

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes September 9, 2009

Commissioners

Secretary Lewis D. Schiliro – DSHS, Chair	Jamie Tuner – DEMA
Marjorie Crofts – DNREC-DAWN	Dr. Jerry Llewellyn – Division Public Health
Bill Betts – Fire Prev. Commission	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/DPS
Sen. Bruce Ennis –DVFA	Charles Stevenson – Sussex LEPC
Dwayne Day – DelDOT	Robert Byrd – Rail Transportation
James Lee – Consignees	Steve J. Owens – Water Transportation

Members/Visitors

Arthur D. Paul – DEMA	Bill McCracken – NCC LEPC
Nancy Wyatt – DEMA	Allen Metheny, Sr. – Kent County LEPC (Ret.)
Robert Pritchett – DNREC/EPCRA	David Mick – Kent County LEPC
James L. Cubbage – DVFA	Richard Antoff – DNREC
Al Johnson Jr. – Air Enterprises	Jim Paige – DSP
Col. Todd J. McCubbin – DE EPLO	Ellen Malenfant – DNREC

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

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of 9/1/09 (for accounts at DNREC):

SERC Fee Holding Account:

Carryover from 2008 calendar year	+ \$ 337,428
Fees collected thus far in 2009 calendar year	+ \$ 305,000 (a)
Projected reimbursements thus far	- \$ 400 (b)
Annual disbursements for FY 2010 in June '09	- \$ 339,315 (c)
<u>Transfer to decon trailer replacement fund in June '09</u>	<u>- \$ 31,000 (c)</u>
Account balance as of 9/1/2009	\$ 271,713

Decon Trailer Replacement Account:

Carryover from 2008 calendar year	+ \$ 192,223
Transfer into account in June 2009	+ \$ 31,000
Interest received thus far in 2009 calendar year (first 7 months)	+ \$ 6,222 (d)
<u>Interest taken in 2009 for State budget shortfall</u>	<u>- \$ 6,608 (e)</u>
Account balance as of 9/1/2009	\$ 222,837

Notes:

- a. Reports and fees from facilities covering calendar year 2008 were due (to be postmarked) by 3/1/09. A small amount of additional fees are expected as we continue to follow up on delinquent reporters. Net fees received in 2008 totaled \$317,800.
- 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 2008 totaled \$1,280.
- c. Disbursements approved in June '09 were as follows:

Organization	Approved Allocation
New Castle County LEPC	\$ 115,968.00
Kent County LEPC	\$ 47,400.00
Sussex County LEPC	\$ 70,917.00
City of Wilmington LEPC	\$ 51,927.54
DEMA (for decontamination trailer maintenance/equipment account)	\$ 13,685.00
DSFS (for SERC IT Committee)	\$ 24,730.00
DNREC/DAWM EPCRA Program support	\$ 14,687.00
Total	\$ 339,314.54

Additional Transfers	Approved Amount
Decon Trailer Replacement Fund **	\$ 31,000
Decon Trailer Replacement Fund **	Interest on SERC fee holding account shall continue to be deposited into the decon trailer replacement fund as received.

** Separate interest bearing account maintained at DNREC for SERC.

- 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.
- e. Interest earned on the SERC Fee Holding Account for the first six months of FY 2009 totaling \$4,286 was taken in February and transferred to the State General Fund to help with the budget shortfall. Additional interest of \$1,161 earned on the Fee Holding Account was taken in April, and again in June. No interest earned on the Decon Trailer Replacement Account has been taken.

HMEP Grant Review – Mr. Arthur Paul

A Hazardous Materials Emergency Preparedness (HMEP) sub-grant spreadsheet was included in the agenda package and attendees were briefed on the status of the LEPCs sub-grant items. New Castle County is on track to liquidate its funds and had recently completed a major exercise and is nearing completion on several projects. Kent County is working on liquidating training funds and \$6,000 of their planning funds were de-obligated; projects are being considered to liquidate additional planning funds. Sussex County will be able to liquidate its planning funds, and \$10,000 of its training funds was de-obligated; no money for back fills or overtime. The City of Wilmington is working on liquidating its funds and recently redistributed planning sub-grant items to contribute to the NCC LEPC outreach flyer project. De-obligated funds were put in the DEMA account and most of the planning funds will be liquidated, however, the \$15,000 of training funds was questionable. The Fire School should be able to liquidate the remaining training funds.

