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HOUSE OF REPRESENTATIVES

VETERANS AFFAIRS & EMERGENCY PREPAREDNESS COMMITTEE

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HEARING ON
PUBLIC SAFETY ISSUES INVOLVED WITH THE CLOSURE OF THE SUNOCO AND
CONCOPHILLIPS FACILITIES IN SOUTHEASTERN PENNSYLVANIA.

BEFORE:

HONORABLE STEPHEN BARRAR, MAJORITY CHAIRMAN

HONORABLE CHRIS SAINATO, MINORITY CHAIRMAN

HONORABLE BRYAN BARBIN

HONORABLE KAREN BOBACK

HONORABLE MARTIN T. CAUSER

HONORABLE TINA DAVIS

HONORABLE MARIA DONATUCCI

HONORABLE JOHN T. GALLOWAY

HONORABLE JOSEPH T. HACKETT

HONORABLE TED HARHAI

HONORABLE TIM HENNESSEY

HONORABLE BILL KORTZ

HONORABLE MARK LONGIETTI

HONORABLE WILLIAM KELLER

HONORABLE JIM MARSHALL

HONORABLE SCOTT PERRY

HONORABLE WILL TALLMAN

HONORABLE RANDY VULAKOVICH

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WRITTEN TESTIMONY SUBMITTED BY:

THE GOVERNOR’S OFFICE – JOINT TESTIMONY OF:
DCED, DEP, L&I, AND PEMA

CHAIRMAN BARRAR: Good afternoon everyone. The Veterans Affairs and Emergency Preparedness hearing will come to order. I would ask one of our guests in the audience, the Mayor of Marcus Hook, Jay Schiliro, if he'd lead us in the Pledge of Allegiance.

(The Pledge of Allegiance recited.)

CHAIRMAN BARRAR: Thank you. Since this is a hearing and not a voting session we're not going to take a roll but I'm going to ask the members present if they would introduce themselves, stating on the far left here.

REPRESENTATIVE MARSHALL: Thank you, Mr. Chairman. Jim Marshall, 14th District representing parts of Beaver and Allegheny Counties.

REPRESENTATIVE VULAKOVICH: State Representative Randy Vulakovich from Allegheny County.

CHAIRMAN BARRAR: I would ask our staff to also identify themselves, please.

EXECUTIVE DIRECTOR TYLER: Jennifer Tyler, Executive Director for minority Chairman.

CHAIRMAN SAINATO: Representative Chris Sainato, I'm the Democratic Chair.

EXECUTIVE DIRECTOR O'LEARY: Rick O'Leary, Executive Director for Chairman Barrar.

REPRESENTATIVE BOBACK: Representative Karen Boback, representing parts of Luzerne, Wyoming, and Columbia Counties.

REPRESENTATIVE HACKETT: Representative Joe Hackett representing Delaware County.

REPRESENTATIVE DONATUCCI: Representative Maria Donatucci representing Philadelphia and Delaware Counties.

REPRESENTATIVE KORTZ: Good afternoon, everyone. My name is Bill Kortz, State Representative 38th District, Allegheny County.

REPRESENTATIVE LONGIETTI: Hello. Mark Longietti, 7th District, Mercer County.

REPRESENTATIVE GALLOWAY: Representative John Galloway, 140th District, lower Bucks County.

MR. HARRIS: Sean Harris, majority research analyst.

REPRESENTATIVE TALLMAN: Will Tallman, Adams, York, Cumberland and the other counties you are going to add to me.

REPRESENTATIVE CAUSER: Marty Causer, 67th District, McKean, Potter, and Cameron Counties.

REPRESENTATIVE BARBIN: I'm Bryan Barbin, I represent southern Cambria County.

CHAIRMAN BARRAR: Great, thank you members for being here, we also have with us today our new intern for the committee, I'd ask him to identify himself, is he here? Jonathan? Oh there you are, you want to say who you are?

JONATHAN MATHER: My name is Jonathan Mather, I'm an intern for the Veterans Affairs and Emergency Preparedness committee.

CHAIRMAN BARRAR: What school?

JONATHAN MATHER: Penn State Harrisburg, I'm graduating this spring, so if there are any openings, you know.

CHAIRMAN BARRAR: Well, this is an election year so you might be able to create one. Hey, I want to thank everyone for their attendance here today and especially those who are presenting presenting testimony before the committee. As we are all aware, Sunoco and

ConocoPhillips are closing their facilities in southeast Pennsylvania. And it's our sincere hope that these facilities will remain open under new ownership or some other partnership.

