

STATE EMERGENCY RESPONSE COMMISSION

Meeting Minutes

June 9, 2010

Commissioners

Secretary Lewis D. Schiliro – DSHS, Chair	Glenn Gillespie – DEMA
Marjorie Crofts – DNREC/DAWM	David Irwin – New Castle County LEPC
Grover P. Ingle – State Fire Marshal	George Giles – Wilmington LEPC
Robert Newnam – DE State Fire School	Charles Stevenson – Sussex LEPC
Sen. Bruce Ennis – DVFA	Robert Byrd – Rail Transportation
Bill Betts – Fire Prev. Commission	James Lee – Consignees
Dwayne Day – DeIDOT	Dr. Jerry Llewellyn – Div. Public Health
Jim Paige – DSP	Steve J. Owens – Water Transportation

Members/Visitors

Daniel Rose – DEMA	Allen Metheny, Sr. – Kent Cty LEPC (Retired)
Nancy Wyatt – DEMA	Joseph Murabito – NCC LEPC
Ellen Malenfant – DNREC	Robert Pritchett – DNREC-EPCRA
Rich Antoff – DNREC	Bill Hermstedt – Eastern Shore Natural Gas
James L. Cabbage – DVFA	Bob Barrish – Citizen/Kent LEPC
Dave Ennis – NCC LEPC	Dave Carpenter Jr. – NCC OEM

The June 9, 2010 meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:10 a.m. by the Chairman Lewis D. Schiliro, Secretary Department of Safety and Homeland Security. The attendees introduced themselves; a quorum was present. The March 10, 2010 meeting minutes were approved as written. Secretary Schiliro stated that the oil spill in the Gulf of Mexico may have the potential to start showing up on our beaches as little black oil balls. Ms. Marjorie Crofts backed up the Secretary's comments, and added that the environment in the Gulf has been badly affected. DNREC has been keeping a close eye on the beaches and surrounding wildlife areas, and is prepared to implement plans to clean-up if necessary.

STANDING COMMITTEE REPORTS

Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of approximately 5/15/2010 (see note "c") for accounts at DNREC:

SERC Fee Holding Account:

Calendar Year 2010

Carryover from 2009 calendar year	+ \$ 272,234
Disbursement in Jan 2010 to Sussex LEPC for FY 2009	- \$ 30,095 (a)
Fees received thus far in 2010 (approximate)	+ \$ 290,000 (b)(c)
Projected reimbursements thus far	- \$ 0 (d)
Account balance as of 5/15/2010	\$ 532,139

Decon Trailer Replacement Account:

Calendar Year 2010

Carryover from 2009 calendar year	+ \$ 224,258
Interest received in 2010 calendar year (no data yet)	+ \$ 0 (c)(e)
Account balance as of 5/15/2010	\$ 224,258

Notes:

- a. When the SERC approved annual disbursements in June of 2008 for FY 2009, the Sussex County LEPC had submitted a full budget request to the SERC. However, the Sussex LEPC was going through a re-building phase. They did not have an LEPC staff person, but were planning to hire. The SERC approved funding for the Sussex County LEPC for FY 2009, but the LEPC was to hire for their position first, and then submit a revised budget to cover the balance of the Fiscal Year. Funding was to be provided to Sussex County for FY 2009 once the final, adjusted budget request was received. Sussex County hired an LEPC staff person part way through the Fiscal Year, but did not submit a revised budget request. A retroactive request for FY 2009, documenting actual expenditures, was submitted in December 2009 and funds disbursed in January 2010.
- b. Reports and fees from facilities covering calendar year 2009 were due (to be postmarked) by 3/1/2010. Additional fees are expected as we continue to follow up on delinquent reporters. Net fees for 2009 totaled \$305,120.
- c. The EPCRA Reporting Program moved to a new office location on May 25, 2010. During pre and post move activities (and coupled with the State migration to a new financial system), we have not had access to all of our typical reports to provide exact amounts. Some numbers are conservative estimates at this time.
- d. Reimbursements will be necessary to a small number of facilities for reporting errors. These will be identified as submission reviews are completed. Reimbursements are typically mailed to facilities later in the year. Reimbursements in 2009 totaled \$ 400.
- e. 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. However, interest earned on the SERC Fee Holding Account is currently being taken and transferred to the State General Fund to help with the budget shortfall. Interest earned on the Decon Trailer Replacement Account is not being taken. Total interest received in 2009 calendar year was \$8,814. However, a total of \$7,779 earned from the Fee Holding Account was taken for the General Fund as follows:
 - \$4,286 in February covering interest for the first six months of FY 2009
 - \$1,161 in April
 - \$1,161 in June
 - \$1,171 in September

The following are SERC Finance and Budget Committee recommendations for the Fiscal Year 2011 budget. The Committee used the "Finance Committee Guidelines for Budget Requests" to review the budgets separately, comparing each to the previous year's budget. The Committee highlights the budget status for the year. Following are some of the points the Committee feels need to be emphasized.

