LOCAL EMERGENCY PLANNING COMMITTEE REPORTS**

### **New Castle County – Mr. David Irwin**

- Meeting Notes-There have been two LEPC meetings held since the last SERC meeting: the first being on January 8, 2007. Prior to the meeting an Executive Overview of the National Incident Management System (NIMS) was presented by Bob Pflaumer of DEMA. The LEPC greatly appreciates Delmarva's hosting of the training session, lunch and the LEPC meeting. The NIMS training which was attended by approximate 35 people was well received.

The Wilmington and New Castle County LEPC's were members of the Host committee for the EPA Emergency Preparedness Conference held December 3-6, 2007 at the Valley Forge Convention Center and attended by app.1000 participants. The NCCLEPC provided 7 volunteers who helped the Host committee. Many favorable comments were received and a plaque was awarded to the participating LEPC's.

The Chair discussed the possibility of the LEPC hosting a Haz Mat conference in Delaware. Members thought it was a good idea but there were many diverging views about how best to

accomplish the goal. Bill McCracken agreed to chair the committee to explore the subject and report back with a proposed path forward within 30 days.

Mark Dolan discussed the 2007 NCCIHMRMRA training schedule. The items that are firm on the schedule are 1. NIMS training (1-13-07) 2. Safety and Awareness training for HAZ Mat Responders on board a vessel (2-6/8-07) 3. Chemical and Radiation detection and monitoring (3-6/8-07) 4. 8 hour Hands on training and exercise (4-28-07). The training committee is reviewing and updating the NCCIHMRMRA Standard Operating Procedures.

The second LEPC meeting was held at the DuPont Experimental station on March 12, 2007. The Site Manager gave a comprehensive review of the activities at the Experimental Station. The chair expressed appreciation for all the assistance the Experimental Station representatives provide to the LEPC and the NCCIHMRMRA.

On behalf of Chairman David Irwin, Jim Kenney expressed appreciation to the Training/Steering committee for its hard work and positive achievements in developing the NCCIHMRMRA Policy Guidance. As they move forward to upgrade and improve the SOP's this working relationship between DNREC and the NCCIHMRMRA team company reps will continue to be strengthened. Thanks to everyone who contributed to this initiative.

Mark Dolan presented the NCCIHMRMRA training report. A summary of training accomplished follows:

- On January 13th a six hour NIMS training session for the NCCIHMRMRA was conducted by DEMA at the Elsmere Fire Hall.
- On February 6 and 8 Doug Dillon provided a training session concerning Safety and Awareness training for HazMat responders on board a vessel.
- The DSFS New Castle facility was the location of the Chemical and Radiation detection and monitoring training session on March 6 & 8

The next training evolution will be held April 28, 2007 at the DuPont Edgemoor facility. The DuPont CAER car will be on site at this time. There will be hands on training evolutions in the morning and exercises in the afternoon.

Bill McCracken reported that there is a lot of enthusiasm for the Delaware HazMat conference proposal. Planning continues and tentative dates of April 11 and 12, 2008 have been selected. A dinner session with speaker and an all day session featuring hands on training evolutions and demonstrations are being planned.

Bill McCracken presented the 2008 LEPC budget and work plan. The chair instructed that only voting members could vote on the budget and work plan. They were identified and approved the budget and work plan unanimously.

Major Bradford Knight Deputy Commander of the 31<sup>st</sup> CST-WMD gave a comprehensive presentation about their activities and how they interface with the Emergency Response community.

- HazMat Plan Status-The Hazardous Substance Response Plan was revised in October 2006 and has been passed to the NCC Emergency Management Office for inclusion as an annex in their Comprehensive Emergency Management Plan (CEMP).

- Facility Visits-The current cycle commenced January 1, 2007. Since that date seven facilities have been visited, one will require a follow up visit.
- HazMat Incidents-Since last report there have been no incidents that required activation of the NCCIHMRRA.

**City of Wilmington** – Mr. George Giles

- Meeting Notes - The last meeting of the Wilmington LEPC was held on March 9, 2007, at the Public Safety Building. The following is a summary of the minutes from the March 9<sup>th</sup>, 2007 meeting:
  - The budget is ok we are starting the new one. Anyone who needs outreach or training please Contact us. Most of the budget is tied up in salary but we do have money available for training & outreach.
  - The anti-terrorism committee continues with its work.
  - Training and outreach programs continue.
  - EHS visits will begin shortly letters & questioners have been mailed.
- Facility Visits-DeLEASI 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-Staff is trained on the Avian Flu Power Point Information Program and is able to present it to the public. We will begin evacuation sheltering in place and once again our alerting notification systems for our citizens and we will do decision making presentation for our first responders.
- Hazardous Material Responses –None to report this quarter.
- Hazardous Material Plan--Currently being reviewed by LEPC members for updates. The next meeting will be held on May 18, 2007.
- HazMat Training -We are continuing training on the new HazMat Program. (ADASHI Software) We will send 4-5 members to the HazMat Conference in Hunt Valley. The process has begun to inspect the 13 EHS in the city.
- Planning and Outreach –The new updated critical infrastructure maps are completed. We are working on a CERT class for Wilmington in June for Community Housing with about 75 participates. Our staff is also very involved in teaching with the state team teaching 4 in the last couple of months. We will be working with our radio station 22 to prepare for the upcoming hurricane season.

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

- Meeting Note-regular meetings held on January 9 and March 13, 2007 with 21 and 18 members respectively. 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
  - Received a report from a Dow Reichhold Representative on actions taken by the facility to insure product security in the future.

