

# STATE EMERGENCY RESPONSE COMMISSION

## Meeting Minutes

March 25, 2009

### Commissioners

Secretary Lewis D. Schiliro – DHS, Chair	Jamie Tuner – DEMA
Director James D. Werner – DNREC/AWM	Crystal Webb – Division Public Health
Dwayne Day – DelDOT	George Giles – Wilmington LEPC
Bill Betts – Fire Prev. Commission	David Irwin – New Castle County LEPC
Sen. Bruce Ennis – DE Vol. Firemen's Assoc.	Allen Metheny, Sr. – Kent County LEPC
Grover P. Ingle – State Fire Marshal	Charles Stevenson – Sussex LEPC
Robert Newnam – DE State Fire School	Fred Bowen – Highway Transportation
Ralph Baker – Shippers	Al Johnson – Air Transportation
James Lee – Consignees	Robert Byrd – Rail Transportation
Steve J. Owens – Water Transportation	

### Members/Visitors

Arthur D. Paul – DEMA	Bill McCracken – NCC- LEPC
Nancy Wyatt – DEMA	Bob Barrish – Citizen
Kevin Kille – DEMA	Dirk Gleysteen – DNREC/ARP
Ellen Malenfant – DNREC	Richard Antoff – DNREC/ ARP
Robert Pritchett – DNREC/EPCRA	Joseph Leonetti – NCC LEPC
Dr. Jerry Llewellyn – Division Public Health	Tim Cooper – Sussex EMS
Bob Briggs – DSHS	Harvey Velott, MSgt – Dover Air Force Base
Jim Woznicki – DSP	Mike Doyle, TSgt – Dover AFB
James L. Cubbage DVFA	

The March 25, 2009 meeting of the State Emergency Response Commission (SERC) was called to order at approximately 9:05 a.m. by the new SERC Chairman Lewis D. Schiliro, Secretary Department of Safety and Homeland Security. He stated that his several weeks in the Department have been a great experience and he looks forward to working together and getting work done, he also thanked and welcomed everyone. The attendees introduced themselves; a quorum was present. The December 10, 2009 meeting minutes were approved as written, following a motion by Sen. Bruce Ennis and seconded by Mr. David Irwin.

## STANDING COMMITTEE REPORTS

### Finance and Budget Committee – Mr. Robert Newnam

Summary of SERC finances as of 3/23/09 (for accounts at DNREC):

#### SERC Fee Holding Account:

Carryover from 2008 calendar year	+ \$ 337,428
<u>Fees received thus far in 2009</u>	+ \$ 291,400 (a)(b)
Account balance as of 3/23/08	\$ 628,828

#### Decon Trailer Replacement Account:

Carryover from 2008 calendar year	+ \$ 192,223
Interest received thus far during 2009 (first 2 months)	+ \$ 1,483 (c)
<u>Interest taken for State budget shortfall</u>	- \$ 4,286 (d)
Account balance as of 3/23/09	\$ 189,420

**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. 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.
- d. Interest earned on the SERC Fee Holding Account for the first six months of FY 2009 has been taken and transferred to the State General Fund to help with the budget shortfall. (This was originally reported as \$2,291 for the first 3 months, but was delayed and expanded.) Interest on the Decon Trailer Replacement Account was not taken.

**HMEP Grant Review** – Mr. Arthur Paul

Mr. Paul gave a presentation on the HMEP Grant for the SERC meeting program. The increase in funds, (\$91k to \$154k) required DEMA to sub-grant to the LEPCs and that process has been completed. Below are the amounts:

	<u>Planning</u>	<u>Training</u>
NCC	\$20,900.00	\$21,700.00
Wilm	\$14,086.00	\$ 8,886.00
Kent	\$16,903.58	\$11,847.45
Sussex	\$ 5,600.00	\$13,000.00
<b>DEMA</b>	<b>\$17,637.42</b>	<b>\$23,549.55</b>
<b>TOTALS</b>	<b>\$75,127.00</b>	<b>+ \$78,983.00 = \$154,110.00</b>

The increase funds also came with a significant increase in accounting and reporting; grant item have to be match to eligible activities by percentage. Mr. Paul briefed that the sub-grant process also requires progress reports and vouchers which are due in May; he would like to have a grant monitoring visit or telephone conference as soon as possible. Additionally, he needs to know of any case where sub-grantees may not be able to spend the monies that have been obligated. There was a HMEP program overview as the SERC meeting presentation.

