

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes September 3, 2008

Commissioners

Secretary David Mitchell – DSHS
Col Tom MacLeish – DSP
Bill Betts – Fire Prev. Commission
Jim Cabbage – DE Vol. Firemen’s Assoc.
Grover P. Ingle – State Fire Marshal
Steve Martin – DE State Fire School
James Lee – Consignees
Ralph Baker – Shippers

Glenn Gillespie – DEMA
Steve J. Owens – Water Transportation
Dr. Jerry Llewellyn – Division Public Health
David Irwin – New Castle County LEPC
Allen Metheny, Sr. – Kent County LEPC
Marilyn O’Neal – Sussex County LEPC
Bob Byrd – Rail Transportation

Members/Visitors

Arthur D. Paul – DEMA
Nancy Wyatt – DEMA
Robert Pritchett – DNREC/EPCRA
Ellen Malenfant – DNREC
Chris Ennis – DSP-EOD
John Weaver – Magellan
Dwayne Day – DelDOT
Kurt Reuther – DSP

Michael G. Chionchio – State Fire Marshal’s
Bob Barrish – Citizen
Bill McCracken – NCC LEPC
Richard Antoff – DNREC
Joseph Leonetti – NCC LEPC
Harvey Velott – 436 CES/CEX Dover AFB
Brad Iseminger – 436 CES/CEX Dover AFB

The September 3, 2008 meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:05 a.m. by the SERC Chair Secretary Mr. David B. Mitchell. The attendees introduced themselves and a quorum was present. The June 11, 2008 meeting minutes were approved as written, following a motion by Col. Tom MacLeish and seconded by Mr. J. Allen Metheny.

STANDING COMMITTEE REPORTS

Finance and Budget Committee

Summary of SERC finances as of 8/25/08 (for accounts at DNREC):

SERC Fee Holding Account:	
Carryover from 2007 calendar year	+ \$ 314,309
Fees collected thus far in 2008 calendar year	+ \$ 301,360 (a)
Projected reimbursements thus far (as of 8/25/08)	- \$ 1,200 (b)
Interest received during 2008 calendar year (first 6 months)	+\$ 8,925 (c)
Interest taken for State budget shortfall	- \$ 12,293 (d)
Annual disbursements approved at June 2008 meeting	- \$ 291,313 (e)

Account balance as of 8/25/08	\$ 319,788

Decon Trailer Replacement Account:	
Carryover from 2007 calendar year	+ \$ 154,035
Interest received thus far in 2008 calendar year (first 7 months)	+ \$ 3,662 (f)
Transfer into account in June 2008	+ \$ 29,000

Account balance as of 8/25/08	\$ 186,697

Notes:

- Reports and fees from facilities covering calendar year 2007 were due (to be postmarked) by 3/1/08. A small amount of additional fees are possible as we continue follow-up compliance activities. Net fees received in 2007 totaled \$291,740.
- 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 2007 totaled \$600.
- Interest will continue to accumulate. However, effective July 1, 2008, interest from the fee holding account will be deposited into the decon trailer replacement account, per SERC annual budget actions approved during June 2008 meeting. Total interest received on this account in 2007 was \$18,748.
- Per H.B. 412, an amount of \$12,293 was taken from the SERC fee holding account, and transferred to the State General Fund in May. This amount represented interest on the account for the first 9 months of FY 2008, and was taken to help with the State's budget shortfall.
- Disbursements approved in June '08 were as follows:

Organization	Approved Allocation
New Castle County LEPC	\$ 113,909.00
Kent County LEPC	\$ 47,400.00
Sussex County LEPC	*
City of Wilmington LEPC	\$ 51,500.00
DEMA (for decon trl. maint./equip. acct)	\$ 9,000.00
DSFS (for SERC IT Committee)	\$ 6,305.00
DNREC/DAWM EPCRA Program support	\$ 34,199.00
Decon Trailer Replacement Fund	\$ 29,000.00
Total	\$ 291,313.00

* Request for \$62,965 was approved, but funds are to be held in the SERC fee holding account until the Sussex County LEPC establishes and fills the LEPC staff position. At that point, the actual amount of funding needed to cover the balance of the fiscal year will be determined, and a separate transfer of funds will be authorized

- Interest will continue to accumulate. July interest is for this account alone. Interest deposits from fee account noted under item "c" above have not yet started. Total interest received on this account alone in 2007 was \$6,951.