- Assisted Marilyn O'Neal and others in re-establishing the Sussex County LEPC
- Was provided an overview and demonstration of equipment by the 31<sup>st</sup> civil support team
- Facility Visits -No visits made due to staff non-availability
- HazMat plan status - No change
- Exercise Status:-The full-scale exercise for the state fair was held on October 28, 2006. Approximately 300 people participated in the exercise as victims, responders, evaluators, or controllers. We also had a few observers. The final after action report was received detailing accomplishments and deficiencies.
- HazMat Incidents:- None
- Kent County also participated in a statewide hurricane tabletop exercise on October 11, 2006. This tabletop was 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 tabletop was considered a success; the three states worked together to making decisions that would provide for the evacuation of the coastal and low-lying areas of the peninsula. A follow-up functional exercise is planned for March 28, 2007. For this exercise, each state/county that is participating will be open and operate from their EOC.

The next LEPC meeting will be May 8, 2007 at 10:00 a.m.

#### **Sussex County** Marilyn O'Neal

- Conducted planning meeting December 2006 to determine strategy for developing progression of LEPC actions (Dave Ennis, Tim Cooper, Art Paul).
- Requested/received prioritized ranking of SERC Performance Measures by LEPC Working Group of about 20 participants.
- Developed job description based on Performance Measures, existing Sussex LEPC documents (work plan, audit, annual report) and information from all LEPCs. Recommendations from the Working Group were incorporated into the final job descriptions.
- Working Group met February 2007, and developed proposed budget for FY08. Received tentative approval from the SERC Finance Committee to approve at last year's request level. FY08 budget is ready for SERC approval. Working Group started developing mission statement.
- Attended one Seaford Mutual Assistance Group (SMAG) meeting.
- Attended SERC IT Committee Meeting (March 2007).
- Planning Working Group meeting scheduled in April 2007 to start reviewing Sussex LEPC 2006 Work Plan for updating to 2008.
- Working Group will start reviewing the Hazardous Materials Annex Plan (Sussex LEPC Plan) in April 2007 for any updates or revisions.
- Working with DelTech Environmental Training Center - Georgetown, Division of Public Health, and Risk Management-Ocean City, MD, to use grant money for tabletop exercise (summer 2007) involving municipal water systems.
- Planning full LEPC meeting summer 2007.

**DNREC REPORT – Ms. Ellen Malenfant, DNREC/AWM**

Attendees received handouts on HazMat releases and responses. Ms Malenfant briefed on the releases for the 4<sup>th</sup> quarter, for the 2006 calendar year, and provided a table of activations from January 1988 thru December 2006. Also distributed were copies of the 2005 Delaware Toxics Release Inventory (TRI); Data Summary and the New Division Weekly Newspaper, January 2007 which she briefly reviewed.

**OLD BUSINESS – None****NEW BUSINESS**

1. Public Access to Comprehensive Emergency Response Plans – Mr. Paul briefed on the Nationwide Information Audit of Public HazMat Documents which found slightly more than four in 10 of the keepers of Comprehensive Emergency Response Plans (mandated by Emergency Planning and Community Right-to-Know Act of 1986 - EPCRA) were willing to provide copies to the public as required by the federal law. More than a third refused to provide access to their local plans. Most officials were skeptical of the requests because of the potential for terrorist activity.

The Information and Technology Committee suggest putting the State Emergency Response Team (SERT) Plan on the SERC website as an interim measure to comply with EPCRA. Mr. Turner objected to any plans being made available, sighting Delaware's Freedom of Information Act (FOIA). Delaware's FOIA makes provisions for not releasing information that could jeopardize security, and the counties have developed separate and different policies on the release of plans. Lengthily discussion took place. The final decision was to consult with Delaware's FOIA attorney and county attorneys before attempting to develop a SERC policy on the release of emergency response plans to the public.

2. Mr. David Irwin, New Castle LEPC Chair, motioned that the LEPC grant for FY 2008 be administered through the Delaware Emergency Management Agency (DEMA). He stated that the current process of the NCC Office of Emergency Management (OEM) administering the grant is no longer working. The relationship between the office and the LEPC has deteriorated over the past 18 months and has gone from being cooperative to adversarial. He sighted several examples of the current situation to include not receiving support approved and provided for by the SERC budget. Mr. John Peirce seconded the motion.

Comments and discussion took place. A summary of the comments include: 1) the Finance and Budget Committee making a recommendation, 2) uncomfortable with budget being taken from NCC government, not a good precedent, 3) concerns with taking control of the LEPC program from the counties, 4) need to meet with OEM office and the county government to discuss and resolve the issues. Secretary Mitchell mentioned that he regularly meets with Mr. Ron Frazier, Esq, NCC Director of Public Safety, and that he would discuss the issue with him. The consensus of the Commission was that the issue be resolved by meeting with the involved parties. Mr. George Giles made a motion to table the original motion, Mr. Ralph Baker seconded, and the Commission approved the motion to table.

**PRESENTATION**

Major Knight, Deputy Commander of the 31<sup>st</sup> Combat Support Team, gave a presentation on the teams' responsibilities and capabilities for responding to weapons of mass destruction and natural disasters in the State of Delaware.

## **CLOSING COMMENTS**

Rep Ennis read an excerpt from the December 1981 meeting of the Commission on the Transportation of Hazardous Materials; predecessor to the SERC. The excerpt recommended Decon trailers for each county, some historical trivia.

Secretary Mitchell introduced Mr. Tony Murray, U.S. DOT. Mr. Murray shared some information with the Commission and then introduced Mr. LaMagdelaine, U.S. DOT, Chief Special Investigation, Office of HazMat Enforcement, he described what his office was responsible for and that they may be relocating to the Dover area.

Secretary Mitchell stated that the next meeting will be June 13, 2007 the location will be announced. Meeting adjourned at 11:04 a.m.