That said, we're here today to focus solely on the public safety aspects of the facilities closures. The House Veterans Affairs and Emergency Preparedness Committee has oversight for Act 165, which is our Hazardous Material Reporting and Response Act, as well as Title 35, which is the Health and Safety Act. The two facilities in question are SARA (Superfund Amendments and Reauthorization Act) Title III hazardous material reporting facilities, which are governed by Act 65 and the Title 35. Therefore, we felt it necessary to examine this issue from a public safety standpoint; mainly our main concerns of the committee are what hazardous materials are currently on site, what hazardous materials if any will remain on site, what is the current emergency response plan for these facilities, and what effect will these closures have on local and county emergency response organization.

The bottom line here is that as these facilities close we want to be sure that the emergency planning and reporting and response plans in place are current and up to date, thereby ensuring the public safety is at the forefront. We have an excellent panel of testifiers before us today; I want to personally thank you for your participation and taking the time to drive up here. We're going to allow each panelist about 20 minutes if you can and then we will go out to questions before the committee. But before you start with your testimony I'm going to ask my Chairman Representative Sainato if he'd like to make some comments.

CHAIRMAN SAINATO: Thank you Chairman Barrar, I too would like to thank everyone for coming here today we've also been joined by Representative Tina Davis and Representative Chairman Bill Keller. We thank you for joining us today because I know this is very important issue for Philadelphia and the five counties that surround that area. When

Chairman Barrar brought this to our attention last month we thought that this was very important that we get together as a committee of Veterans Affairs of Emergency Preparedness to make sure that safety is the number one concern for that region of our State as well as other regions of our State that may experience the same type of a shut down. I know it's happened to another area in central Pennsylvania. So we thank you as well for being here because like I said, the number one priority for us as a committee is the safety of our residents so I thank you. Thank you Chairman Barrar.

CHAIRMAN BARRAR: Thank you Mr. Chairman. Our first testifier, and actually I asked the testifiers to come together to the table all at once instead of doing two separate, our first testifier will be David Erfert, the Refinery Manager for ConocoPhillips; Mr. Frank Colins, the Manager of Health Safety and Environmental with ConocoPhillips; and then Mr. John Pickering, Sunoco Senior Vice President of Manufacturing. And Dave, I'll ask you to go first, please.

MR. ERFERT: Thank you very much. Ladies and gentlemen of the House Veterans Affairs and Emergency Preparedness Committee, Chairman Barrar, thank you very much for allowing ConocoPhillips to testify here today. As you said, I'm David Erfert, Trainer Refinery Manager. I have worked in refineries for 21 years in eight different refineries United States and Internationally. Also with me representing ConocoPhillips is Colin Franks, Manager of Health, Safety, and Environmental at the Trainer Refinery. He has 27 years experience at Trainer in the refining business. In addition to managing the Safety and Environmental functions at the refinery, he has the responsibility for managing the Environmental Planning and Response functions in the refinery. Colin is also a member of our Corporate Incident Management Team.

As the committee is aware, on September 27, 2011, ConocoPhillips announced the decision to idle and sell the Trainer refinery located just outside Philadelphia in Delaware County.

And let me say upfront, this was a tough decision for ConocoPhillips to make and we realize and know how difficult it is on the impacted employees, their families and the local communities involved. And let me also say that ConocoPhillips is committed to the sales process and is actively seeking a qualified buyer. We appreciate all the support we have received from the local, State and federal officials, also our employees and the local communities in this endeavor.

U.S. east coast refining has been under severe market pressure for several years. Product imports, weakness in motor fuel demand, and costly regulatory requirements are key factors in creating this very difficult environment. Despite our best efforts and those of our workforce, the refinery has lost significant money in each of the previous three years. We did not take this decision lightly, and our employees have done a great job every step of the way. The market caused this, not the performance of the people. Throughout this process, we have done our best to try to treat all employees with respect, and have regularly communicated with stakeholders on the status of the refinery and the sales process.

Going forward though, ensuring the safety of our employees and the surrounding communities still remains our number one priority. I would like to provide the committee with an overview of the status of the refinery now and in the future; and how ultimately we have significantly reduced the risk versus a normal operating refinery.

In the days after the announcement on September 27, we began an orderly and safe shut down of all of the refining process units. Refining units were shut down cold and all oil transfers

were stopped. As part of the shut down, all of the typical hazards with a refinery, things like high temperature, high pressure, and hazardous materials were removed. So the relative risk and the potential for an emergency was therefore greatly reduced when processing stopped.

