

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes September 19, 2007

Commissioners

Director James D. Werner – DNREC/AWM
R. L. Hughes – DE State Police
Rep. Bruce Ennis – DE Vol. Firemen’s Assoc.
Grover P. Ingle – State Fire Marshal
Robert Newnam – DE State Fire School
Ralph T. Baker – Shippers of HazMat
John R. Peirce – Water Transportation
Bill Betts – Fire Prev. Commission

Arthur D. Paul – DEMA
Dr. Jerry Llewellyn – Division Public Health
David Irwin – New Castle County LEPC
George Giles – Wilmington LEPC
Allen Metheny, Sr. – Kent County LEPC
Marilyn O’Neal– Sussex County LEPC
James Lee – Consignees
Fred Bowen – DE Motor Transp. Association

Members/Visitors

Nancy Wyatt – DEMA
Anthony Murray – U.S. DOT PHMSA
Bob Barrish – NCC LEPC/Citizen
Jamie Bethard – DNREC/ERB
Scott Muir – Norfolk Southern R.R.

Michael G. Chionchio – State Fire Marshal’s
Richard Antoff – DNREC
Jim Kenney – NCC LEPC
Jason French – CSX Railroad
Kim Gomes – Wolf Block/NS

The September 19, 2007, meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:05 a.m. by the SERC Vice-Chair James D. Werner. The attendees introduced themselves and a quorum was present. The June 13th meeting minutes were approved as written, following a motion made by Mr. David Irwin and seconded by Rep. Bruce C. Ennis.

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of 9/14/07 (for accounts at DNREC):

SERC Fee Holding Account:

Carryover from 2006 calendar year	+ \$ 256,918
Fees received thus far in 2007	+ \$ 291,060 (a)
Projected reimbursements thus far (as of 9/14/07)	- \$ 1,040 (b)
Interest received thus far during 2007 (six months)	+ \$ 10,530 (c)
Annual disbursements approved at June 2007 meeting	- \$ 253,097 (d)

Balance as of 9/14/07	\$ 304,371

Decon Trailer Replacement Account:

Carryover from 2006 calendar year	+ \$ 119,084
Interest received thus far during 2007 (six months)	+ \$ 3,141 (e)
Transfer into account in June 2007	+ \$ 28,000

Balance as of 9/14/07	\$ 150,225

Notes:

- Reports and fees from facilities covering calendar year 2006 were due 3/1/07. A small amount of additional fees may be expected from ongoing compliance review activities.
- Reimbursements will be necessary to a small number of facilities for reporting errors. These are typically mailed to facilities later in the year. Reimbursements in 2006 totaled \$3,160.
- Interest will continue to accumulate. Total interest received on this account in 2006 was \$14,109.
- Disbursements approved in June '07 were as follows:

New Castle County LEPC	\$ 111,249
Kent County LEPC	\$ 47,000
Sussex County LEPC	*
City of Wilmington LEPC	\$ 50,531.81
DEMA (for decontamination trailer maintenance/equipment account)	\$ 3,000
DSFS (for SERC IT Committee)	\$ 13,316
Decon Trailer Replacement Fund	\$ 28,000

* The Sussex County LEPC requested \$65,965 for FY 2008. They already have \$34,000 in carryover funds, leaving a balance of \$28,965 being requested. The bulk of their request is to fund a year's salary and benefits for an LEPC staff position yet to be established and filled. Funds were approved, but will 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. Total interest received on this account in 2006 was \$4,505.

HMEP Grant Review— Mr. Arthur Paul

The FY 2007 Hazardous Materials Emergency Preparedness (HMEP) Grant budget projections are presented below. All amounts listed represent dollars. Mr. Paul briefed that both planning and training funds would be liquidated by September 30, 2007. U.S DOT has approved funds for FY 2008 at the same amount as FY 2007.

HMEP PLANNING – FY 2007Proposals:

The Information and Technology Committee requests funds for outreach activities and Emergency Planning and Community Right-to-Know Act (EPCRA) material to include brochures, flyers, newspaper advertisements, and outreach material. Approximate Cost: \$6,000.00.

