

**JEFFERSON COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE
UW-Extension
864 Collins Road
Jefferson WI 53549**

**THURSDAY, January 27, 2011
Meeting at 1 p.m.**

- 1) **Call to Order** - The meeting was called to order at 1:02 p.m. by Chair Hable.
- 2) **Roll Call** – Tim Anderson, Kim Buchholz, Acting Chief Kraig Biefeld, Bob DeWolfe, Paul Hable, Donna Haugom, Andy Jorgensen, Ryan Leslie, Sheriff Paul Milbrath, Jan Roou, Gail Scott, Robert Stray, Warden Dave Walz and Chief Tim Whitham. Quorum in attendance.
- 3) **Certification of Compliance with the Open Meetings Law**
The meeting notice has been published and is in compliance with the Open Meetings Law.
- 4) **Review of the Agenda**
Agenda was reviewed and approved as written. Added Blodgett response under Level B Response, Item number 8.
- 5) **Citizen Comments** - There were no citizen comments.
- 6) **Approval of Minutes of November 18, 2010 Meeting Minutes**
Motion was made by Scott, seconded by Jorgenson, to approve minutes from the November 18, 2010 meeting as printed. Motion unanimously approved.
- 7) **Commercial Pool & Spa**
Haugom explained that a hydrochloric acid spill occurred on July 9, 2010 at the Pinecone in Johnson Creek where a metal band punctured the container during transport. The box truck is owned by Commercial Pool and Spa out of Minnesota was traveling from Milwaukee to Madison or vice versa. Haugom received the expenses incurred from the hazmat team and responding fire departments. Haugom sent a bill to Commercial Pool and Spa and no response was received. A second letter was sent on Septemeber 18. A third letter was sent on December 16 that stated if no response was received it would be turned over to the legal counsel for Wisconsin Emergency Management. Haugom received a letter in response protesting the bill as excessive and asking for it to be reviewed. Haugom read the letter to the committee. After reading the letter, Haugom turned over the discussion to Chief Whitham, who served as the incident commander at the spill.

Chief Whitham gave a description of the event to the committee as follows: The Johnson Creek Fire Department received a call for an unknown chemical leak in the back of a box truck at the Pinecone. They responded. The driver was asked for a shipping sheet. The driver had to return to the truck to get the shipping sheet. Prior to their arrival, the driver had dumped about 15 gallons of water in the truck to rinse it out so that he could continue on his way. From the information that Chief received, the driver had no clue what was leaking. The contents of the truck contained 45 drums of hydrochloric acid at 78% concentrate, 4 or 5 - 50 lbs. bags of soda ash, 2 - 650 gallon totes of chlorine. When in the truck, all a responder could see was product running out of the truck, down onto the wheels, and on to the concrete. Johnson Creek Fire Department implemented the county protocol. They notified WI DNR and everyone else that needed to be notified. When the driver of the truck was asked if he had a remediation contact, he gave no answer. Since the responsible company did not have a contact, the Level B team was activated. It took responders 30 minutes to find the actual drum that was leaking. There were three responders on

the truck sorting through packages to determine what was leaking. They off loaded what had been searched so they weren't searching the same thing.

For the company to not want to pay the bill because this type of material can be purchased at Menard's every day, is incorrect. It was about 1 hour before the truck driver's company was on scene. They were off dealing with the DOT over some other issues. Once the guys determined the leaking container, it was put into the overpack form. They sprayed down the truck and off the truck wheels so they could get on their merry way. Chief stated that we are not in the business of clean up. The driver was allowed to leave with the overpack and everything else. It was set up for a contractor to come and pick up all the equipment. The company did not want that; he wanted to truck it all back to the company to save on that portion of the bill. We allowed that to happen.

Once Level B responders are put in a suit, they are not allowed to just crawl out of the suit without decon. The company's thought process of one truck dealing with this all day long when we looked at the MSDS and the containers, it is not what can be bought at Menard's or Home Depot to clean the bathroom sink, especially when the driver could not tell me (chief) what was leaking. There was not a vapor cloud, but there was a strong smell of acid. The way the truck was organized you had no idea if larger totes were in there. The truck driver only knew what products he had. He had no idea how they were packed, bound or shipped. Some of the containers were done in metal bands, some were in plastic wrap. Acids that are carried around in a plastic drum versus a metal drum due to the corrosive features of it, are prone to nicks and dings. Bottom line: you had a leak, we had to remediate it. And you don't want to pay for it.

Donna read the response description directly from the MSDS sheet of Chlorine. Haugom stated that according to the MSDS sheet, the responders did what they were supposed to do.

Hable asked Chief Whitham to address the comment made in the letter that the response was being used as a training exercise. Chief responded that he had two or three short meetings with the driver. The company representative's main goal was to get the truck back to Waukesha. Chief tried to explain to them why they had to wear protective suits, why they had to take the safety measures etc. Chief does not recall making a comment regarding it being a training exercise. The team does training exercises every other month.

