



Local Emergency Planning Committee
For New Castle County
P.O. Box 2998
Wilmington, DE 19805-0998
Phone (302) 395-3633
Fax (302) 323-4573
David Irwin, Chairman
Tom Kovach, Vice Chairman
Elizabeth Neumane, Vice Chairman

LEPC for NCC – January Meeting (rescheduled to February)

Meeting Minutes

February 7, 2022

- I. Call to Order** At 2:30 pm, with 40 people present, Chairman Irwin determined a quorum was present for the February 7, 2022 meeting of the Local Emergency Planning Committee for New Castle County.
- II. Introductions** Those present introduced themselves with the company, community, citizen or agency they represented. The following persons were present (either in person or via WebEx), please refer to the attached attendance roster.
- Voting Members: (25)
- Non-Voting Members: (3)
- Other Attendees: (12)
- III. Welcome:** Host Beth Neumane welcomed everyone and updated the group that Rogers is in the process of being acquired by DuPont. Once the acquisition is complete, she we present to the team. Snakes were provided by Rogers.
- IV. Agenda Approval:** Chairman Irwin asked if everyone received the agenda electronically. *A motion was made by Jamie Bethard to approve the agenda, seconded by Babak Golgolab. Vote: all were in favor, motion passed.*
- V. Approval of the Nov 8th LEPC Meeting Minutes:** Chairman Irwin asked if everyone received the email with meeting minutes. *A motion was made by Babak Golgolab to approve the meeting minutes, seconded by Al Stein. Vote: all were in favor, motion passed.*
- VI. Committee Reports**

- a) **Finance:** Chairman Irwin reported on finances since the November 8, 2021 LEPC meeting.

Balance as of November 1, 2021	\$ 35,671.21
Expenses:	
Professional Services (Nov, Dec, Jan)	\$ 11,250.00
NCCUHMRA Training at Elsmere	\$ 1,500.00
<u>Total Expenses</u>	<u>\$ 12,750.00</u>
Balance as of February 1, 2022	\$ 22,921.21

Recorded and submitted, Elizabeth Neumane

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b) IT: Chairman Bill McCracken reported the following:

- DNREC is ready to start the new reporting season. A new software feature for ARP Facilities to pay their fees online will be added around April 2022.

c) DECON: Chairman Joe Leonetti reported the following:

The Hazmat /Decon Team responded to the following since the last LEPC meeting:

- November 9, 2021 – 81 Harbor Drive – Chemical suicide, Victim used helium to commit suicide.
- November 12, 2022 – 2451 S. Bear Corbitt Road – Chemical smell in the building. Cleared by the IC on scene before arrival of the Hazmat units.
- November 16, 2021 – 2098 Naaman’s Road – Chemical odor in the ACME. After investigation a refrigerant leak was found in the freezers.
- November 23, 2021 – 1402 E. Newport Pike – Unknown chemical odor inside the Dollar General Store. – After investigation it was determined that the odor was coming from a broken bottle of Acetone on a store shelf.
- December 3, 2021 – 3037 Forth Ave. – Unknown odor from a known drug residence. After investigation the odor was coming from a moldy orange on the kitchen table.
- December 13, 2021 – 503 E. Hampstead Road – Unknown odor in the residence. Cleared by IC on scene before arrival of the Hazmat units.
- December 20, 2021 – N. DuPont Highway and Lovelace Ave. – Drum laying on the side of the road. Cleared by IC on scene before arrival of the Hazmat units.
- January 27, 2022 – 3540 Three Little Baker Boulevard, Cadia Rehab Center – Chemicals mixed in laundry room by staff sent an odor through the building. Hazmat units released after the building was aired out. There were no response events since the last LEPC meeting.

d) Training: Chairman Mark Dolan reported the following:

NCC INDUSTRIAL HAZARDOUS MATERIALS RESPONSE ALLIANCE

NCCIHMRA TRAINING COMMITTEE REPORT TO LEPC FOR NCC

The New Castle County Industrial Hazardous Materials Response Alliance Training Committee conducted one scheduled training session between the November 8th, 2021, and the February 7th, 2022, LEPC for NCC meetings.