Pending:

		<u>Planning</u>	
Balance as of 9/12/07			2,757.78
Pending Items:			
Funds for Advertisement, and printing documents/Outreach programs (\$6,000.00)			<u>2,757.78</u>
	Total Pending Items		2,757.78
<i>Projected Planning Balance</i>			<i>0.00</i>

HMEP TRAINING – FY 2006Proposals: NonePending:

		<u>Training</u>	
Balance as of 9/12/07			5,846.16
Pending Items:			
Delaware Fire School funds to support HazMat training (12,000.00)			12,000.00
	Total Pending Items		12,000.00
<i>Projected Training Balance</i>			<i>-6,153.84</i>

HMEP – FY 2008

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

HMEP Key Dates:

Obligation and Performance period: September 30, 2008
 Liquidation Date: December 31, 2008

IT Committee Update for 9/19/2007 SERC Meeting– Mr. Bill Betts

The IT Committee has not met in several months. We've essentially been in a holding pattern while the contractor has been working on programming for our upgraded version of Tier II Manager.

Tier II Manager – We were scheduled for the EPCRA Program in DNREC to begin testing of the new version of Tier II Manager on September 17. However, at the last minute we learned that DNREC has

upgraded to a new version of server software, and the contractor needed a couple extra weeks for review to make sure the system would run smoothly in the new network environment. System testing is now expected to take place during the first week of October. We expect the final version to be installed and operating in late October. At that time, we'll schedule training for users on the new version.

Updates to outreach materials – Drafts of 3 outreach items were discussed and distributed to Committee members for final review. These included a general flier on EPCRA in Delaware, a half page guide on release notification procedures, and a pocket guide (the size of a business card) summarizing notification procedures for releases. The final versions have been submitted for printing, using HMEP funds, and will be available at the next SERC meeting.

Our newspaper ad (required annually under EPCRA) is being updated for publishing as well.

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

Our next meeting will be held during the first week of November.

Planning and Training Committee – Mr. Arthur Paul

The State Emergency Response Commission (SERC) Planning and Training Committee met on August 22, 2007 at the Delaware State Fire School. This was the regularly scheduled meeting, however, it was held at the Fire School to accommodate additional attendees for the purpose of reviewing the revision to the Oil and Hazardous Substance Incident Contingency Plan. Members of the State Emergency Response Team (SERT) and the Commission were invited and 19 people attended. Jamie Turner, Committee Chairman, chaired the meeting. Attendees were given a copy of the meeting agenda, Hazardous Material Emergency Preparedness (HMEP) update, and a draft revision of the SERT Plan. The previous meeting minutes were approved. The following agenda items were briefed and discussed.

SERC Meeting Program – The next SERC meeting will be Wednesday, September 19, 2007, at the Delaware State Fire School. The meeting date was changed from the second Wednesday to accommodate the Delaware Volunteer Fireman's Association Annual Conference, which is the 2nd week in September. The Committee agreed that Scott Muir, Norfolk Southern (NS), would make a presentation to the September SERC.

HMEP Update – A written update of the grant was provided with the agenda. Currently, all training funds have been obligated; the Delaware State Fire School will receive \$12,000.00 to support statewide HazMat training, approximately \$6,000.00 from this years remaining funds and \$6,000.00 from next years funds. The remaining planning funds will be liquidated on outreach for the SERC and Emergency Planning and Community Right-to-Know (EPCRA) activities; such as: newspaper ads, flyers, and assorted materials. All HMEP funds should be liquidated by September 30th as required by the grant.

Delaware HazMat Conference – A special committee was established and is actively planning the 1st Annual Delaware Hazardous Material Conference for April 4 & 5, 2008. Members of the committee

include NCC LEPC, DNREC/ERB & ARP, SERC Decon Committee, DEMA, and the States Decon Team Chiefs. The current agenda is a Friday night teambuilding dinner with speaker Buzz Melton, and Saturday is a special training and exercise rotation by Buzz Melton's team. Additional, training opportunities are being considered for the Emergency Medical Service community. Attempts are being made to involve industry HazMat teams and the 31st Civil Support Team. Mr. Bill McCracken briefed that there were issues with the numbers of attendees to the training rotations and liability for industry participants in the training sessions. These are issues that will be resolved by the HazMat Conference Committee and briefed at the September SERC meeting.