HMEP Grant Review – Mr. Arthur Paul

Mr. Paul briefed the status of the Hazardous Material Emergency Preparedness (HMEP), Planning and Training Grants; we are on-track to liquidate the funds by September 30th as required. Mr. Paul briefed that the anticipated 70% Grant increase will be in effect for the next grant period; Training from \$45K to \$78.9K and Planning from 46K to 75K. Due to the significant increase in the grant and no increase in State funding; we are not able to meet the 25% match required for the grant.

Therefore, we need to sub-grant the HMEP funds to the LEPCs for the next fiscal year, starting October 1, 2008. There is also a significant increase in reporting requirements; which will require the support of the Local Emergency Planning Committees (LEPCs).

Information and Technology Committee – Mr. Bill Betts

FOIA Request – Bob Pritchett received an opinion from Deputy Attorney General Kevin Maloney regarding the FOIA request to facilities under the federal Emergency Planning and Right-To-Know Acts (EPCRA). It basically stated; that FOIA is preempted by EPCRA that the federal statute overrules the state standards, and that the public disclosure of records would be allowed by the federal statute. Bob is sending out the opinion the IT Committee members, so that the local LEPC's can let their legal advisors to go over it. Once everyone has reviewed the opinion, the IT Committee will be finalizing procedures for public access to the EPCRA information. I was discussed that the material would be reviewed by interested parties at the LEPC or DNREC offices, and that no copies of the information would leave the office.

Back-up Tier II CDs – There has been a meeting set up with a contractor to obtain a price for developing back-up CDs in case the Tier II information system goes down, and for the copies of facilities in the districts for the individual fire departments.

GIS Work – There has been a meeting set up with a GIS contractor to get pricing and information on the needed system.

Next meeting date/time – Our next meeting is tentatively scheduled for 9 a.m. October 8th at the Fire School in Dover.

Planning and Training Committee – Mr. Arthur Paul

The Committee met on Aug 28, 2008 at State Emergency Operations Center. Mr. Jamie Turner, Committee Chairman, chaired the meeting and 12 members attended.

SERC Meeting Program – The next SERC meeting will be Wednesday, September 3, 2008, at the Delaware State Fire School, Room 5b. As decided at the June SERC meeting, there will be a presentation on the Milford "Pipe Bomb" Incident and a showing of the "60-Minutes" video on Combustible Dust, explosions.

HMEP Update – Mr. Paul briefed the status of the Hazardous Material Emergency Preparedness (HMEP), Planning and Training Grants; we are on-track to liquidate the funds by September 30th as required. The anticipated 70% Grant increase will be in effect for the next grant period (Training from \$45K to \$78.9K and Planning from 46K to 75K). Due to the significant increase in the grant and no increase in State funding; we are not able to meet the 25% match required for the grant. Therefore, we need to sub-grant the HMEP funds to the LEPCs for the next fiscal year, starting October 1, 2008. LEPCs must be able to match 20% of the proposed sub-grant amount. Proposed amounts are listed at the end of these notes.

Following adjournment of the P & T meeting the LEPC briefly discussed the sub grant process. Kent County LEPC expressed concerns with being able to match the proposed funds. A telephone conference will be schedule with Bob Harrison, DEMA Fiscal, to advise on matching options.