**Information and Technology Committee** – Mr. Bill Betts

The Committee met on February 3, 2009 at the Delaware State Fire School with 13 members present. The primary reason for the meeting was to discuss the new EPA reporting issue of ammonia release from livestock manure, which basically applies to the poultry industry in Delaware, with the exception of one cattle operation.

Art Paul discussed the annual newspaper ads that are required under the federal EPCRA statute. It was decided that the ads would be published around the first of May each year to coordinate with the time frame when the Tier II reports have been submitted and are complete from the previous year. Art will check on price options for various newspapers in the State for this year.

Bob Pritchett has received price quotes from the contractor IDSI for two projects that were discussed at the previous meeting. The first project involves modifications to the Tier II manager for Fire Department access, and the second project involves the creation of a backup CD for critical users in case the main system goes down. We will review the quotes at our next meeting when we develop

our budget request based on some other quotes for the continuation of the Tier II reporting system maintenance and operation.

Jay Brabson discussed the new EPA reporting requirement that came into effect on January 19, 2009, on identifying thresholds of ammonia release from manure based on the number and type of animals on each site for emergency release notification from Confined Animal Feeding Operations (CAFOs). Reports will be continuous release reports. DNREC has been working with the Department of Agriculture to assist the poultry industry in reporting. A web site with guidance was developed and there is a reporting form that was also developed for the farmers. EPA agreed that central reporting to SERC (DNREC) or LEPCs for initial notifications would be acceptable for the initial flurry of notices. After that, however, facilities would have to notify both groups. LEPCs must track calls and keep written notifications in case of EPA compliance audits of the facilities. Jay also provided an update on EPA policy for routine emergency release notifications from facilities (not continuous release notifications), and stated that they can enforce for a late written report if it is not turned in within 7 days of the release.

Shannon Splittorff reminded the 911 representatives from New Castle and Sussex Counties that she needs the database of longitudes and latitudes for the Tier II facilities so she update and load the data into the system.

Art Paul informed everyone of the HazMat Conference in Kent County on April 3<sup>rd</sup> and 4<sup>th</sup>, and Charles "Chip" Stevenson was introduced as the new Director of the Sussex LEPC.

There was no other business, and the meeting adjourned.

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

The Committee met on March 11, 2009 and 13 members attended. The following agenda items were briefed and discussed.

SERC Meeting Program –The Committee approved a SERC meeting presentation on the Hazardous Material Emergency Preparedness (HMEP) program, Art will provide a 10-minute briefing on the program. Mr. Paul briefed on the Committee on status of the HMEP grant program.

Rail Hazardous Material Letter – Mr. Dwayne Day, DelDOT, briefed on the Rail Line Security Advisory Committee meeting held on January 28, 2009. The meeting included a presentation from the Civil Air Patrol on the ARCHER system. ARCHER is Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance. It is a custom-designed system of hyperspectral imaging hardware and software with real-world applications for search and rescue, disaster impact assessment and relief, homeland security, and potentially counterdrug operations. An example of its use is to fly equipped aircraft over the rail lines at different times and detect anomalies/differences in the images. The March meeting will be rescheduled. Mr. Paul asked about the involvement of Norfolk Southern and CSX; NS still prefers individual meetings, and CSX has a designated point of contact.

SERT Plan Outreach – Following the December SERC meeting a State Emergency Response Team Sub-Committee was formed and discussed outreach efforts for distributing the SERT Plan. The subcommittee met in January and developed a PowerPoint briefing which was given at the three February County Fire Chiefs meetings and the SERT Plans and a SERT Plan Information flyer were distributed to the all Fire Company's and all SERT members. The committee will reach out to local governments and the 911 centers—email via email—and offer the SERT briefings.