Information and Technology Committee – Mr. Bill Betts

The Committee Chair and Vice-Chair provided the update for the Annual SERC report.

The IDSI contracts added to the 2010 Budget had the contract specifications finalized, and are ready to be funded with a cost increase of \$995.00. We had allocated an extra \$1,000.00 in the Budget for unforeseen costs, and this will cover some of the expansion of the system to add the individual fire company access to the Tier II system and to allow DTI to add more password security.

Training for industry is being scheduled for FY 2010 Tier II reporting requirements. To date, only 35 companies have not completed the Tier II reports.

Mr. Paul has run the annual newspaper awareness ads on the LEPCs/SERC as required by EPCRA.

Planning and Training Committee – Mr. Jamie Turner

The Committee met on August 27, 2009 and 9 members attended. The following agenda items were briefed and discussed.

SERC Retreat – the Committee began planning for the December 9th, SERC Retreat which will start immediately following the SERC meeting. Attendees will include the 21 official members of the SERC, 10-15 associated members; who regularly attend and support the SERC, and visitors/speakers. Fifty attendees will be used for planning purposes. Several locations were discussed. Mr. Paul will research locations and present options to the Committee. The following is a list of proposed topics for the Retreat agenda:

- SERC History to include, Emergency Planning and Community Right-to-Know Act (EPCRA), the Commission on Hazardous Material, State Emergency Response Team (SERT) from the beginning till now. Tentative speakers will be Mr. Louis Amabili, Mr. Robert Newnam, and Mr. Jamie Turner.
- EPCRA Panel Discussion with panel members from the Environmental Protection Agency (EPA) and Industry. Panel members would discuss their perspective on EPCRA and topics relevant to the SERC and LEPCs. Suggested panel members were Beth Turner, DuPont and Bill Finan, EPA.
- Rail (Panel) Discussion on events related to HazMat releases and what efforts and initiatives are in progress to avoid such events. Topics should focus on safety and accidental HazMat releases, not security-related or other confidential or proprietary events. Suggested contacting CFX, Norfolk-Southern, and/or AMTRAC to determine interest in participating.
- Strategic Goals of SERC Mr Paul mentioned an EPA letter includes some considerations for future SERC and LEPC activities (will be provided to the Committee for review). Discussions on LEPC Functionality & Survivability were also suggested.

Decon Committee Chair – the position has been vacant since Mr. Metheny retired. According to the SERC By-Laws, Standing Committee Chairs are appointed by the SERC Chairman. The Decon Committee Chairmanship has been with Kent since the establishment of the Committee and Mr. Metheny had been the Chairman. Because Kent has one of the three decon trailers and is centrally located, it's a good location for the position. Following discussions, Mr Newnam volunteered to serve as interim chair until a permanent Kent LEPC Chair is assigned.

Closing Comments – Mark Dolan gave a briefing on the NCC LEPC Tabletop exercise that took place August 22, 2009. The meeting was adjourned at approximately 10:15 a.m. The Committee will meet on the following dates in 2009: Nov. 19.

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

The Decon Trailer User's Group met on Sep 08 and the members present were all three counties, HS Grant Working Group and Division of Public Health. This was a re-scheduled meeting due to lack of quorum at the regularly scheduled meeting.