- Initial budget requests for FY 2011 before adjustments recommended by the Finance Committee were as follows:

○ Wilmington LEPC	\$ 53,401
○ New Castle County LEPC	\$ 123,314
○ Kent County LEPC	\$ 53,200
○ Sussex County LEPC	\$ 64,906
○ Decon trailer equip/maint acct	\$ 10,000
○ Decon trailer replacement acct	\$ 29,000
○ IT Committee	\$ 8,090
○ <u>DAWM EPCRA Program</u>	<u>\$ 17,290</u>
Total Requests	\$ 359,201

- Conservative current estimate of fee income for this year is \$290,000. This is down roughly \$10,000 (due largely from loss of Dow/Reichhold and Chrysler which paid nearly \$5,000 each in fees annually). Comparing this amount with the initial requests presented a shortfall of approximately \$70,000 for FY 2011.
- Total disbursements for FY 2011 included in Finance Committee recommendations are as follows:

○ Wilmington LEPC	\$ 53,401
○ New Castle County LEPC	\$ 78,094
○ Kent County LEPC	\$ 46,900
○ Sussex County LEPC	\$ 64,906
○ Decon trailer equip/maint acct\$	10,000
○ Decon trailer replacement acct\$	0
○ IT Committee	\$ 8,090
○ <u>DAWM EPCRA Program</u>	<u>\$ 17,290</u>
Total Requests	\$ 278,681
- Final recommendations for FY 2011 reverse the roughly \$70,000 shortfall, resulting in roughly \$11,000 surplus. This was only achievable due to the following:
 - \$25,000 in HMEP grant funds were available to apply to the New Castle County budget request.
 - \$6,300 in HMEP grant funds are being used toward the Kent County LEPC request
 - The New Castle County LEPC had a projected carryover of \$20,220.
 - No funds are proposed to be deposited this year into the savings account for eventual replacement of the decon trailers (would have been \$29,000).
 - The IT Committee request is at its absolute lowest this year, including only annual fees for maintenance and licenses. Expected to be higher periodically as upgrades needed to keep pace with technology.
- A motion to approve the budget was made by Mr. George Giles and seconded. Secretary Schiliro requested an update on the NCC LEPC issue prior to a budget vote. Mr. David Irwin, NCC LEPC Chair, briefed that the LEPC has been having problems with NCC government since 2007. The latest problems arose last year when NCC government revised their contracts to include a \$1 million dollar liability clause and added language to the contract which would enable them to assume control of the LEPC. These issues were discussed with the NCC government officials following the June 2009 SERC meeting, and the decision was made to distribute the approved LEPC funds based on the conversations and a commitment that the contracts and a Memorandum of Understanding (MOU) would be signed by June 30, 2009. Members of the Commission met with NCC government officials in August 2009 and solutions to the liability issue were discussed with no resolution. Subsequently, the SERC Finance and Budget Committee reluctantly authorize the use of NCC budget salary line to purchase liability insurance as a temporary fix to the conflict. However, the contract still includes language that is unacceptable. NCC government has not paid the contract planners since February of 2010 and they have no plans of making payments until the contracts are signed. Mr. Dave Carpenter, NCC Office of Emergency Management, stated that the contracts have not been signed; the County Executive and Administrator are involved. Mr David Ennis, LEPC Steering Committee and former NCC LEPC Chair, spoke of the LEPCs existence before the SERC, thru the Chemical Industry Council, and that Steering Committee feels that the LEPC should consider looking for sponsors, possibly Del Tech or the Fire School. Very lengthy discussions took place on the issue.
- Mr. Glenn Gillespie motioned that due to the lack of signed contracts, the FY 2011 NCC LEPC budget will be held until the new contracts are signed. George Giles seconded. The motioned carried.

HMEP Grant Review – Mr. Daniel Rose

The grant amount was \$154,110.00, same as the previous year, and the LEPC sub-grant amounts were approved by the HMEP Grant Administrator based on the obligation and liquidation of the previously awarded sub-grants. The intention is to use planning funds to supplement the SERC Budget and the remainder of training funds will be given to the Fire School. A report of HMEP allocations and spending has been inserted at the end of these minutes (pg 12).