After the refinery was shut down, our workforce began a very laborious and meticulous process to de-inventory the refinery of its hazardous chemicals and most of its hydrocarbons. So in effect, all the process lines, the vessels, the towers, all those things you see from the fence line in the refinery have essentially been emptied of hydrocarbons and are being maintained in a preserved state, ready for sale and subsequent restart of the refinery. Hazardous materials on site such as hydrofluoric acid and other chemicals used in the refining process have also been removed from the site. Additionally, we emptied the majority of our large storage tanks where we store gasoline, diesel, crude oils, and other hydrocarbons. The remaining hydrocarbon tanks contain minimum levels of mainly heavy oils such as crude oil and marine fuel oil, which are less flammable than gasoline-range materials. This de-inventory process has resulted in an approximately 85 percent reduction in total hydrocarbon inventory on site.

This effect of shutting down and de-inventorying has resulted in a significant reduction in the likelihood of an incident occurring. And I can't quantify scientifically how much risk is reduced, there just isn't science at that, but it is orders of magnitude lower now than when the refinery is in normal operation. I do believe that is very critical for the Committee to understand and take note of because it means that our corresponding potential emergency scenarios are significantly less in both frequency and magnitude.

We are not using the Trainer Refinery to import materials or as a terminal. The only remaining operations at the facility include one steam producing boiler to preserve the asset during the winter months, and also the wastewater treatment facility to ensure compliance with

permit limits to discharge water from the facility. These units on a relative basis are very low risk, steam boilers are in many applications across the State, and we see wastewater plants in most of our municipalities.

As we have in the past, ConocoPhillips remains committed to operating in compliance with all safety and regulatory requirements. Our refinery in Trainer had the best, or essentially the lowest injury rate of any of the 12 ConocoPhillips refineries in both 2010 and '11. And ultimately we think our workforce at Trainer gets it on safety, although that certainly doesn't mean that were going to rest on our laurels. We will continue to take full responsibility for the operation and maintenance of the refinery as long as the asset is owned by ConocoPhillips.

Currently, we are maintaining essentially full staffing, and can respond to any emergency scenario. We have shut down the refinery and de-inventoried hazardous materials. And again because of this, our relative risk is significantly less than a running refinery. As the sales process progresses, we do plan to reduce staffing from the full complement that we currently have. Nonetheless, the refinery will continue to be staffed at a level appropriate for the operations that remain on site and we will be able to continue to be fully prepared for any incident response.

If we have not found a buyer towards the end of March, it is our intention to permanently close the refinery. Again, we hope that it doesn't come to this and we are solely focused on the sales process, that's where our effort is. But, at that time, we will begin to fully de-inventory remaining hydrocarbons in the tanks. And throughout this process, we will maintain an appropriate staffing level and response system that will allow us to respond to any scenario.

Now I will turn the discussion over to Colin Franks, our Health, Safety and Environmental Manager who will provide more detail on emergency preparedness.

MR. FRANKS: Good afternoon, I am Colin Franks, the Health, Safety and Environmental Manager at the Trainer Refinery. I have worked at the Trainer Refinery for 27 years. I have been in various roles within the refinery including Operations, Environmental, and Safety. For the last 10 years I have been a member of the ConocoPhillips Incident Management Assist Team as a Planning Section Chief and an Incident Commander. I have responded to incidents in the Gulf Coast during hurricanes Katrina and Rita and participated in drills from Alaska to Florida. Part of my responsibility is to design the emergency response program and to ensure personnel have the proper training to respond to emergencies at the Trainer Refinery.

During the idling period, the Trainer Refinery will continue to utilize a layered approach to emergency response. We will maintain around the clock emergency response capabilities. Our responders include fully trained individuals in fire fighting, oil spill response, hazardous materials response, high angle rescue, and EMT certifications.

The Trainer Refinery has state of the art response equipment including a fire water distribution system throughout the facility to deliver high volume of fire fighting water necessary for industrial fire fighting. We also have stationary fire monitors capable of delivering fire water to all areas in the refinery with minimal human intervention. In addition to the fixed equipment, the refinery maintains mobile equipment including a 5,000 gallon fire foam tanker, two high capacity fire fighting engines with onboard foam, three quick response support trucks with bed mounted high volume fire nozzles, a rescue hazardous materials response truck, and three oil spill response boats with several thousand feet of oil spill containment boom. All of this equipment will continue to be maintained in working order.