Hable suggested that the company is looking at the event retrospectively. Chief Whitham described what occurred versus looking back and saying well it was only this many gallons etc. look at how minimal it was. Now, that information is available and one might draw that conclusion. Hable stated that when the chief arrived the information that the truck driver was able to provide left Chief Whitham with nothing to go on. Given the contents of the truck, it could have been anything in there. Discussion occurred.

Question was asked if the truck was placarded. Chief Whitham explained that the quantity on the truck was below the requirements.

The committee suggested the following points may want to be addressed in the review letter being sent to the company.

- Reflection on the situation in hindsight.
- It was an appropriate response. There was nothing extra done to make it a drill.
- The company was allowed to take the material off-site to dispose of versus a contractor handling it. That saved the company money.
- It was not my fault, it was the containers fault. Reference that under SARA Title 3, hazwhoper, once you have possession of the container, you are the responsible party.
- Training issue: The driver took the Chief's comment of we have done extensive training on this to mean you were using this as a training exercise.

- The driver using water to wash out the truck prior to the arrival of responders added volume to the leak. May have made the leak seem larger than it actually was.

Motion by Acting Chief Biefeld, seconded by Bob Stray, the Local Emergency Planning Committee has reviewed the request from Commercial Pool and Spa to reevaluate the billing from the incident and the committee finds that the response and expenditures are appropriate. Chief Whitham abstained. Motion unanimously passed.

Haugom will draft a response letter and send it to Hable for review before sending it to the company.

8) Level B Response

- Ethanol Spill:** 3,000 gallons of ethanol was spilled by a truck just off-site of Valero. The truck lost control on a soft shoulder and tipped over. Haugom is processing the billing of \$40,000 to send to the responsible party. City of Jefferson was the primary responder.
- Jefferson High School:** The general cleaning contractor hired to clean up the pool incident at the high school believed that the barrels were full of water. They dumped one out, and then the other creating a chlorine mixture – combining hydrochloric acid and chlorine. The bill of \$27,455.87 has been paid.
- Blodgett:** The concern was the pesticides, herbicides, etc. that were on-site. Both Level B and A Teams responded to the scene. The concern was runoff and air quality. The Level B Team was mostly involved with decontamination for the fire responders. They did stop putting water on the fire due to the runoff concern. Some evacuations were done. Public Health did air monitoring at a nearby hotel, restaurants and stores to ensure the safety of the air quality; seven facilities affected.
- Nestle Purina:** December 19, 2010 they had an anhydrous ammonia release of 300 gallons. It was released into the river; diluted.

9) Hazardous Materials Spills – List - No others than those previously mentioned in number 8.

10) Southeast Regional Incident Management Team

Haugom stated that the Southeast Region is working on establishing a Southeast Regional Incident Management Team. This would provide more resources to each county during an emergency. Haugom is requesting support from Jefferson County for her involvement.

11) Wisconsin Hazmat On-Line Planning & Reporting System

Buchholz described that Wisconsin Emergency Management has established a web-based, on-line reporting system for facilities within the state that have substances of 10,000 lbs. or more they must report; replacing the paper Tier 2 forms. The facilities have received notification and have the option to complete the information on-line or by paper this year. Next year electronic submission will be required. This system will also include off-site planning. All off-sites will not be done on-line. The information will be available to responders. In essence, the paper is being done away.

12) Review Workgroup Descriptions

Discussion occurred as to whether the LEPC should continue to have workgroups. The workgroups that were identified and active previously were: Membership, Emergency Planning, Community Right to Know. These subcommittees have not been active. It was the consensus of the committee to continue completing the work as we have been doing. Subcommittees will not be formed at this time.

The committee asked Buchholz to send them an email when off-site visits are scheduled so that those interested in attending may do so. DeWolfe volunteered to assist with contacting facilities about their willingness to host the LEPC meetings at their facility, including a facility tour. Buchholz will send a list of facilities and contacts to DeWolfe.

13) Hazardous Materials Spills – Billing – No others than those previously mentioned in number 8.

14) Training

- February 17 – Resource Management Training
- March 2 & 3 – Governor’s Conference in Madison
- March 12 – Hydrogen Sulfide; Chief Whitham is holding for fire and law enforcement.
- May 7
- May 14 – Vigilant Guard
- May 18 & 19 – Basic & Advanced Public Information Officer training at UW-Whitewater

15) Industry Reports

a) American Red Cross (ARC) – no one present to report

b) Health Consortium Update – Scott stated that the funding for the Health Consortium is guaranteed through August 9, 2011. All 22 Health Departments are required to do an exercise this year. To make the most of the funding, all the departments will be exercising together. Jefferson County has met all of the requirements.

c) Wisconsin Hospital Emergency Preparedness Program (WHEPP) Region 5 Update – Fort Healthcare has signed a Memorandum of Understanding with the federal government to become an Emergency Response facility.

16) Correspondence – none

17) Set Time and Date of Next Meeting – The next meeting will be held on April 21, 2011 at 1 p.m.
Location to be determined.

18) Adjournment – Motion made by Stray, seconded by Jorgenson to adjourn the meeting at 2:06 p.m.