Rerouting of Rail Hazardous Material – There have been continuing discussions on the rerouting and risk/vulnerabilities of railcars containing HazMat. The Committee previously decided to make its concerns known to the rail companies. Mr. Scott Muir, Norfolk Southern (NS), gave a presentation on the rail company to the Committee. Mr. Muir's presentation detailed the companies' commitment to safe operations, its exemplary safety record, and its desire to establish public and private partnerships; in order to address concerns with railcar routing and storage. There is also a need to consult with CSX Transportation which conducts the majority of rail operations in northern Delaware. The Committee decided that Mr. Muir should brief the September Commission meeting where a path forward can be discussed.

SERT Plan Revision & Review – Attendees were provided a copy of the draft revision to the SERT plan. After making minor changes at the May meeting, the Committee decided to open the review to the SERT and the SERC. After numerous discussions on changes; including a name change, the Committee decided to limit the changes to those that were necessary to align the plan with National Incident Management System (NIMS). The Committee also decided to remove Annex C the Multi-Hazard Decon Plan because it is procedural in nature; the decon plan will be given to the Decon Trailer Committee for possible inclusion in the Decon Trailers standard operating procedures. As previously approved by the SERC, the Radiological Incident Response Plan will become an annex to the SERT Plan (Annex C). The decision of the Committee is to present the plan to the September SERC meeting for approval pending review by the Fire Companies. The Fire Company review will be facilitated by Robert Newnam, DE Fire School Director.

The remaining meeting date for 2007 is Nov 28

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

The DECON Trailer User's Group met on August 22, 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 nine emergency incidents
- Conducted four training classes or drills
- Completed one public appearance/community outreach events.

Currently, there is a lack of "standard dispatch" among the three counties. The Fire Chiefs in each county have established how and when they want the DECON teams dispatched. DNREC folks have expressed some concern that the DECON team is not dispatched at the same time the DNREC responders are dispatched. The DECON team is still working on this.

Training the companies that house the FDU trailers was again discussed. This program has been stalled. The new Director of the DSFS assured the Committee that he would get the training program for the

FDU's developed and ready for presentation in the near future. One Company has been trained and the training went well.

Credentialing of the team members remains an issue because the State has not adopted a plan that meets the federal requirements. Now the Federal mandate to provide credentialing is in question. There is now an active WMD sub-committee working on this project, however, this group is moving very slowly.

Update on the radiation detector for the DECON teams: New Castle has turned theirs in to DEMA. Kent and Sussex will have their calibrated and in use. In the meantime, Jamie Bethard is securing prices for 3 new Model GL40 Radiation Detectors, one for each team.

The team reviewed the WMD FY06 funding requests. 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. The team discussed FY 07 requests, and again, we will try 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 our equipment and supplies as the WMD funds fade away.

Odessa Fire Company brought their Field DECON Unit (FDU) to a recent meeting for review by the group. It was determined that several small items were needed for the FDU's to make them more operational. It was anticipated that we needed approximately \$5,000.00 for each of the 10 FDU's in the State. This funding is in the FY07 WMD request list and as of Monday, the request for the \$50,000 was approved. 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.

The team discussed an "identification" system for identifying persons before and after being decontaminated. Orange wristbands would indicate the person has not been decontaminated and a blue wristband would be worn after passing through decontamination.

Our next meeting is scheduled for November 28, 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 since the last SERC meeting. The first was held on July 9, 2007 at the DNREC facility on Lukens Drive in New Castle, Delaware. Bill McCracken reported on plans for the 2008 HazMat conference. Brandywine Fire Company and the DuPont Edgemoor site will be utilized for training activities. 1. LEPC's that participated in the EPA conference in Philadelphia in December 2007 will each receive \$3,200.00. NCCLEPC and Wilmington LEPC participated. 2. James Werner, Director of the Air and Waste Management Division of DNREC, gave a most interesting and very comprehensive presentation about DNREC activities. 3. Ellen Malenfant gave an in depth presentation about the activities of the Emergency Response Branch. There are three major areas of responsibility: Accidental Release Prevention, Emergency Planning and Community Right to Know, and Emergency Response. Environmental Protection officers and Emergency Response Personnel are available on a 24 hr basis. 4. The second LEPC meeting was held on September 10, 2007 at the DuPont Stine Haskell Research Center in Newark, Delaware. Moe Richards, manager, welcomed the group and Bill Pew gave a presentation about the history, purpose, activities and accomplishments of the site. 5. Mark Dolan reported that