Information and Technology Committee – Mr. Bill Betts

- The IT Committee is waiting on the merging of the GIS Layers between the Tier II program, and the dispatch centers in Wilmington, and each of the three counties.
- Our Budget has been submitted to the Budget Committee.
- We are looking to recruit a SERC member to Chair this Committee, as my term on the Fire Prevention Commission expires this fall, and another Commissioner will be appointed to my position on the SERC.

Planning and Training Committee – Mr. Glenn Gillespie

The Committee met on May 27, 2010 and 9 members attended. Committee Chairman Jamie Turner chaired the meeting. Attendees were provided a copy of the meeting agenda and the meeting minutes from the previous meeting, which were approved. The following agenda items were briefed and discussed.

- SERC Meeting Agenda – June’s SERC meeting will focus on budget recommendations for FY 2011.
- HMEP Update – Meeting attendees were provided with a spreadsheet detailing the HMEP Planning & Training Budgets, Expenditures and Balances for each of the Counties as well as the City of Wilmington. Any remaining balances must be spent and documented as such by September 30, 2010. Also, not all expenses have been submitted from the HMEP Conference in April.
- Rail Hazardous Material Security – Mr. Turner commented that although there have been no meetings regarding rail security, there are changes being proposed at the Federal level (which are being reviewed by the Delaware Department of Transportation).
- New Castle County LEPC – Mr. Newnam briefed that recommendations have been received for the 2011 budget, and that he and Mr. Paul have approved the requests. However, since some employees have not been paid, \$25,000 worth of HMEP funds will be used to finance employee pay with the stipulation that no funding will be released until a contract is signed. Mr. Newnam also inquired as to what the Counties may need in order to replace their existing Decon trailers, and suggested using the “outdoor approach.” Mr. Turner commented that the SERC did not purchase the trailers as this purchase was done with a one-time monetary allocation. Mr. Newnam then briefed that the current trailer maintenance account is fine, but any funds needed for replacing the trailers may need to come from the General Assembly.
- On June 3 at 1:00 pm at the Delaware State Fire School, there will be a planning meeting for this year’s HazMat Conference.
- The SERC will begin compiling the FY 10 Annual Report in the August for review at the Planning and Training Committee meeting. This report is normally presented and approved at the September SERC meeting and then presented to the Governor, as required by law.

The Committee meets the fourth Thursday of the month before the SERC meetings: Aug 26 / Nov 18
The SERC meets quarterly, the remaining meetings are: Sept 8 / Dec 8

The next meeting will be held on August 26, 2010.

Decon Trailer Committee – Mr. Robert Newnam

The Committee met on June 2nd and the 6 members were present. Co-Chair Robert Newnam called the meeting to order at 1000.

- Repairs/Maintenance – Kent County reported that a new inverter had been installed. Sussex County reported that that were working on pricing for a new jack/hitch. This equipment replacement has been approved by the Committee.
- The Committee reviewed the following proposed SOP's:
 - SOP # 300-01 - Certification and Recertification Training
 - SOP # 300-02 - Dispatch and Notification
 - SOP # 300-03 - Cost recovery and Termination

After review of the proposed SOP and minor wording changes, the committee recommends to the SERC the adoption of the SOPs as additions to the State Decon Standard Operating Guidelines. Committee members (lead by Jamie Bethard) will meet with the Dispatch Centers to review the SOP#300-02 – Dispatch and Notification. After approval by the SERC and briefings with the Dispatch Centers; notice will be sent to the Fire Companies with respect to SOP #300-02 and briefings will be conducted with Companies who house the FDU units on all adopted SOPs.

- WMD Funding – Ellen Malenfant will provide the committee with information at the next meeting
- Status Reports – Kent County – 1). Conducted training as pre-race preparations. 2). Regular training conducted. Sussex County – 1). Response, One incident, stand-by assisted with Re-hab. 2). Regular training conducted – 2 sessions with CST Team 3). One Public event with the Sussex LEPC. 4). Sent two members to IAFC – well received.
- Other – 1). Funding for the DECON Trailer replacement account is not being proposed by the SERC Budget and Finance Committee for FY11. Requesting that the stake holders review the type of equipment and pricing for review at the October meeting. This information will assist the Budget Committee in future projections. The Committee does agree that standard statewide equipment must continue for future equipment.2). Beebe Hospital has been unable to locate a storage area for the FDU; Tim Cooper will continue to pursue a location in the area.

The next Meeting will be August 4, 2010, 10:00 a.m., the Delaware State Fire School.