The NCCIHMRA Twentieth Annual Planning and Training Meeting was conducted on Monday evening, November 8th from 5:30 pm to 9:00 pm at the Elsmere Fire Company’s Station 16 Hall. The Keynote Speaker was Chief Joseph Leonetti Sr., Team Leader of the New Castle County Special Operations Hazardous Materials Technical Decontamination Team, who presented “Hazmat in Delaware Throughout the Years” which included a historical perspective of the evolution of hazardous materials incident responses within the State of Delaware and especially those concerning New Castle County and highlighted the partnership between the fire companies, industry, the LEPCs and State and County government agencies. In addition, the NCCIHMRA Training Committee presented a draft of the CY2022 training program including a preview of the May 6th and 7th, 2022 State of Delaware

Fifteenth Annual Hazardous Materials Emergency Response Training Workshop hosted by the Delaware State Fire School and reviewed the enhanced response for hazmat incident callouts and dispatch. The 166 Civil Engineering Squadron of the Delaware Air National Guard described their hazardous materials response capabilities and monitoring equipment. The DNREC ERT presented its emergency response incident state fiscal year annual summary. More than thirty (30) hazardous materials first responders attended the meeting.

e) **Transportation:** Chairman Al Stein reported the following:

Attached is a writeup concerning an Anhydrous Ammonia release that occurred in Illinois on April 25, 2019.

f) **Steering Committee:** The annual meeting of the New Castle County LEPC Steering Committee was held prior to this meeting. Information will be provided during the new business section of the meeting.

VII. Tier II EPCRA Report Bill Davis from DNREC EPCRA reported the following:

1. Software is now open for 2021 Annual Reporting

The **2021 Tier II Report** and associated fees are due **Tuesday, March 1st, 2022**, and are submitted online via TIER II MANAGER™, accessed here: <https://tierii.dnrec.delaware.gov/TierII/Account/Login.aspx>.

The following web site may also be helpful:

<https://dnrec.alpha.delaware.gov/waste-hazardous/emergency-response/communityright-to-know/online-reporting/>

Please note, the **Annual Report** is for the calendar year **2021**, and is **not** a 2022 **Update Report**. Be sure to select “Annual” when initiating the report on the “Start a New Report” screen. Also, the software will not initiate the 2021 Annual Report prior to January 1st. Step-by-step instructions for using the online system are available on our web site: <https://documents.dnrec.delaware.gov/dwhs/Reporting/T2-On-Line-Reporting-Instructions.pdf>.

There are no regulatory changes from last year.

2. Billing Reminders

The software has automatic billing that will apply late fees if applicable. The software features are summarized below:

1. **Requires all payments to be made online.** This includes both credit card and check.
2. **Automatically bills for revised reports** if chemicals are added through the revision, and thus the associated fee already paid should have been higher.
3. Allows companies reporting and paying for multiple sites the option to pay **one automatically calculated combined invoice**, covering all the sites.
4. **Automatically adds a late fee charge of 1.5% per month**, as authorized under Delaware statute, for payments made after the deadline. Late charges will also apply to revisions submitted resulting in additional fees that were due, as well as payments with delinquent/back reports.

Special Billing Reminder: If paying by electronic check (all payments are done online), ensure that your bank will allow the transaction. Electronic checks that are rejected (payment that fail) may result in **Late Fees** being applied if payment is received after March 1.

Recorded and submitted, Elizabeth Neumane

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Combined Invoices

Of significant interest to users **who report multiple facilities** is the ability to pay fees using one combined invoice (see #3 above). That is, the payment step for the reports can be done once for all facilities assigned to your username. ***In order to use this combined-invoice feature, you will need to notify me before starting your reports*** (if you haven't already done so; see special reminder below). **If you want the Combined Invoice feature**, you must notify me (william.bdavis@delaware.gov) so that it can be turned on for you; I'll need your username(s). You'll know the feature is enabled when you see the new "Billing" tab at the top of the *TierIIManager*TM screen (single facility invoice users do not have a Billing tab).

Special Combined Invoice Reminder: If your username already has this feature enabled, be sure to confirm that the list of facilities assigned to your username is correct. If there have been changes, contact me ***before initiating*** reports so that the invoice will be calculated correctly.

3. Training Workshops (Virtual)

We have scheduled a series of free workshops that will be held online (via **WebEx**) this year, to demonstrate the online system and review the chemical inventory reporting requirements in general. Invitations will be emailed to this distribution list one week prior to each session. You may choose to attend any session and forward the invitation to others who may be interested. If unfamiliar with WebEx, allow yourself extra time by logging on early (I will open the Event at 8:30, but the presentation will not begin until 9:00).