In the event of an emergency, we maintain a call out paging system to summon additional off shift personnel if needed. We also have the ability to draw resources from mutual aid

agreements within the Delaware Valley and our sister refinery in New Jersey. If needed, service agreements with contract oil spill and incident command system response organizations can be activated at any time. In the unlikely event a full ICS (incident command system) response is necessary, ConocoPhillips maintains a trained incident management assist team capable of responding onsite within two hours of activation.

At the Trainer Refinery we have worked very hard over the years to gain the trust and respect of the surrounding communities. We take this response very seriously, we take this trust very seriously and we will continue to be fully prepared to respond to incidents in a way that is protective of our surrounding communities and the environment.

Mr. Chairman, this is the end of our prepared comments.

CHAIRMAN BARRAR: Thank you. Mr. Pickering.

MR. PICKERING: Thank you very much. I submitted my testimony in advance, I'm not going to go ahead and read it, but rather you know let me say the situation at Sunoco is very similar to ConocoPhillips described. A way of introduction, I have over 30 years, I don't know if we need to get into exactly how many years of service I've had in the oil industry but it's been quite a bit. I've worked for a number of different companies, Mobile Exxon Mobile, Valero, and then finally ended up with Sunoco in 2006 where I've become the Senior Vice President of Manufacturing, responsible for both the Philadelphia Marcus Hook Refineries which comprised over 500,000 barrels a day of crude oil processing capacity.

Again, the situation with Sunoco is very similar to what ConocoPhillips described, the economics on the east coast are such that we've lost substantial amounts of money over \$800 million in the past three years. Those levels of losses are not sustainable, and if they we allowed

to continue they would have threatened the viability of the entire company and the livelihood of over 7,000 employees that are not directly related to refining itself.

So, we felt compelled to take action and as a result we announced on September 6 that we were idling the refineries, we announced that we would do so before July 1 of 2012, unfortunately the market conditions deteriorated beyond what existed back in September when the original announcement was made and so we felt compelled to shut down the Marcus Hook Refinery on December 1.

So unlike ConocoPhillips we do have some continuing operations in the refinery, we continue to supply marketing with product out of the Marcus Hook facilities. We also have some obligations with some third parties; RODEO, which is a small chemical company and Braskem which is another chemical company that makes polypropylene and so we continue to supply them with feedstock in the interim until the ultimate disposition of the refinery had been determined.

Similar to what ConocoPhillips described our sales process is ongoing and we are talking to a number of interested buyers that have the financial and technical wherewithal to continue operating the refinery. That process is still ongoing and will be playing out here in the next several months.

Similarly, we have a much lessened risk of profile at the refinery today than when it was fully operating we also shut down all the process units albeit a little bit later than what ConocoPhillips did, and we're currently in the process of completing the de-inventorying of all the hydrocarbons and the removal of all of the hazardous chemicals and materials that exist in the refinery with the exception of those ongoing operations that support some of the third party chemical companies our marketing operation and also our Philadelphia Refinery.

So, again with the reduced risk in the refinery we will be and are currently in the process of reviewing what our emergency response requirements will be going forward and we'll make sure that we continue to support whatever is required in order to maintain the safety of our employees, the community, and preserve the integrity of the assets. So with that, I'd be willing to entertain and answer whatever questions I may.

CHAIRMAN BARRAR: Thank you gentlemen, I appreciate your testimony. I'm going to ask the Representatives if they would like to start with the questioning, but I'm going to ask them to be very specific to keep their questions in line to the public safety aspect of this hearing and not to kind of delve off into the sale of the refinery, the impact, the economic impact. I think the focus of this committee has to be just mainly on the emergency situations that could occur, that the situation at the refinery dealing with the number of emergency personnel still on hand, that type of line of questioning. Okay? So I think Representative Kortz, you are first to go.

REPRESENTATIVE KORTZ: Thank you Mr. Chairman and thank you gentlemen for your testimony today. Mr. Erfert I'd like to first question for you please sir. You did mention in your testimony and on page two that you're essentially maintaining full staffing? Am I to assume you got everybody from the processing still at the plant or is that just an emergency crew just to maintain emergency staff?

MR. ERFERT: Yes, we do have everyone still on site associated with normal operations so to be specific we have just roughly around 400 employees and we've got very close to that number on site right now.

REPRESENTATIVE KORTZ: That's total employees, 400?

MR. ERFERT: Total employees, yes.

REPRESENTATIVE KORTZ: Okay, last question and for all you gentlemen. If you cannot find a buyer for the plant, what are your plans long term to dismantle the plant and take the tanks down and everything out? Is that like a 1 year, 2 year, 5 year time frame?