LOCAL EMERGENCY PLANNING COMMITTEE REPORTS**New Castle County** – Mr. David Irwin

- Meeting Notes – There have been two LEPC meetings since the last SERC meeting. On April 15th a special meeting was hosted by the DuPont Edge Moor Site. Highlights: 1). Four members of the Selection Committee requested the Chair to convene a special meeting. The purpose of the meeting was to inform the members of Mr. A. Donofrio's March 25, 2010 resignation and authorize the hiring of Mr. J. Murabito. 2). A majority of the LEPC members present agreed to offer the position to Mr. Murabito with an effective start date of May 1, 2010. 3). Chairman Irwin extended the offer to Mr. Murabito and he accepted the part-time position with a start date of May 1, 2010. The second meeting hosted by Sunoco occurred on May 10, 2010. Highlights: 1). Mr. Don Zoladkiewicz, Health/Safety, Process Safety, Security and Emergency Response Manager welcomed the group. 2). Mr. Mark Dolan, Training Committee Chair, updated the group on scheduled NCCIHMRRA training activities and the 3rd Annual HAZMAT conference. 3)..Mr. Al Stein, Transportation Committee member, discussed the requirement for railroads to provide local emergency response agencies with, at a minimum, a list of the top 25 hazardous materials transported through their communities. 4). Chairman Irwin informed the group that the Executive Committee is being disbanded and a new committee will take its place. The name of the new

committee is the Steering Committee. All existing members of the old Executive Committee will serve as members of the Steering Committee and Mr. Bob Barrish will serve as the Chair of Steering Committee. 5). Chairman Irwin informed the group that two individuals have agreed to serve as members of the Steering Committee, Mr. Babak Golgolab, Claymont Coalition and John Verdi, BASF. Mr. Golgolab and Verdi replace Mr. Mark Dolan and Al Donofrio who resigned. 6). State Representative Tom Kovach was nominated and approved unanimously to serve as a non-paid LEPC Vice Chair. 7). DNREC's Shannon Splittorff provided the group with a Tier II 2009 reporting status report: I). 1705 facility submissions have been processed. II). 96 facilities that have not started Tier II submissions for the 09 RY. III). 15 facilities have started Tier II Reports but have not completed them. IV). 73 facility submissions are complete but the paperwork to process them has not been received. V). 1st and 2nd past due notices have been sent to facilities that report online and a 1st past due notice has been sent to those facilities that report by hard copy.

- Facility Visits – 1). In conjunction with DNREC Accidental Release Prevention (ARP) personnel, reviewed the E.A.R Emergency Response Plan. 2). In conjunction with DNREC/ARP reviewed the Conectiv 198 Hay Road facility Emergency Response Plan and conducted an on-site assessment. 3). Scheduled remaining 2009 Site Visits and mailed necessary documents to industrial sites. 4). Started validation of 2010 site visit list and developing a tentative schedule to complete visits by end of year.
- HazMat Plan Status – The NCC LEPC Emergency Response Plan review is underway.
- Exercise Status – 1). Participated in the DEMA-led joint planning sessions for the April 2010 Delaware Hazardous Materials Conference. 2). Attended the 3rd Annual HazMat Conference dinner at the Little Creek Fire Station. 3). Participated in the two day 3rd Annual HazMat Conference at the Delaware Fire School in Dover. 4). Participated in the 27th meeting of the NCCIHMRRA Training Committee. 5). Participated in the NCCIHMRRA sponsored Incident Response to Terrorist Bombings course. 6). Started the finalization of the 2009 Hazardous Materials Function Exercise. 7). Continued efforts to coordinate and administer NCCIHMRRA training and administrative activities. 8). Participated in the first planning meeting for the 4th Annual HAZMAT conference.
- HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMRRA.
- Comments:

Outreach Initiatives: 1). Participated in the DuPont Experimental Station Health and Safety Fair and distributed over 600 brochures. 2). Attended the DuPont Edge Moor CAP meeting. 3). Attended and conducted Shelter-in-Place presentation at NCC sponsored CERT training. 4). Provided 100 copies of Emergency brochure to Fuji Film. 5). Provided 450 copies of Emergency brochure to NCC Rotary Club. 6). Provided 50 copies of Emergency brochure to the Normandy Manor civic association. 7). Attended the Colonial Heights/Lancashire Village Civic Association meeting and distributed copies of the Emergency Guideline brochure. 8). Delivered 400 additional copies of the Emergency Guideline brochure to Christiana Hospital. 9). Provided Earth Day information to Ashland personnel. 10). Discussed DENS capabilities and process with Croda personnel. 11). Attended the Croda CAP meeting.