- Transition of Chairmanship: Due to the retirement of past Chair J. Allen Metheny, the group agreed to establish a Co-chairmanship as noted above. This arrangement maintains statutory requirements of the Group and provides for Kent County EMA to function as operational Co-chair.
- Plan regarding any Decon unit O.O.S.: The Group agreed that continuity of operation plans (COOP) should be reviewed and/or revised should any of the primary Decon units be out of service for an extended period.
- FDUs: The Group agreed that the mission and deployment of FDUs needs review. This review will include representation from the current FDU FDs.
- Standard Dispatch Criteria: The Group addressed the need to create standard dispatch criteria Statewide. Additional education/information sharing needs to be delivered to first responders to facilitate the dispatch criteria.
- NCC Decon Generator: Joe Leonetti reported the main trailer generator out of service for 2 months due to problems with the LPG conversion of the motor. Contact with the trailer manufacturer (Modec) and the generator manufacturer (Honda) yielded no solutions. The sub-contractor that performed the after-market conversion to the unit is no longer in business. NCC is pricing a replacement unit to be powered by diesel to avoid a recurrence of this issue. The same problem occurred with SC Decon which was resolved with a system modification, but at considerable cost at the time. Kent Decon has had slight problems which have been resolved internally to Little Creek FD, however, it can be anticipated that a system failure due to similar circumstances may occur. The Group agreed to approve the replacement of the generator with appropriate notifications to DEMA.
- NCC Decon suffered two tire blow-outs. Consultation with local tire service indicated the existing (original) tires were not rated for the load of the trailer. It was recommended that they destroyed tires be replaced with stronger ply tires. The Group agreed that since the regular maintenance plan for the units has a 5-year replacement clause, all units should be upgraded as appropriate with the higher rated tires.

The next regularly scheduled meeting of the Group is 20 November 2009 @ Kent County Public Safety @ 1330 hours.

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS

New Castle County – Mr. David Irwin

- Meeting Notes – There has been one LEPC meetings since the last SERC meeting. The meeting was held on July 13, 2009 at Astra Zeneca-Newark. Highlights: Bruce Fine, Safety Manager, at the facility welcomed the group. The LEPC Finance and Staff Reports were given. Mark Dolan presented the NCCIHMRA training repot. Bruce Galloway reported on ethanol train derailment in Rockford, Illinois, on June 20, 2009. A freight Train with 114 cars derailed causing a fire and breach of ethanol tank cars; the fire killed one person and injured several. Approximately 600

homes were evacuated and the evacuation extended for half of a mile. Bob Barrish, the Executive Committee Chairman, reported on their meeting held July 13, 2009. The result of that meeting was a recommendation to the LEPC to hire Mark Dolan to fill the Coordinator/Trainer position vacated by Joe Leonetti, who resigned on May 31, 2009 to accept a position at St. Francis Hospital. Dave Irwin gave HMEP Grant Initiative and the Brochure Project updates and called for Sponsors for the Brochure. Tim Love Manager of Health, Safety and Environment at Honeywell gave a presentation on the Trans loading procedures following an incident on March 21, 2009 of an overturned trailer carrying 33,000 pounds of Hydrofluoric Acid (HF). The members voted unanimously to hire Mark Dolan as of July 1, 2009 to fill the position that was vacated by Joe Leonetti. The membership unanimously voted to compensate Mark for his time for the month of June at the same pay rate. Outreach initiatives: Attended the DuPont Edge Moor Citizen Advisory Panel (CAP).

- Facility Visits – None
- HazMat Plan Status – The NCC LEPC Emergency Response Plan review is underway.
- Exercise Status – New Castle County LEPC and the Mill Creek Fire Department sponsored a Tabletop Exercise on August 22, 2009 to simulate a train derailment carrying hazardous materials at Delaware Park. The exercise had comprehensive objectives.
- HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMRRA.
- Comments – Additional Staff Activities: Attended the SERC Meeting. Held 4 LEPC HazMat Video meetings at DTCC Terry Campus. Worked on the Shot List with Dave Carpenter and Jamie Bethard. Agency speaking parts for the Video were conducted on June 10th at DTCC Terry Campus. June 24th the Field Filming for the Video was completed at the DSFS. On August 19th the voice over for the Video was completed at DTCC. Prepared the Articles of Incorporation, new Bylaws, and IRS Form 1023 to enable the NCC LEPC to become a 501 C 3 Corporation. Conducted Shelter-in-Place training for the NCC CERT. Provided Shipboard Hazmat Training for NCCIHMRRA at the Elsmere Fire Company. Completed the NCC LEPC Membership List, Prior Year Accomplishments, Goals and Objectives for the SERC Annual Report. Entered the Facility Risk Zones updates on Tier II Manager for New Castle County. Prepared a Report on EHS Facilities in New Castle County for the University of Salisbury Hazard Mitigation Plans. Prepared the EHS over TPQ Report for the current year for the Facility Emergency Response Plan Assessment Program. Attended the Buffer Zone Protection Program Workshop for the DHS. Six Resident Awareness & Emergency Preparedness Guide Meetings were conducted. The brochure represents a partnership between industry, hospital and local government. A total of ten sponsors have agreed to fund the project. The First addition will consist of 150,000 copies with a plan of using a grassroots distribution process to distribute to the residents of New Castle County. Copies will be available in the first half of September.