work continues on the upgrading of the NCCIHMRA SOP's. The NCCIHMRA training will resume on October 9 & 11, 2007 with a training session concerning the activities of the Department of Transportation (DOT). Tony Murray of the DOT will provide the training. 6. Bill McCracken reported that planning continues for the HazMat Training conference to be held April 4& 5, 2008 at the Brandywine Hundred Fire Company and the Dupont Edgemoor site. The proposed training plan entitled "Small Group Training Stations and Large Group Rotations" was distributed to the members and comments solicited. 7. Tony Murray of the U.S. DOT gave an excellent overview presentation concerning DOT HazMat initiatives.

- Facility Visits – There are five facilities remaining to be visited to complete the 2007 schedule. The LEPC participated with the Accidental Release Prevention Office in an incident investigation. This partnership is most helpful.
- HazMat Plan Status – The plan is being reviewed and revised. When finalized it will become an annex to the New Castle County Comprehensive emergency Management Plan (CEMP)
- Exercise Status – Not reported.
- HazMat Incidents – There were no incidents in NCC during this reporting period which required the Activation of the NCCIHMRA.

City of Wilmington – Mr. George Giles

- Meeting Notes – The LEPC meeting in July was cancelled due to several participants being out of town. At the previous meeting there were concerns about the diminishing attendance of the meetings. Several suggestions were brought up and a questioner was made up to be sent to all members to try and correct the problem.
- Facility Visits – DelEasi has completed the EHS visits. We are in the process of going over the reports.
- HazMat Plan Status – Currently being reviewed by LEPC members for updates.
- Exercise Status – Not Reported.
- HazMat Incidents – None to report this quarter.
- Comments – In the process of doing presentations on Evacuation and Sheltering in Place to Citizens and business establishments. We are doing a CERT class in Wilmington this month for Bank of America and Christ Our King Church. Continue with our radio station on public safety announcements to the community. We are working with the West End Neighborhood House on a project to try to figure out why the Special needs population does not know what to do during disasters and trying to find ways to improve their notification and information. Also are working on SOP's and having a HazMat Team in place every day/night shift. We will report on this further at a later time.
- Training – We are working with the Wilmington Fire Department to have several members trained for HazMat Technicians. First Responders were taught decision making on Evacuation and sheltering in place and

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

- Meeting Notes – regular meeting held on July 10 with 43 members on September 11 with 30 members present. Provided updates to the members on the following topics: Decon III operations, statewide HazMat Conference, budget issues, Delaware Emergency Notification System, and the Tier II Manger System
- Facility Visits – one site visit, this visit was for the entire LEPC membership at the July meeting which was hosted by Dow Reichhold Specialty, LLC, at their facility in Cheswold. After the business

meeting, they provided a tour of their facility explaining many of the safety features of their plant and changes made since their incident last August. They also provided lunch.

- HazMat Plan Status – received two plan changes since the last meeting.
- Exercise Status – we will be arranging a meeting of the key players in the Delaware State Fair full-scale exercise that was held last year to review compliance with recommendations made in the after-action report.
- Exercise Status – We will be working with Sussex County for a planned tabletop exercise to be held on November 7th. This will be a state WMD exercise. The exercise will discuss actions anticipated in order to manage explosions of “dirty” bombs at various schools and businesses in the counties at the same time. The exercise will concentrate on area and unified command between the two counties and the state.
- HazMat Incidents – one, Delaware state university – emergency responders were decontaminated.

The next LEPC meeting will be November 13th at the new Christiana Care Center in Smyrna at 10:00 a.m.