Additional Staff Activities: 1). NCCLEPC, DNREC and DNREC AG representative met with Sen. Bruce Ennis to discuss necessary changes to existing statute to enable former members of industrial HazMat teams to be able to participate as members of NCCIHMRRA. 2). J. Murabito transitioned into Vice Chair position effective May 1, 2010. 3). J. Murabito worked with NCC preferred insurance provider to secure the required liability insurance. 4). D. Irwin worked with NCC preferred insurance vendor to obtain liability insurance. Policy issued and invoice submitted to NCC on 3/26. 5). Worked with Small associates to get final payment from one brochure sponsor. 6). Continued to transition Bill McCracken's records. 7). LEPC staff still attempting to get salary payments from NCC. Although SERC approved salaries and forwarded funds to NCC the County announced that effective March 1, 2010 they will no longer pay LEPC staff until a contract is

signed even though they've been paying the staff without a contract since July 1, 2009. 8). Attended Homeland Security sponsored Incident Response to Terrorist Bombings course and achieved certification as a course instructor.

The next LEPC meeting will be July 9, 2010 – NCC Office of Emergency Management-at 2:30 p.m.

City of Wilmington – Mr. George Giles

- Meeting Notes – 1). LEPC FY2011 budget has been submitted awaiting approval. 2). HMEP FY2010 received letter of approval and submitted to the City legal because of the match. 3). Extra planning and training monies being utilized. 4). Training again has a busy schedule. 5). Education & Outreach has several venues this summer. 6). Will participate in an “All Hazards Preparedness Night at The Blue Rocks with City, NCC and Dema Citizens Corp. 7). DelEasi will start inspections starting very soon letters sent and businesses have been contacted. 8). Waiting for TRANSCAER update from the SERC. We want to do training in September.
- Facility Visits – As stated above the EHS site visits will begin for the City of Wilmington shortly.
- HazMat Plan Status – Not Reported
- Exercise Status – 1). As stated POW exercise TBA. 2). Will continue to work with Noramco on their drills and exercises. 3). Will be conducting with the Port of Wilmington a terrorism hazmat exercise Working with the training committee and the Olson Group. The drill will be a radiological event.
- HazMat Incidents – one incident at the old Piece and Dye factory, 1 Mill Rd. This was a Wilmington Police Department action which also involved the Wilmington Fire Department. After action report will be conducted.
- Comments:
 - HazMat Training: 1). The WFD has been doing training with Magellan Ethanol Terminal at the Port of Wilmington classroom and onsite training to be better equipped to be efficient if an incident should occur. This training will continue. 2). Provided 35 WFD & WPD HazMat refresher training. 3). Provided Dot Guide Book training and refresher courses for 135 responders. Also distributed DOT guide training CD's.
 - Planning & Outreach: 1). Continue teaching an all hazards approach to citizens, community groups, business groups and our City employees. 2). Prepared summer tips for the citizens for announcements on the City and our TV and radio stations 3). Still doing presentations on evacuation and sheltering in place.
 - Hazardous Material Plan: 1).The City of Wilmington plan was updated and reprinted in September/2009. 2). The new inspection cycle has been started. A review of all sites will take place with First Responders.

HMHTTC will no longer be operating its Wilmington Office and Wilmington will now rely on DNREC to respond as they do in all other areas of the state.

The City of Wilmington LEPC will pursue contact with TRANSCAER until the Planning and Training Committee says otherwise.

The next City of Wilmington LEPC meeting will be July 9, 2010 at the Wilmington Emergency Operation Center