Rail Hazardous Material Letter – Art also briefed on the Aug 21st Rail Security Meeting held by DelDOT to determine the need for a special committee to review requirements established in rail security legislations. (This meeting was prompted by a July 15 meeting scheduled by the Dover/Kent County Metropolitan Planning Organization with Norfolk Southern and numerous local and state officials— numerous rail concerns and questions surfaced the meeting) The DelDOT meeting in August was attended by Amtrak, Norfolk Southern, federal, state, and local representatives. The meeting centered on Public Law 110-53- Implementing Recommendations of the 9/11 Commission

Act of 2007, and several questions concerning Delaware's status on meeting the requirements; in particular assessments and coordination of the National Strategy.

Rail security and the transport of HazMat material by rail has been discussed in the State Emergency Response Commission (SERC), Planning and Training Committee and a letter addressing the Commission's concerns was forwarded to CSX Rail and Norfolk Southern. The Committee Chair asked what HazMat was being transported by rail; Art will research the question.

SERT Plan Revision & Review – Mr. Paul briefed that the SERC Plan was still at the printers because the initial proof was did not meet the standard established by previous SERT Plans. The plan has since been reformatted and we are awaiting a second proof and estimate. At the last meeting the Committee felt that it would be a good idea to brief the Fire Chiefs on the revised SERT Plan upon distribution. A lengthy discussion took place on SERT Plan briefings, presentations, information, and tabletop exercises. The following are outcomes of the discussion and will be implemented in the future:

- Schedule a SERT internal meeting to develop a SERT training program and SERT checklist.
- Conduct a training program for the five agencies of the SERT Team.
- Conduct a training program for municipal representatives
- Conduct tabletop exercises statewide (detailed report for reference).

SERC Retreat - Chairman Turner suggested that the Retreat be held in the Springtime to accommodate the new administration and Cabinet Secretary. This is an excellent suggestion and this item will be tabled for the November Committee meeting.

Director Turner mentioned the Valero boiler explosion/release which did not have a significant response at Valero but was reported to the National Response Center (NRC) and because of email traffic caused activations in New Jersey including the PSEG. Direct Turner has schedule a meeting with our Jersey counterparts the first week in September 2008.

Ms Marilyn O'Neal mentioned the problem of displaced propane tanks during the May 2008 flooding. The remaining 2008 Committee meeting date is Nov 20, 2008.

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

The DECON Trailer User's Group met on August 28, 2008 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 six training classes or drills
- Completed two public appearance/community outreach events.

Training the companies that house the FDU trailers is continuing slowly. The Kent County DECON team held a joint training drill recently at Dover Downs which included the County team, Little Creek Fire Company, the Hartly Fire Company FDU, the County paramedics, DNREC, and the 31st CST.

We finalized the list of equipment for the 10 FDU's in the State committing \$5,000 worth of equipment to each unit. This will be funded with FY 07 WUD funds. DEMA has been requested to order this equipment as soon as possible.

Credentialing of the team members is on hold due to the lack of an acceptable ID system for Delaware. In the meantime, we have lost the WMD funds for this project.

The team reviewed the WMD FY 06 and FY 07 funding requests. Primarily, these funds, other than the FDU trailers, will be used to cover the State Field Service Maintenance Contract and to maintain what we have and replace any agents, chips, etc, that become outdated. In the future, we may have to turn to SERC funding to maintain or equipment and supplies as the WMD funds fade away.

The group agreed to participate in the planning and management of another Statewide HazMat Conference in the late winter/spring of 2009.

The team is ordering 16,000 blue wristbands to be used to identify persons who have been deconned. 1,000 bands will go on each FDU and 2,000 on each of the County units. These will be funded as part of the WMD FDU trailer list of equipment.

Our next meeting is scheduled for November 20, 2008 at 1:30 p.m.