SERC Retreat – At the last meeting, the Committee approved making a motion to have a SERC retreat at the December SERC; the motion was made and approved at the meeting. Mr. Paul briefed the new SERC Chair, Secretary Schiliro, on the Commission and the retreat. The Chairs suggestion was to have the retreat in September or October at the Buena Vista Conference Center. The Committee will consider a date and agenda at the next meeting.

Chairman Turner expressed concerns about a federal agency interpretation of HazMat training requirements for volunteer firefighters. Questions on whether or not all firefighters need to receive HazMat training to the first responder operations level were asked. The interpretation could lead to a reduction in the level of HazMat training for firefighters—from the Operations to Awareness—based on whether or not they are expected to respond to releases or potential releases of hazardous substances. Such a reduction could be problematic for firefighter responding to a HazMat incident; discussions of this nature should be monitored closely.

The Committee will meet on the following dates in 2009: May 28 / Aug 27 / Nov 19, please mark your calendars.

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

The Decon Trailer User's Group met on February 26, 2009 at the Kent County Public Safety Building with all three teams represented. Highlights of the meeting follow:

Since the last meeting, the teams have:

- Responded to seven emergency incidents
- Conducted six training classes or drills
- Completed two public appearance/community outreach events.
- The above includes all three units being involved with Whistle Stop Tour in Wilmington.

Training the companies that house the FDU trailers was discussed in hopes of determining a better incentive for the volunteers to get trained. Now, there is no incentive to them to spend the extra time for the training for a very low volume response. Efforts will hopefully be made to get them more involved in incidents and planned events in the future so that they feel like they are needed and hopefully will get the training.

DEMA has ordered most of the equipment for the 10 FDU's that I have been talking about for the past several meetings. In fact, most of the equipment is in and ready for distribution.

Credentialing of the team members remains on hold due to the lack of an acceptable credentialing/ID system for Delaware.

The team reviewed the WMD FY06 through FY 08 funding status. We also reviewed the requests for FY 09, nearly all of which will be used to maintain and sustain what we have.

The group discussed the planning and management of another Statewide Hazmat Conference scheduled for April 3<sup>rd</sup> and 4<sup>th</sup> in Kent County.

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

Our next meeting is scheduled for May 21, 2009 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. On January 12 a meeting was hosted by the University of Delaware. Highlights were:
  - A video developed by the Chemical Safety Board regarding the Ghent, West Virginia propane explosion incident was presented by R. Barrish.
  - Highlights of the NCCIHMRA November 12, 2008 dinner meeting were presented by M. Dolan
  - The NIMS compliant NCCIHMRA SOP manual was issued
  - An update regarding the second Hazmat Conference to be held on April 3&4, 2009 was provided by J. Leonetti.
  - The Chair advised that the NCC Council Ordinance concerning the appropriation of SERC approved HMEP grant funds will be introduced before County Council at the January 13 meeting.
- The second meeting hosted by Ciba Specialty Chemical occurred on March 9, 2009.  
Highlights were:
  - The FY 2010 Budget and Work Plan developed by LEPC staff was introduced, discussed and unanimously approved by the LEPC membership and forwarded to NCC OEM for submission to SERC.
  - Executive Committee Chairman R. Barrish led a discussion regarding the renewal of the contracts of D. Irwin, J. Leonetti, and W. McCracken. The members voted to approve the existing contracts through FY-2010.
  - DNREC Representatives R. Antoff and J. Brabson provided an overview of the 2009 Risk Management Plan (RMP) submission process.
  - Delaware State Police representative Detective James Woznicki provided an overview of the Information and Analysis Center and the RISS ATTX program.
  - A committee was established to develop an LEPC brochure. The committee represents a partnership between industry, local government and the LEPC. The committee will be chaired by J. Leonetti with a brochure targeted completion date of September 2009
- Facility Visits – A total of ten were conducted since the last SERC meeting -
 