Kent County – No report

Sussex County – Mr. Charles Stevenson

- Meeting Notes – There have been two LEPC meetings since the last SERC meeting.
 - March 11th Meeting-There was 14 members in attendance. Before the meeting was called to order, David Baker, Sussex County Administrator and Joe Thomas, Director of Sussex County Emergency Operations Center made a special presentation to Marilyn O’Neal. A plaque was presented to Marilyn in appreciation for her work as the interim Sussex County LEPC Chairman. Topics covered: 1). Shannon Splittorff from DNREC-EPCRA reported that the Tier II reporting deadline was March 1st with 62 facilities that have not filed yet. She also reported on the upcoming availability of a GIS map overlay and the ability for fire chiefs to access the Tier II database. 2). Tim Cooper from SCEMS reported no DECON team activation since the last LEPC meeting. 3). Roseanne Pack from DEMA provided information about the 3rd Annual Delaware HazMat Conference. 4). Dave Mick, Co-Chairman of the Decon Trailer User’s group and Tim Cooper, the Sussex County representative for the group, gave a joint report. They reported that a Field Decon Unit is in the process of being moved to Lewes Fire Company. It will be used to supplement Beebe Hospital’s Decon Unit, as needed. The group is also working on standardized statewide dispatch procedures for the FDU’s, as well as standard operating procedures and training. 5). Presentations: - Marilyn O’Neal of Perdue and Jay Brabson of DNREC-ARP provided a presentation on industry and DNREC’s perspective on Process Safety Management.
 - May 13th meeting-There was 11 members/guests in attendance. Topics covered: 1). Shannon Splittorff from DNREC-EPCRA reported on Tier II for 2009 reporting year: We have processed 1705 facility submissions. There are 96 facilities that have not started Tier II submissions for the 09 FY. There are 15 facilities that have started Tier II Reports but have not completed them. We have sent out a 1st and 2nd past due notice to facilities that report online and a 1st past due notice to those facilities that report hard copy. 2). Tim Cooper of SCEMS reported that in house training completed on new medical surge truck on HazMat training days (HazMat team being used for MCI management) One dispatch for the HazMat Duty Officer on 5/10/10 reported as a pool building on fire with chemicals. As it turned out it was a Pole building with no chemicals other than propane. Five HazMat team members attended the “Survival in the Hot Zone” at the Delaware State Fire School with DNREC on March 29-April 1, 2010. DEMO/Training with Station 84 March 30th. 3). Nancy Wyatt from DEMA provided a report on the April 9-11 3rd Annual Delaware Hazardous Material Conference, the March 10th SERC Meeting/DNREC Report, the HMEP Grant Program, and the Delaware Emergency Notification System (DENS). 4). Presentations: Joe Hopple, Education Coordinator for Sussex County EMS, provided a presentation on the Sussex County EMS Med Surge unit and its capabilities, followed by a tour of unit.
- Facility Visits – Four facility visits conducted since the last SERC meeting. 1). SPI Pharma in Lewes with Jay Brabson of DNREC-ARP 2). J.G. Townsend in Georgetown 3). Blades Marina in Blades. 4). Justin Tanks in Georgetown
- HazMat Plan Status – The Sussex County HazMat Response Plan has been reviewed.
- Exercise Status – The LEPC is still in the process of setting up a training exercise with Norfolk Southern Railway’s Hazard Materials section. The LEPC also participated in a training exercise with Lewes Fire Department at the SPI Pharma facility on May 24th.
- HazMat Incidents – DNREC’s Emergency Response Branch is now e-mailing the Sussex LEPC a quarterly listing of the incident responses. In the first quarter of 2010, there were 30 incidences reported.
- Comments – Other LEPC activities include: 1). Attended two Sussex County HazMat team trainings on March 15th & March 19th. 2). Attended the HazMat Conference on April 9th-11th. 3). Attended the Kent County LEPC meeting on May 11th. 4). Attended the SERC Planning & Training meeting on May 27th. 5). Attended the HazMat Conference Planning meeting on June 3rd.

The next Sussex County LEPC meeting is scheduled for July 8, 2010 at 10 a.m. at the Sussex County EOC.

DNREC REPORT – Ms. Ellen Malenfant

Attendees were given a copy of the entire DNREC Emergency Response Summary. Statistics for the first quarter 2010 show the DNREC Emergency Response Team (ERT) responded to 78 incidents. This is compared to 74 responses in the 4th quarter of 2009. The largest number of responses this quarter was from residential heating fuel spills with 22 reported. The next highest number of responses in the 1st quarter 2010 was from transportation related spills with 18 spills and releases from motor vehicle accidents. Of the 18 transportation incidents, 15 involved fuel from the vehicle fuel systems, and 4 incidents involved releases from the material hauled by the vehicle.

Accidental Release Prevention Activities:

Occupational Safety and Health Administration (OSHA) has begun a National Emphasis Program (NEP) to assess current implementation of the OSHA Process Safety Management (PSM) Standard at Chemical Plants. This will affect all chemical facilities in Delaware that have submitted Risk Management Plans (RMPs) under the Environmental Protection Agency (EPA) Accidental Release Prevention rules and the Department's Accidental Release Prevention (ARP) Regulation. Over the next several years, OSHA intends to conduct NEP inspections at Delaware ARP regulated chemical facilities and includes Delaware facilities that handle anhydrous ammonia for refrigeration and for fertilizer. For more information on the NEP, see http://osha.gov/OshDoc/Directive_pdf/CPL_02_09-06.pdf.

DNREC ERT Activities:

- On January 11, 2010, Ellen Malenfant gave a presentation at the New Castle County Local Emergency Planning Committee (LEPC) on the DNREC ERT emergency response statistics, including current trends in total number of responses, SERT incidents and response by county over the last 10 years. Ms. Malenfant also spoke on DNREC emergency response cost recovery process and current trends. The LEPC is interested in looking at future EPCRA fee revenue and the effects on the LEPC and SERC budgets.
- On February 3, Ellen Malenfant and Jay Brabson met with Pat Covert and Mike Keller of Valero to discuss the current status of emergency response capability at the Delaware City Refinery. In the past, the Refinery, as a full participating member of the Delaware River and Bay Cooperative (DBRC), was responsible for deploying protective boom around the West side of Pea Patch Island, in the event of an oil spill out on the Delaware River. This response was in addition to Valero's response to spills from the refinery. Also, the refinery had a full fire fighting response team that was experienced and trained to respond to incidents at the refinery and tank farm. At the meeting Valero stated that they are in the process of working out a legal arrangement with DBRC to allow DBRC to continue to use Valero's boom, boats and boathouse and other spill response equipment to deploy boom around Pea Patch Island in the event of an oil spill on the Delaware River. In addition, under current plans being considered to continue operation of the terminal and tank farm, Valero will be redoing their emergency response plan for the Terminal that includes having contracts with experienced responders, relying on mutual aid agreements with other refineries, and training and equipping the Delaware City Volunteer Fire Company to respond to a fire incident. They stated that Valero's response equipment and foam will stay at the refinery.
- On March 8, 2010 Jamie Bethard conducted ethanol response training for the members of the Felton Community Fire Company (FCFC). The training consisted of an introduction to ethanol fuels, the chemical comparison of ethanol to gasoline, modes of transportation and delivery and response to incidents involving ethanol and/or ethanol blended fuels. Approximately 12 members attended the training including several Company officers. The FCFC assists the DNREC

Emergency Response Team in Kent County by managing the DNREC oil spill trailer and providing member resources with oil spill responses.

- On March 11 & 12, 2010, DNREC ERT gave a presentation to the “Introduction to Environmental Issues” class at Delaware Technical College at the Terry Campus in Dover, DE. The class is part of the Criminal Justice degree program, Homeland Security & Emergency Management major. DNREC presenters gave an overview of the DNREC ERT’s role and mission in protecting Delaware’s Environment to approximately 35 students.
- The Delaware River and Bay Oil Spill Advisory Committee (DRBOSAC) is nearing completion of its report, which is due to Congress in April 2010. There are three subcommittees that have been working for the last 18 months on developing recommendations on preventing and improving response to oil spills in the Delaware River and Bay. The DRBOSAC final report should be submitted to Congress and the United States Coast Guard Commandant. Recommendations will be completed by the USCG’s Oil Spill Planning Area Committee. DNREC was represented by a non-voting member on the DRBOSAC and DNREC also participated on all three subcommittees.
- On April 6, 2010 Jamie Bethard and Ellen Malenfant of the Emergency Prevention and Response Branch in cooperation with the Dover Air Force Base Fire Department, Kent County Emergency Medical Services and the Little Creek Fire Company conducted a hazardous materials response overview for the Dover Fire Company. Incident command structure was discussed along with a show and tell of all the resources located within the Dover area. Approximately 30 people from all the agencies were at the training.

DNREC ERT Responses of Note:

- On January 11 & 12, 2010, the DNREC Emergency Response Team (ERT) provided pre-staged hazardous materials response support at three events associated with the funeral of Mrs. Jean Biden. DNREC ERT members worked with the Delaware State Police Explosive Ordnance Disposal unit conducting monitoring of the church and surrounding area before and during the public viewing, funeral and reception. No problems were detected.
- February 6 through Feb 9, 2010 the Division of Air & Waste Management (DAWM) assisted during the two blizzards by staffing the emergency response center, assisting the State Police, and responding to spills and accidents.
- During the month of February 2010, the DNREC Emergency Response Team (ERT) responded to 8 residential heating fuel releases. The releases caused odors inside the homes and in several incidents; residents were displaced from their homes for one or more days due to high heating fuel odors inside the home. In 5 of the incidents, DNREC ERT paid the cleanup costs. DNREC ERT worked closely with the Division of Public Health on determining the recommendation whether residents should leave or remain in their home due to heating fuel odors and determining when conditions allowed residents to return to their home.
- March 2, 2010 DNREC ERT responded to a tractor trailer accident at I-95 and I-295 with leaking drums in a mixed-load trailer and 150 gallon diesel spill mixture from the tractor saddle tank. DNREC ERT conducted a level B entry into the back of the trailer to assess the condition of the fiber drums and identify the sources of the leak. They determined the leaking containers were floor wax.

OLD BUSINESS – *None*

NEW BUSINESS

1. SERC Annual Report Fiscal Year 2010 (July 09 – June 2010) Mr. Dan Rose briefed that the annual report closes out on June 30, 2010. He requested everyone to review last years’ report and use it as a template for providing input by July 31, 2010. This will allow time for a draft to be presented to the Commission for review prior to approval at the September meeting.