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS

New Castle County – Mr. David Irwin

1. Meeting Notes – There has been one LEPC meeting since the last SERC meeting. The meeting was held at the DuPont Edge Moor Plant on July 14, 2008 and was hosted by Mike Welch, Plant Manager. LEPC staff recommendations for FY 2009 HMEP Planning and Training Grant Funds were presented to members. All recommended initiatives were unanimously approved by the members present. Mr. Gregory Oliver, Federal and Regional Policy Coordinator at DelDOT provided a presentation to the members on the Commercial Vehicle Information System & Networks (CVISN). In addition, Ellen Malenfant, Environmental Program Manager at DNREC, provided information on the Hazmat Information Sharing Project, which enables real time access of carrier information at roadside, and enables state credentialing systems to conduct cross-checks on hazardous waste haulers. Bruce Galloway from the DuPont Experimental Station provided a presentation on the 31st Civil Support Team Certification Exercise that was designed and hosted by the DuPont Experimental Station on April 13, 2008.
2. Facility Visits – Conducted six Emergency Response Plan reviews and Facility visits: Cermet Materials, Ciba, DuPont-Red Lion, the Pond Ice Arena, Burris Logistics, Southern States.
 - HazMat Plan Status – Work has started on the annual review and update of the NCCLEPC Emergency Response Plan. The plotting of Risk Zones in Tier II Manager has been completed. The ADC Map coordinates are in the process of being updated.
 - Exercise Status – Efforts are underway to identify a fire company to host the 2008 Tabletop Exercise. The objective of the exercise will be to evaluate multi-jurisdictional and multi-agency communications and NIMS/ICS capabilities.
 - HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMRAs.
 - Comments – Additional Staff Activities: Presented an overview of LEPC mission to the Public Safety Committee of NCC Council. Participating in the Valero spill/security exercise design. Coordinated efforts to develop, print and deliver NCCIHMRAs Medical Monitoring tags. Arranged for NCCIHMRAs members to provide Radiation Safety training for the NCC Hazmat/Decon Team.

City of Wilmington – Mr. George B. Giles – No Report

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

- Meeting Notes – The regular meeting of the Kent County LEPC was held on July 8, 2008 with 23 members present. Provided updates to the members on the following topics: Decon III operation, last SERC meeting, Budget issues, Delaware emergency notification system, The Tier II manger system. A program was presented by the Kent County special operations team.
- Facility Visits – none However, I do want to point out that our largest chemical producer in Kent count, Dow Reichhold specialty products has announced it's closing sometime around the end of this year. We will be monitoring their closedown/cleanup to insure due diligence.
- HazMat Plan Status – We have started the facility visits in Kent County using a Contractor.
- Exercise status – We need to develop a three year exercise program at the request of Homeland Security being able to use WMD funds. We have discussed a possible mall shooting with a dirty bomb type program.
- HazMat Incidents – Baltimore Air Coil for a 30,000 gallon propane tank leak Dentsply supply for a chemical spill resulting from a mixture to two chemicals.

The next LEPC meeting will be September 9th at the Kent county public safety building at 10:00 a.m.

Sussex County – Ms. Marilyn O'Neal

- Meeting Notes – Submitted inputs to FY08 SERC Annual Report.
Joe Thomas is awaiting approval from the County Administrator and Council on hiring a permanent Chairperson. The Chairperson job description now includes the Performance Measures established by the SERC. Tim Cooper, Sussex EMS, reported the HazMat trailer is back in service. Various paramedics attended a variety of trainings including animal decon. The EMS participated in a 9th Grade Career Day in Lewes and a Touch-a-Truck Charity in Rehoboth. Attended the Seaford SMAG meeting on August 21, 2008. The Blades Marina has had new boom boxes installed. The Blades Fire Company is going to hold a school and community awareness program with demos, displays, etc. This was done last year and well received with 800 to 1000 people. There was some discussion on the paramedic program having funding cutbacks from the State next year, with more information forthcoming. The next SMAG meeting is September 17, 2008.
- Facility Visits – Not reported.
- HazMat Plan Status – Not reported.
- Exercise Status – Not reported.
- HazMat Incidents – one in June on carbon dioxide, two in August for unusual odors.
Comments – In place of the September LEPC meeting, there will be NIMS/ICS training conducted at the EOC by Mark Claveloux of DEMA. This is for industries and municipalities. It is set for September 25, 2008. Will be working with Art Paul, Joe Thomas, Tim Cooper, Allen Metheny and others on developing a list of "soft matches" suitable to offset the 25% matching funds for HMEP. Tim, Joe and I need to get together this month on determining how we want to use the funds.