Sussex County Marilyn O’Neal

- Meeting Notes – Meetings were held in July and September at the Sussex EOC and EMS centers, respectively. Approximately 20-25 attendees were at each meeting. Additional member groups that need to be contacted and/or invited: Fire Fighting, Elected Officials, and Health (County or State). Invista, DPL, Sussex EMS, NCC IHMRA and Perdue have given presentations. FY08 budget of \$62,965 was submitted and approved by SERC Finance Committee minus \$34,000 carryover from FY07. This is contingent upon hiring a Sussex LEPC staff person. I am going to try to set up a meeting with Joe Thomas, the Sussex Finance Director and Biff Newnam of the SERC Finance Committee to resolve the FY07 budget.
- Facility Visits – Reserved for permanent LEPC Chair, no action has been planned at this time.
- HazMat Plan Status – Reserved at this time for the permanent Sussex LEPC Chairperson.
- Exercise Status – Reserved for permanent LEPC Chair. Helped coordinate a two-day workshop with tabletop exercises on August 8th-9th. Funding was through a grant from DHSS- Office of Drinking Water. It focused on “Water Facility Emergency Response”, and there were 37 attendees. Participants were given sixteen credit hours towards Delaware water operator licensing renewals. Topics included emergency response plans and regulatory requirements, lessons learned, NIMS and ICS review and tabletop exercises.
- HazMat Incidents – there were three responses: one patient exposed to hypochlorite in Rehoboth beach, a reported chemical odor in Seaford, and a small spill of Formo Cresol at the Georgetown State Service Center. No decontamination operations were conducted.

Next meeting is planned for November 8, 2007.

DNREC REPORT – Director James Werner

Attendees received handouts on DNREC emergency responses for the second quarter of 2007. Mr. Werner briefed that statistics for the 2nd quarter show DNREC had 89 responses. This is compared to 79 responses in the 2nd quarter of 2006. The largest number of emergency responses continues to be transportation related spills and releases primarily from truck vehicle accidents. Residential heating oil spills continue to be the second largest percentage of responses. During the quarter, DNREC responded to 13 residential heating oil spills, this is compared to 3 during the 2nd quarter of 2006.

A new reporting category was added this quarter, Delaware State Police, Explosive Ordinance Disposal team (EOD) assistance and Special Duty Assignments. The DNREC Emergency Response Team (ERT) partners with the EOD to conduct pre-event sweeps and monitoring at large public events.

The DNREC/ERT participated in “Joint Hazard Assessment Team” (JHAT) training with other emergency response and law enforcement agencies.

OLD BUSINESS - none

NEW BUSINESS

1. Approval of SERC Annual Report FY 2007 – Mr. Paul briefed that the annual report to the Governor was complete and needed to be approved by the Commission. The report is required to be submitted to the Governor by the DE Code, Title 29, and Section 8226(a). A motion was made by Mr. Peirce, seconded by Dr. Llewellyn, and approved by the Commission.
2. SERT Plan Revision – Mr. Paul briefed that the final revision had been reviewed at the August 22, 2007, Planning and Training Committee meeting and the Committee recommends the Commission approve the plan contingent upon a favorable review by the Fire Chiefs. Rep Ennis questioned a couple of changes in the revision and suggested that the plan be review by the Fire Chiefs before being approved by the Commission. It was further suggested that the words “final revision” be changed back to “draft.” A motion was made and approved to have the Fire School coordinate a review of the plan with the Fire Chiefs and that a motion to approve the plan be made at the December 2007 meeting.

PRESENTATION

Scott Muir, Norfolk Southern, briefed the Commission that rail companies are required by the constitution to transport HazMat and that they were proud of their safety record. Most of the railcars are not owned by the rail company. The relocation of rail cars is a complicated issue because of many factors; cost, no enhancement in service, and the limited availability of land. The company is interest in public private partnerships to consider initiatives to address public concerns.

Following his briefing, lengthily discussion took place and numerous questions were asked. A motion was approved to formally question the rail companies on their handling of railcars that contain hazardous material. Mr. Paul will draft a letter from the Commission asking the

CLOSING COMMENTS

Mr. John Peirce, SERC Water Transportation Commissioner, invited interested attendees to the September 20, Seaford Mutual Aid Assistance Group (SMAG) meeting. The meeting will include a briefing from U.S. Coast Guard, Philadelphia, on the Transportation Worker Identification Credential (TWIC) program, for USCG credentialed mariners who require unescorted access to secure areas.

Mr. Tony Murray, U.S DOT, announced that he would be conducting a HazMat Safety Workshop April 3, 2008, Embassy Suites, Newark, prior to the DE HazMat Conference. The workshop will be widely publicized.