2. Update on New Castle County LEPC Partnership – see SERC Finance and Budget Committee report (page 2).

3. Sen. Ennis briefed that Senate Bill 287 was introduced by himself and Rep. Carson. This bill will provide *former* private industry volunteers who continue to be members of the HazMat team, applicable workers' compensation coverage; the same as current private industry volunteers.

4. Sen. Ennis made a motion that the SERC review proposals to establish NCC LEPC alternative partnerships in case future need arises. Seconded by Mr. Robert Byrd and approved by the SERC.

5. Mr. David Ennis suggested that the LEPC membership be updated more than annually because of turnover in industry. LEPC membership is normally approved with the annual report. Options will be considered to allow for more frequent updates. OPEN

6. Mr. David Irwin asked if there was anything that the SERC could do to influence NCC government to release his salary; and in moving forward, can SERC possibly do something to pay the contract planners if the contracts are not signed? The Secretary will have a conversation with NCC government and is hopeful that the issue can be resolved. OPEN

CLOSING COMMENTS – Sec. Schiliro reported that Kurt Reuther will be the new Homeland security advisor and will be attending future SERC meetings.

Mr. Daniel Rose reported that the 24th Annual Delaware Emergency Alert System (EAS) Conference would be Friday, June 11, 2010 at Dover Sheraton Hotel. Contact: Nancy if you would like to attend.

Meeting adjourned at approximately 10:35 a.m.

HMEP - 3110*Obligation Deadline: 09/30/10**Liquidation Deadline: 12/31/10*

<u>DEMA</u>	Planning Budget	Planning Expenditure	Planning Balance	Training Budget	Training Expenditure	Training Balance
Balance as of 12/3/09	24,727.00		24,727.00	28,383.00		28,383.00
Obligated Items						
Postage	28.38	28.38	0.00			
DEMA NASTTPO- Vegas Oct 09	1,094.28	1,094.28	0.00			
DNREC NASTTPO- Vegas Oct 09	1,124.14	1,124.14	0.00			
SERC Mtgs and Retreat	1,000.00	871.54	128.46			
HazMat Conf.	10,000.00	5,129.93	4,870.07			
			0.00			0.00
HazMat Conf. Committee				15,000.00	6,228.25	8,771.75
						0.00
						0.00
Total DEMA Obligations	13,246.80	8,248.27	4,998.53	15,000.00	6,228.25	8,771.75
DEMA Unobligated Balance	11,480.20			13,383.00		

<u>Kent County</u>						
Beginning Budget	10,000.00			9,500.00		
Budget Line Items						
Facility Planning Visits	8,000.00		8,000.00			0.00
Facility & Responder Planning Mtgs	2,000.00		2,000.00			0.00
Drills & Exercises			0.00	7,500.00		7,500.00
EPA Region 3 Conference			0.00	2,000.00	2,189.78	-189.78
			0.00			0.00
Total Kent County Obligations	10,000.00	0.00	10,000.00	9,500.00	2,189.78	7,310.22

<u>New Castle County</u>						
Beginning Budget	27,000.00			24,100.00		
Budget Line Items						
Phase II Functional Exercise	20,000.00		20,000.00			0.00
LEPC Handout materials	3,000.00		3,000.00			0.00
Update NCCIHMRASOG Manual	1,000.00		1,000.00			0.00
EPA Conference (2 attendees)	3,000.00		3,000.00			0.00
Develop Tier II Training Video				15,000.00		15,000.00

NCCIHMRA Annual Training dinner				1,600.00		1,600.00
NCCIHMRA Part IV Shipboard HazMat				5,000.00		5,000.00
Training Support				2,500.00		2,500.00
Total New Castle County Obligations	27,000.00	0.00	27,000.00	24,100.00	0.00	24,100.00

Sussex County

Beginning Budget	6,800.00			10,000.00		
Budget Line Items						
Plan Development Meetings for Industry/First Responders	1,000.00		1,000.00			0.00
EPA region III Conference Balt. MD	2,400.00		2,400.00			0.00
IAFC HazMat Conference Balt. MD	2,400.00		2,400.00			0.00
Public Outreach Materials	1,000.00		1,000.00			0.00
Progressive training exercise				10,000.00		10,000.00
Total Sussex County Obligations	6,800.00	0.00	6,800.00	10,000.00	0.00	10,000.00

City of Wilmington

Beginning Budget	6,600.00			7,000.00		
Budget Line Items						
Review and update hazmat Plan	1,000.00		1,000.00			0.00
Conduct HazMat Drill& Exercise	5,000.00		5,000.00			0.00
LEPC meeting	600.00		600.00			0.00
Emergency Response Drill				5,000.00		5,000.00
Associated Training				2,000.00		2,000.00
Total City of Wilmington Obligations	6,600.00	0.00	6,600.00	7,000.00	0.00	7,000.00