The next LEPC meeting will be Sept. 14, 2009 Delmarva Power -Newark Facility at 2:30 p.m.

City of Wilmington – Mr. George Giles

- Meeting Notes – FY2010 budget in place. Extra planning and training monies being utilized. Training again has a busy schedule. Inspections will start in the next couple of months on EHS sites. September meeting after SERC. July meeting canceled because of so many absentees for the July meeting because of vacations.
- Facility Visits – Evaluations will start this year.
- HazMat Training – Completed HazMat Refresher Class for the WFD Team.
 - Completed Hazardous Meter training WFD & WPD.
 - Participated in the functional drill on June 10th with NCC.

- Participated in a drill @ Delaware County in June.
- HazMat Responses – None
- Exercise Status – Functional Drill completed June 10, 2009.
- Comment – planning & outreach-Continue to do Pandemic Influenza outreach, Participated in health fair's at WTC distributing, Material on all hazard situations as well as LEPC information, All materials for the summer season submitted to the TV & radio station and were presented. Still doing presentations on evacuation and sheltering in place. Also taught 683 6yr to 14 yr. olds in Disaster Preparedness. Taught 35 3-5 yr. olds in weather preparedness and disaster preparedness. Taught a senior citizens course in disaster preparedness. Note: Hazardous Mitigation Plan review and updated version is in its final stages. Several committee meetings, citizens meetings and meetings with the consultants have been completed.

Kent County – Mr. Colin Faulkner, Director Public Safety

- Meeting Notes – The last regular meeting of the Kent County LEPC were held on July 14, 2009 and September 8, 2009. Provided updates to the members on the following topics: - Decon, Dave Mick: One activation at Milford DENTSPLY Caulk. Went well. Brought up situation of DENTSPLY having two companies with one in Kent and the other in Sussex County. Decision made that Kent County will be primary response but will work with Sussex. Regular training continuing on the third Tuesday of every month. Have not been able to coordinate a joint training but still working getting one set up. - Shannon Splittorff (through e-mail) – Tier II Reporting – For year 2008, we have a total of: 1782 facilities active in Tier II Manager, 1741 have completed submissions (1663 online, 78 hardcopy forms), 41 Outstanding facilities. Of those facilities that have completed their 2008 Tier II reports, 96% have done so online. -Tier II Manager, Shannon Splittorff (through e-mail): As far as upgrades, currently getting estimates for a few upgrades including an upgrade to make passwords more secure and compliance with DTI requirements. Also working on quotes for developing a Fire District user. This would allow each fire department chief to view any facility located within their fire district. – SERC, Arthur Paul: Last meeting was held at Fire School on June 10th. Reports from all four standing committees as well as the LEPC's were given. Commission went through and approved budgets and the checks were mailed out the end of June. Presentation on Honeywell Plant. Next meeting will be at Fire School on September 9th. – DENS, Arthur Paul: Past month completed the upgrades on maps and telephone numbers. Need to go through and conduct testing. May begin this process in September. -Outreach Incentives, Dave Mick: Family Emergency Preparedness Day moving along well. Will be held on September 12th from 10-2 in front of Del Dot. Set dates of when flyers and notifications will go out. One area of concern was the cancellation last years due to weather. A rain date has been set (September 13th) this year. If a quick storm comes up during the day there is enough room to move inside the building for a while. -FY10 Budget, Dave Mick: Has been approved. Do not have a copy but will check on it. -Sussex LEPC, Charles Stevenson: Attempting to provide the Tier 2 Reports in Sussex to the various fire chiefs/districts. Wants to know if it would be possible to provide access to Tier 2 Manager for the fire departments. Next meeting will be on Thursday at 10:00 am. -Exercise Program, David Mick: Final Draft is out for review and improvement plan has be drafted. Most issues have fairly simple resolutions. Looks like a good achievable plan. Issues to address: Communications, Control and accountability, and How and when to perform rescues. HazMat Conference, Arthur Paul: Was well received.
- Facility Visits - Bob Barrish reported no visits conducted since the last meeting. Completed half the year's inspections. Year to date 11 inspections have been conducted. Will re-visit City of Milford tomorrow and start in Smyrna next week. Letters have been mailed out for the second half of the year's inspections.