DNREC REPORT – Ms. Ellen Malenfant

Statistics for state fiscal year (SFY) 2008 show DNREC's Emergency Response Team (ERT) responded to 320 incidents. This is compared to 344 responses in SFY 2007. DNREC's highest percentage of responses was to transportation related spills and releases primarily from motor vehicle accidents. The second highest responses were to residential heating fuel spills.

The DNREC Emergency Response Team provided the Hazardous Materials support function as part of a “joint hazard assessment team” with other emergency response and law enforcement agencies during the September 2007 and May 2008 multi-day NASCAR race events at Dover International Speedway. DNREC ERT provided support to two additional large scale multi-hazard events, the National Speakers Conference and the 2008 National High School Mock Trial Championship. Both held in Wilmington.

Noteworthy responses during SFY 2008 included:

- Advanced Aerosol Technologies, Seaford, December 27, 2007
- Mountaire Farms, Selbyville, ammonia release February 7, 2008
- ILC Dover, Frederica – State Emergency Response Team (SERT) Level 1 Response— February 29, 2008
- Merchants Square Shopping Center, Wilmington, 960 gallon non-PCB transformer oil release, May 2, 2008
- R/V Russell Peterson, Bethany Beach grounding, May 12, 2008
- May 2008 Nor’easter, Kent County coastal flooding from Pickering Beach south to Slaughter Beach, coastal assessments and responses to oil and hazardous material displaced tanks and containers, May 12-16, 2008

OLD BUSINESS:

1. Annual Report FY 2008 – Mr. Paul received inputs to the annual report and completed a draft for Commission approval. Delaware Code, Title 29, Section 8226, requires the Commission to submit an annual report to the Governor. Mr. Glenn Gillespie made a motion to approve the report pending final review and comments by Commissioners; Mr. David Irwin seconded and the Commission approved the motion. OPEN
2. Dust Explosions – During the June SERC meeting the 60-Minutes television program on dust explosions was discussed. At this meeting the Commission was to watch the dust explosion (Combustible Dust) video and discuss: 1) Situational awareness, 2) Who has jurisdiction, and 3) What the SERC can do. However, because of time constraints the video and discussion will take place at the December SECR meeting

NEW BUSINESS:

Propane Tanks – the problem of displaced propane tanks during the May 2008 flooding was addressed in the SERC Planning and Training Committee meeting, Kent County LEPC meeting, and during the SERC DNREC Report. Discussions took place regarding responsibilities for tank security and the need for public outreach. Mr. J. Allen Metheny, Kent LEPC chairman, volunteered to host a meeting, with everyone involved, to address the requirements, a brochure, and other outreach efforts. OPEN

Mapping Initiative: Secretary Mitchell observed a Civil Air Patrol (CAP) demonstration of a camera mounted, real-time, computer mapping program that could prove useful in identifying threats, hazards, environment/agricultural concerns, and security vulnerabilities to railways, HazMat facilities, and high-profile public official. This capability could be made available to the State of Delaware and its counties for the price of aircraft fuel. Mayor Bob Mooney was mentioned as a contact person.

PRESENTATION – Milford “Pipe Bomb” Incident, Mike Chionchio, Asst. Fire Marshall and Sgt. Ennis, DE State Police.

CLOSING COMMENTS: Secretary Mitchell reminded attendees of upcoming events: the four named storms forming in the Atlantic, Emergency Family Preparedness Day, and “Punkin Chunkin,” in Bridgeville, DE.

Next meeting will be December 10, 2008, at the Fire School. Meeting adjourned at approximately 10:40 a.m.