- Agilent Technologies-Newport Site	- Duie Pyle, Inc.
- Air Liquide	- Claymont Steel
- Artesian Water Company Facility ID #46	- GE Energy- Ceramic Composite Products
- Artesian Water Company Facility ID # 47	- Giles Ransome
- Artesian Water Company Facility ID # 57	- IMS Chemblend
- HazMat Plan Status – The NCC LEPC Emergency Response Plan review is underway
- Exercise Status – Plans to develop and conduct the HMEP Grant funded railcar tabletop exercise is progressing
- HazMat Incidents – No incidents since the last SERC meeting required activation of NCCIHMRA.
- Comments – Outreach Initiatives and additional Staff Activities
  - Presented an overview of NCC LEPC, NCCIHMRA mission and goals to the LEPC Executive Committee, DNREC sponsored Tier II Workshop in December 2008, and DuPont CAP in January 2009.
  - District specific Tier II EHS Facility Data was distributed to appropriate NCC Fire Chiefs
  - Developed 2009 Facility Plan Review and Facility Assessment schedule
  - Conducted two staff meetings and a staff performance review against FY 2009 objectives
  - Participated in the SERC Information Technology and two HazMat Conference meetings.
  - Met with Delaware Tech personnel on the HMEP Grant funded Delaware Hazardous Materials Response video

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

- Meeting Notes – Budget on track with most of Wilmington's going towards salary. In the process of submitting the FY2010 budget. Training again has a busy schedule. Inspections will start in the next couple of months on EHS sites. Next meeting is May 15<sup>th</sup>, 2009.
- Facility Visits – Evaluations will start in the spring of this year.
- HazMat Plan Status – Not Reported
- Exercise Status – will participate in a functional drill on June 10, 2009, with NCC.
- HazMat Incidents – None
- Comments – There will be a HazMat Refresher Class for the WFD Team. Planning and Outreach: -continue to do Pandemic Influenza outreach and presentations on Sheltering in place and Evacuation. Have been putting together the upcoming summer related and hurricane information so that all information is ready to be passed out and ready for the radio & TV stations in a timely manner.

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

- Meeting Notes – The last regular meetings of the Kent county LEPC were held on January 13 and March 11, 2009 with 16 members and 27 members present respectively. Provided updates to the members on the following topics: Decon III Operations, previous SERC meeting, budget issues, Delaware Emergency Notification System (DENS), Tier II Manger System, and programs were presented at both meetings.
- Facility Visits – visitations are being completed by a private contractor for facilities in Kent county. Reports for these facilities are all good. We will be continuing the visits until all required facilities have been visited.
- HazMat Plan Status – Establishing a plan to update our current plan.
- Exercise status – As previously reported, we needed to develop a three year exercise program at the request of homeland security being able to use WMD funds. We have met with DEMA and have developed a series of tabletop exercises and possible seminars for the next 3 year cycle. Under the plan, our first event will be a tabletop exercise scheduled for March 26<sup>th</sup> that will involve a shooter in the Dover mall with several injuries, some life threatening. The planning committee is attempting to keep this exercise low scale and involve the main players who would be involved in such an incident.
- HazMat Incidents – None reported.

The next LEPC meeting will be May 12, 2009 at the Kent county public safety building at 10:00 a.m.

**Sussex County** – Mr. Charles Stevenson

- Meeting Notes – There have been two LEPC meetings since the last SERC meeting. January 22nd Meeting, topics covered:
  - Marilyn O'Neal, Interim LEPC Chair, reported on her membership in DRBOSAC, a short-term federal advisory group developed to address future oil spills in the Delaware River and Bay.
  - Shannon Splittorff from DNREC updated the LEPC on the status of the Tier II reporting process.
  - Art Paul from DEMA gave updates on the 2<sup>nd</sup> Annual HazMat Conference in Dover. He also provided information on the State Emergency Response Team (SERT) Plan the Delaware Emergency Notification System (DENS).