- HazMat Plan Status – Not reported
- Exercise Status – Not reported
- HazMat Incidents – Not reported
- Comment – Air Show: Timothy Brown, Went well, more attendance on Sunday then Saturday, three Emergencies with two of them being minor, thanks for everyone's support and use of parking lots. Dave Mick, thanks to the DAFB for their interaction who were very receptive. It was a pleasure working with DAFB. - Dave Mick: comments on behalf of Colin Faulkner, looking forward to keeping the LEPC active and focusing on our mission statement especially the fact that this is your LEPC. Kent County wants to support your initiatives and want to improve on plans so everyone is in sync. - Facility Inspection, Bob Barrish, Noticing that facility plans are in line with Kent County's when conducting the inspections. - Arthur Paul – Try to use planning monies to have a function where we can get Fire Chiefs and facilities together for a meet and greet. Try to have this done by September 30, 2009. Dave Mick will work on this. - Community Right to Know, Bruce Ennis, Wandering what is going on in regards to the propane tank issues that occurred during flood. Allen Metheny reported that Rick Chatham offered to put a pamphlet together. No requirements regarding propane tanks in Kent County. Planning Department thought it should be included in their requirements for flood prone areas. Will check on these issues.

The next LEPC meeting will be Tuesday, September 8, 2009, Kent County Public Safety Building at 10:00 a.m.

Sussex County – Mr. Charles Stevenson

- Meeting Notes – The LEPC met July 16, 2009 and there were 14 members in attendance. Topics covered: - Shannon Splittorff from DNREC-EPCRA provided the LEPC with the status of the Tier II reporting process. - Tim Cooper from SCEMS reported two activations of the Sussex County Decon trailer. - Maureen Murray from DEMA reported that the application deadline for the next round of HMEP grants will be October 1st. She also reported that DENS is scheduled to be tested in August 2009. - Presentations: Jamie Bethard and Tim Cooper outlined the roles and responsibilities of the DNREC Emergency Response Branch and the Sussex County EMS Hazmat Decon Team during a hazardous materials release.
- Facility Visits – The LEPC coordinator has contacted several Sussex County facilities to begin the process of facility visits in October.
- HazMat Plan Status – The Sussex County HazMat Response Plan has been reviewed and updated. The Sussex LEPC Chairman is working with Art Paul on distributing the updated plan to the various agencies.
- Exercise Status – The Sussex LEPC is coordinating with Director Thomas on several planned exercises, possibly in the fourth quarter of 2009.
- HazMat Incidents – There were five incidents reported since the last SERC meeting.
 1. Diesel fuel spill, as a result of a motor vehicle accident, in the Georgetown area. DNREC and HazMat trailer from Millsboro responded.
 2. Soda ash release at the Indian River Power Plant. DNREC and Sussex County DECON trailer responded.
 3. Fuel spill at the McDonalds in Bethany Beach. DNREC and HazMat trailer from Millsboro responded.
 4. Ammonia leak at Lewes Dairy. This was a SERT Level I incident.
 5. There was an outside fire in Milton, which involved a bulk oil recycle container. DNREC and HazMat trailer from Millsboro responded.
- Comments – Other LEPC activities include: -Attending Sussex County Fire Chief's meetings at Delmar and Roxana. -Involved with the video shoot of a video production of the statewide HazMat response capabilities. Attending the Kent County LEPC meeting. -Met with all Sussex

County Fire Chiefs to review Tier II information for their districts. -Attending the SERC Planning & Training committee meeting.