The workshops will be about 2 hours and will begin at **9:00 a.m.**; **Regulatory Background** (Presentation #1) will be covered first; how to do **On-Line Reporting** (Presentation #2) will begin about 10:15, with a focus on **Combined Invoice** feature towards the end. Both presentations are posted on our webpage (note, if you have viewed these recently, you may need to do a "F5" refresh so that the correct webpage is loaded):

<https://documents.dnrec.delaware.gov/dwhs/Reporting/epcra-regulatory-overviewpresentation.pdf>

<https://documents.dnrec.delaware.gov/dwhs/Reporting/tier-ii-epcra-online-reportingpresentation.pdf>

Questions are best supplied by email; there will be limited time for discussion during the workshop, but we can follow up individually afterwards.

Date	Day
1/5	Wednesday
1/12	Wednesday
1/18	Tuesday
1/24	Monday

The numbers presented below are approximate as facilities have determined their own LEPC designation, and these determinations have not been verified by each LEPC.

Also note that data for Reporting Year 2021 is coming in, and these numbers are changing daily until after March 1st.

4. Reporting Status

EPCRA 312 (Tier II) Reports

(LEPC designations as reported by the Facility)

Current 1/03/2022 RY 2020	2 months ago, 11/02/2021 RY2020	1 Year ago, 1/7/2021 RY2019	
2563	2563	2368	State Total
922	922	871	Sussex
522	522	496	Kent
963	963	852	New Castle
156	156	149	Wilmington

5. Delinquent Facilities

These are facilities who have previously reported but have not submitted a 2020 Tier II. A spreadsheet of Delinquent Facilities was provided to the LEPCs on 5/17/21 for follow up. If an LEPC determines that a facility is closed or is not subject to reporting, it will be deactivated in the database by DNREC. If, however, an LEPC confirms that a delinquent facility remains in operation, current contact information should be shared with DNREC.

Missing TIER II Reports / Unknown Facility Status

(LEPC designations as reported by the Facility)

Remaining 1/03/2022	Initial List 5/17/2021	Change since last meeting	
49	55	1	State Total
12	12	0	Sussex
5	7	0	Kent
26	29	1	New Castle
6	7	0	Wilmington

6. Recent Reports & New Facilities

Changes Since Last LEPC Meeting

302 Submittals	311 Submittals	312 Revisions	312 Updates (optional)	New Facilities ¹	
2	16	1	31	8	State Total
0	2	0	8	2	Sussex
0	7	0	13	3	Kent
2	7	1	9	3	New Castle
0	0	0	1	0	Wilmington

¹ *New Facilities* are those that have been created within TierIIManager™ and may not have submitted a report yet; therefore, the number of *New Facilities* will not match the number of reports.

VIII. SERC Report Steve Phillips reported the following:

- SERC Report
 - Coordination of the Statewide HazMat Flow Study will begin at the 2/17/22 SERC Planning & Training Committee Meeting.
 - National SERC / TERC Meeting on 4/18/22 at the NASTTPO Conference
 - Planning & Training Committee meets on 2/17/22
 - Next Quarterly SERC meeting is 3/9/22
- HMEP Funds
 - On Year 3 of the HMEP Grant. \$129,341.00 Total Grant Amount for Year 3. \$4,150.00 spent to date (3.2 percent expended).
 - Anticipating HMEP NOFO to be released in the near future.
- DEMA Update
 - REP Exercise is scheduled for May 10th. The Dress Rehearsal is scheduled for March 29th.
 - Josh Kelly has accepted a position as Associate Director of Emergency Management at the University of Delaware. His Natural Hazards Principal Planner position has been interviewed for, selection pending.
 - Brittany Mosley has joined the DEMA Natural Hazards section as a planner. Mark Dworkin has joined the DEMA Terrorism Preparedness section as a planner.
 - DEMA has an open planner position in the REP Program. The position is posted on the State Job Portal and closes on February 10th.

IX. Staff Reports

Chairman Irwin – reported the following:

SERC Activities:

- Participated in the December 8th virtual SERC meeting
- Participated in the November 18th virtual SERC P&T committee meeting
- Submitted the SERC LEPC quarterly performance report in a timely manner
- Submitted the SERC IT Committee report in a timely manner
- Submitted the HMEP Q1 activity report in a timely manner
- Completed the SERC Finance Committee annual LEPC performance report

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- Facilitated the 15th Annual Workshop Planning Committee meeting #3 on November 15th
- Issued the save the date notice for the 15th Annual Hazmat Workshop
- Provided a copy of the LEPC Site Assessment Checklist and two examples of reports to the SERC LEPC Oversight Committee
- Provided SERC LEPC Oversight Committee with an explanation of the process for exercising the LEPC for NCC Hazardous Materials Response Plan
- Participated in DEMA sponsored NCCIHMRAs survey

Emergency Response Plan Reviews and Facility Visits:

- Reviewed I-95 Peroxide incident reports
- Reviewed GE Edison Works Advanced Material Center Integrated Contingency Plan
- Reviewed DNREC's ARP Tri-annual Graver RMP inspection report
- Reviewed DNREC's ARP Tri-annual GE Edison Works Advanced Material Center RMP inspection report
- Reviewed DNREC's ARP Tri-annual Aearo Technologies Newark Facility inspection report
- Reviewed DNREC's ARP Tri-annual Sovereign Properties Village of Canterbury Newark Bulk Propane Storage Facility inspection report

Exercise Status:

- No activity this period

NCCIHMRAs:

- Facilitated the 20th Annual Planning and Training meeting

Outreach Initiatives:

- Chaired the LEPC for NCC November 8th LEPC meeting
- Participated in five virtual LEPC meetings Kent (11/9,1/11), Sussex (11/10,1/13) and Wilmington (1/21)
- Participated in the virtual DC CAER (1/13) meeting
- Participated in the virtual US Coast Guard Sector Delaware Bay Area Committee meeting (1/19)
- Represented the LEPC at six CAP meetings, DCR (11/17,12/14,1/24), Croda (12/1,2/1), and Newark (11/17)

Additional Activities:

- Reviewed LEPC CY2021 meeting attendance and developed CY2021 membership list
- Met with NCC Public Safety Director V. Bond to discuss LEPC
- In accordance with EPA regulations documented one Hazardous Material release
- Served as a SME to one member organization
- Served as a SME to two non-member companies

Vice Chairman Neumane – reported the following:

- Prepared and recorded the minutes for the November 8, 2021 NCC LEPC meeting.
- Prepared and recorded the minutes for the November 15, 2021 Haz Mat Workshop Planning Committee meeting.

Bill McCracken – reported the following:

- Site-Assessment and Emergency Response Plan Reviews:
- Patriot Ice Center, Newark
- Siemens Healthcare, Glasgow

Recorded and submitted, Elizabeth Neumane

X. Old Business

- a) Chairman Irwin reviewed the planned schedule for the 15th annual workshop. The registration packets are scheduled to go out on March 15, 2022. Dates for the workshop are May 6th and 7th, 2022.

XI. New Business

- a) Renewal of LEPC Staff Service Agreement: Chairman Irwin was asked to mute his sound from the WebEx. Babak Golgolab reported that the steering committee ask the LEPC to renew Chairman Irwin for another year. A motion was made by Beth Neumane to renew Chairman Irwin's agreement for another year, seconded by Babak Golgolab. Vote: all were in favor, motion passed.
- b) FY 2023 Budget Approval: Chairman Irwin reviewed the budget. A motion was made by Al Stein to approve the budget, seconded by Babak Golgolab. Vote: all were in favor, motion passed.
- c) FY 2023 Work Plan Approval: Chairman Irwin reviewed the work plan and noted that the Hazardous Drill planned for July may be postponed due to the pandemic. A motion was made by Al Stein to approve the work plan, seconded by Babak Golgolab. Vote: all were in favor, motion passed.
- d) CY 2022 Membership Approval: Chairman Irwin reviewed the membership and explained the formula for determining voting and non-voting members: voting members must attend 3 annual meetings. Chairman Irwin noted that we currently have vacancies for someone representing the media and Public Health. A motion was made by Babak Golgolab to approve the membership, seconded by Bill Jack. Vote: all were in favor, motion passed.
- e) Accidental Release Prevention (ARP) Database: Eileen Butler, Program Manager for DNREC, and Bill Davis, EPCRA Reporting for DNREC announced that the ARP and Tier II system will be combined. There will be training workshops on 5/10, 5/12, 5/16 and 5/18 for ARP regulated facilities.
- f) LEPC Chairs – No Report for Kent Co.
- g) LEPC Chairs – Minutes from the January meeting are attached. The next meeting of the Sussex County LEPC will be on Thursday, 3/10/22.
- h) LEPC Chairs – Minutes from the January meeting are attached. The next meeting of the Wilmington LEPC will be on Friday, 3/11/22.

XII. Presentation: Chief J. Bethard, DNREC and Chief S. Palermo, NCCIHMRRA reviewed the 1-95 Peroxide Incident that occurred in July 2021. There was a brief discussion following the presentation.

XIII. Adjournment – *A motion was made by Babak Golgolab to adjourn the meeting, seconded by Bill Jack.* Meeting adjourned at 4:01 pm.

XIV. Next Meeting – Monday, March 14th, 2022 2:30 pm
Delaware State Fire School, New Castle Location
Host: Lewis Environmental

Recorded and submitted, Elizabeth Neumane

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