- Presentations: Shannon Splittorff covered some highlights of the Tier II reporting procedures and Ric Chatham, Chesapeake Utilities, presented a Chemical Safety Board video on a propane explosion in Ghent, W. VA.

March 12th Meeting-There was 21 members in attendance, topics covered:

- Joe Thomas introduced the new Sussex County LEPC Chairman., Mr. Charles "Chip" Stevenson.
- Art Paul reported on the 2<sup>nd</sup> Annual HazMat Conference in Dover on April 3<sup>rd</sup> & April 4<sup>th</sup>. Registration forms were handed out. The state SERT plan is complete. There is a plan to test DENS in the near future.
- Presentations: 1) Dirk Gleysteen and Jay Brabson from DNREC's Accidental Release Prevention Group presentation included information on the 5-year deadline for RMP submissions. They also provided an update on DNREC and Department of Agriculture's role in facilitating the poultry industry's notification procedures for ammonia emissions. 2) Sam Stevens, LCDR, USCG, Sector Delaware Bay based out of Philadelphia gave a presentation on the five fundamental roles and the response capabilities of the Coast Guard when dealing with the various missions.
- Facility Visits – The new LEPC coordinator has organized the information of all Sussex County Tier II facilities and has indentified all facilities having EHS on site. He will be working with Bob Barrish to develop a system for facility visits.
- HazMat Plan Status – The LEPC coordinator has begun the process of reviewing and revising, as needed, the HazMat Plan for Sussex County. He will be working with Art Paul, with a targeted completion of this task of the end of June 2009.
- Exercise Status - Planning on attending Kent County Table Top exercise on March 26 at the Delaware State Fire School in Dover.
- HazMat Incidents – There was one incident reported since the last SERC meeting.
- Comments – Since starting the position on February 2<sup>nd</sup>, the following tasks have been accomplished:
  - Attended SERC Information & Technology committee meeting
  - Met with Allen Metheny, Kent County LEPC to learn and observe his methods and procedures.
  - Attended Delaware HazMat Conference planning meeting.
  - Met with Art Paul, SERC Executive Director, on several occasions to learn about the LEPC.
  - Interacted with Marilyn O'Neal, Sussex County Interim LEPC Chair, numerous times, to go over her performed duties over the past several years.
  - Attended Kent County LEPC meeting.
  - Attended SERC Planning & Training meeting.
  - Attended Sussex County Fire Chiefs' meeting in Milton.

The next Sussex County LEPC meeting is scheduled for May 14, 2009 at

#### **DNREC REPORT – Mr. James Werner**

For calendar year 2008, DNREC Emergency Response Team (ERT) responded to 315 incidents, compared with 345 responses during the previous year. Statistics for the fourth quarter 2008 show DNREC ERT responded to 64 incidents. This is compared to 97 responses in the 3rd quarter of 2008. The largest number of responses continues to be transportation related spills and releases primarily from motor vehicle accidents, the next highest in the 4th quarter 2008 was from residential heating fuel and other petroleum spills.

DNREC ERT participated in **5 joint hazard assessment team (JHAT) special event assignments** as follows:

- October 3, 2008, DNREC and the Delaware State Police, Explosive Ordnance Disposal Unit (DSP-EOD) conducted a pre-event hazardous materials and weapons of mass destruction survey of the Legislative

Mall, Legislative Hall and the Tatnall Building for the Delaware National Guard (DNG) 265<sup>th</sup> Signal Battalion send-off ceremony to Iraq.