The next Sussex County LEPC meeting is scheduled for September 10, 2009 at 10 a.m. at the Sussex County EOC.

DNREC REPORT – Ms. Ellen Malenfant

Ms. Marjorie Crofts, DNREC, introduced herself as the Acting Director of the Division of Air and Waste Management. Ms Crofts replaces Mr. James Werner as the Vice Chair of the SERC. Statistics for the second quarter 2009 show the DNREC Emergency Response Team (ERT) responded to 75 incidents. This is compared to 66 responses in the 1st quarter of 2009. The largest number of responses continues to be transportation related spills and releases from motor vehicle accidents. Of the 23 transportation incidents, 14 incidents involved fuel from the vehicle fuel systems, with 13 diesel spill incidents and 1 gasoline spill incident. In addition there was one transportation incident that involved gasoline product transport and another incident involved transport of a flammable corrosive material. There was also one incident each involving product transport of propane, fertilizer, liquid nitrogen, #4 fuel oil, refinery spent sulfuric acid and one vehicle hydraulic oil spill.

The next highest number of responses in the 2nd quarter 2009 was from spills on waterways and marinas and residential heating fuel spills with 9 and 8 responses respectively. See meeting Agenda Package for details of ERT Responses.

DNREC's Accidental Release Prevention (ARP) Program received all but one of the 5-year Risk Management Plan (RMP) updates that came due for most ARP regulated facilities in Delaware during the 2nd and 3rd quarters of 2009. DNREC's ARP program will follow up with the one remaining facility to reach 100% compliance and with reviewing all RMP updates for completeness. DNREC's Department Secretary, Collin P. O'Mara, started in April 2009.

OLD BUSINESS

1. Annual Report – The Commission is required by Delaware Code to submit an annual report to the Governor. Mr. Paul presented the Fiscal Year 2009 SERC Annual report to the Commission for approval; a final draft was emailed for review prior to the meeting. The Commission unanimously approved the report.
2. SERC Retreat – the Commission unanimously approved the draft SERC Retreat agenda provided and briefed by the Planning and Training Committee. The Retreat will be an all day event held immediately following the December 9th SERC meeting. Acknowledging that everyone has a full schedule, Secretary Schiliro, SERC Chair, highly encourage a commitment from all SERC members to attend and participate in the SERC Retreat.

NEW BUSINESS

1. Budget Concerns - Senator Ennis pointed out that the SERC received net fees of \$317,800.00 and had approved annual disbursements of \$339,315.00; just shy of \$22,000.00 in the red. The additional funds expended come from the contingency fund, which could present future problems in funding SERC entities. In the past, a special committee had been formed to research this issue. Mr Newnam, Finance and Budget Committee Chair, will request spending

projections from the SERC funded entities and develop best and worst case SERC financial forecast. OPEN

2. State Emergency Response Team (SERT) Support - a question arose about the possible reluctance of State Agencies to respond to certain events involving the SERT. Following discussions on The Division of Public Health responding to fires at restaurants; the Chair will generate a letter requesting DPH response criteria. OPEN

NOTE: Following the SERC meeting, Mr. Paul met with the LEPC Chairs and discussed the HMEP Sub-Grant program and distributed information for the upcoming grant period.

PRESENTATION – the Commission viewed an excellent U.S Chemical Safety Board video entitled Emergency Preparedness: Findings from CSB Accident Investigations. The video include information from ten years of investigations and stressed three key areas, Training, Communications, and Community Planning.

CLOSING COMMENTS – The next meeting will include a SERC Retreat. The meeting will start at 9:00 a.m. and last approximately an hour, followed by the Retreat which will continue till 3:00 p.m., location to be determined. Meeting adjourned at approximately 10:40 a.m.