- November 6, 2008 DNREC, Delaware State Police-Explosive Ordnance Disposal (DSP-EOD) and the DNG 31<sup>st</sup> CST provided hazardous materials monitoring and response capability at Return Day in Georgetown. Four decontamination (DECON) task forces were also established as part of the JHAT for this event. The JHAT responded to one suspicious package which was determined to be non-hazardous.
- January 17, 2009 DNREC ERT joined forces with the U.S. Secret Service and Delaware State Explosive Ordnance Disposal Unit to provide chemical, biological, nuclear and radiological protection to the vice-president and president elect, as a part of the Operation Whistle Stop event in Wilmington. Assisting with were five DECON task forces, two mitigation teams, and a rapid assessment unit, made up of U.S. Secret Service, FBI, Wilmington Fire, and DNG 31<sup>st</sup> CST. In addition, the DNREC ERT provided two scientific support teams. Over 60 Fire Service volunteers supported the DECON teams from all three counties.
- January 2009 DNREC ERT worked with numerous State and local law enforcement agencies, Emergency Medical Services, and Fire Companies to provide on-site Hazardous Material and Weapons of Mass Destruction assessment, response and DECON capabilities during the statewide 2009 Gubernatorial Inaugural Events.
- February 27, 2009 DNREC ERT participated in a joint hazard assessment team assignment for Vice-President Biden's attendance at the education conference held at the Atlantic Sands Hotel in Rehoboth Beach.

Other noteworthy responses included:

- On December 11, 2008 and again on December 16, 2008 DNREC ERT responded to a **suspicious powder found in envelopes sent to the Governor's offices**. Test determined the substance was a non-biological substance and not harmful. The FBI tracked similar letters sent to governors throughout the United States.
- The **Delaware River and Bay Oil Spill Advisory Committee (DRBOSAC)** met for the first time on December 17, 2008. The DRBOSAC was created by the *Delaware River Protection Act of 2006* as a result of the 2004 *Athos I* oil spill for the purpose of advising the United States Coast Guard (USCG) on prevention of and response to oil spills in the Delaware River and Bay.
- The annual **Toxics Release Inventory (TRI) data for 2007** compiled by DNREC from Delaware's reporting facilities were released on January 9, 2009. This is the 21<sup>st</sup> year of TRI data collection from facilities for distribution to the public. TRI on-site releases reported in Delaware for 2007 were lower by 4 percent compared to 2006. The TRI detail and summary reports for calendar year 2007 are now available at: <http://www.serc.delaware.gov/reports.shtml>.
- On January 19, 2009, Delaware farmers operating large Confined Animal Feeding Operations (CAFO) such as large poultry growers, cattle feeding operations, egg laying operations, and large horse boarding facilities were subject to the EPCRA ammonia continuous air release reporting requirement under a new federal EPA rule published in the December 18, 2008 Federal Register. Reporting requirements include the initial phone notification to the SERC and LEPC and a written report within 30 days. DNREC received 71 phone notifications and 45 written follow-up reports for the SERC and LEPCs. DNREC provided each LEPC with a list of notifications and reports it received
- There was one Level I SERT during the 4<sup>th</sup> quarter. A fire involved a tractor trailer with agricultural chemicals in Millville. The Fire Officer called for a Level I SERT.
- The Valero Refinery in Delaware City announced it will be shut down from February to May to repair its Coker unit and steam piping at the plant.

## **OLD BUSINESS - None**

## **NEW BUSINESS**

1. Mr. Jamie Turner, DEMA Director, mentioned an incident that occurred 60 miles north of Philadelphia involving an overturned tractor trailer carrying 33,000 pounds of hydrogen fluoride, anhydrous, there was no leak. However, the tanker was transported to the Honeywell Plant, in Northern Delaware—on the PA side—for offloading operations. Mr Turner suggested a SERC presentation on the operation from the Honeywell Plant. OPEN
2. Mr. James Woznicki M, DSP/DIAC mentioned the availability of DE Information and Analysis Center (DIAC) SITREPs and Weekly Infrastructure Bulletins that provide important information to those with both a need-to-know and a right-to-know. If interested contact the center at 302-739-5996.

## **PRESENTATION – HMEP Program Review by Mr. Arthur Paul**

## **CLOSING COMMENTS**

Next meeting will be June 10, 2009, at the Fire School. Meeting adjourned at approximately 10:05 a.m.