MR. ERFERT: Yeah I think you know our focus is completely on having a successful sale of the refinery of a qualified buyer and we have not thought a whole lot about demolition and what other options are beyond March 31. But whatever happens past March 31, we'll maintain the ability to have emergency response necessary to be self sufficient at that.

REPRESENTATIVE KORTZ: Okay thank you and, I'm sorry—

MR. PICKERING: Sunoco, were currently in the process of dismantling the Eagle Point, New Jersey Refinery so unfortunately we have some experience to draw on as to what that looks like. If we were unable to find a buyer, and we're still hopeful at that process will play out successfully, but in the event that we were going to demolish the refinery as you put it, that process would normally take a couple years. You know the process units themselves would normally come down in about a year's time and then the tanks would linger for some period of time thereafter but that's about what kind of process would.

REPRESENTATIVE KORTZ: Thank you very much, thank you Mr. Chairman.

CHAIRMAN BARRAR: Thank you Representative, Representative Hackett for several questions.

REPRESENTATIVE HACKETT: Thank you Mr. Chairman. This question could be directed to anyone on the board. I'm just concerned about security issues through the testimony that I've read and heard today here. Can you touch a little bit on security, concerned about homeland security and the Delaware River there if you don't mind expanding on that and how long you plan on keeping security throughout the process?

MR. FRANKS: Our plan is to maintain a secure facility throughout this process; we are maintaining a security workforce that will enable us to secure our fence line as well as identify a potential intruder. We're going to have people within the facility that are also part of our security plan that they are also a significant part of identifying any kind of threats that occur. At the facility we plan to have a security workforce that will be able to watch our fence line cameras as well as roaming patrols within the fence line and secure our gates.

REPRESENTATIVE HACKETT: Just a follow-up question and will that pertain to also the pipelines that are running out of the refinery?

MR. ERFERT: Yes, will maintain a similar security level.

REPRESENTATIVE HACKETT: Thank you.

CHAIRMAN BARRAR: Is that it? Thank you Representative Hackett. Representative Tallman.

REPRESENTATIVE TALLMAN: Thank you Mr. Chairman, this one here I guess is going to be for Colin and then the other two can chip in. As staffing is reduced at both of the facilities, in your testimony you give all kinds of good information on training, and as you lose skilled employees my question to you is, what level of training will the incident commanders have that will remain on site for whatever the time period is going to be, and I'm particularly referring to the NIMS (National Incident Management System) training?

MR. FRANKS: Throughout our operation as a refinery we have trained our personnel, we have trained instant commanders as well as response personnel, some of those same individuals will remain on site as we reduce staffing. Our plan is to also maintain some professional response personnel that are on around the clock throughout this process. We will also identify as we reduce numbers; our plan will be to respond to any emergency that we

believe could happen at the sites we'll evaluate our various scenarios and if there are any training gaps at that point we will also put together a plan to train personnel as needed for those gaps. At the present time I do not believe that we will have significant gaps in training at the facility.

REPRESENTATIVE TALLMAN: My question is, your incident commanders, to what level of NIMS training do they have?

MR. FRANKS: In terms of 100-700?

REPRESENTATIVE TALLMAN: Right. What numbers are your incident commanders at?

MR. FRANKS: Yeah, I have ICS training 100-700-800 actually; I've been trained as a trainer for incidence response as well and we provide that same incident response training to our incident commanders on site.

REPRESETNATIVE TALLMAN: Thank you.

CHAIRMAN BARRAR: Can I ask a follow-up question, is this the people that you'll retain and maybe I'm just not clear on the training aspect, will they have expertise or will they have minimal standards of training?

MR. ERFERT: I think I'll let Colin answer the specifics of that, I think it's again important to remember the overall risk of the facilities going way down, the number of emergency scenarios frequency and magnitudes going way down as well and we'll continue to evaluate what training is required but we'll maintain whatever expert training that is required and I'll let Colin answer the specifics of what that might look like.

MR. FRANKS: Our various individuals that we will maintain at this site will have various levels of training. We have an incident management team that receives NIMS ICS training for incident management, and we have people that respond directly to the incident itself

and they are on sync commanders as well as tactical leaders for responding to the incidents. So the training will really vary based on that persons responsibilities, but there will be a full range of qualified individuals both from fully trained ICS responders with NIMS ICS training to those people that have incipient response training and more advanced fire fighting oil spill response type training.

CHAIRMAN BARRAR: Dave, for my own understanding. You still maintain the tank farm, is that your responsibility out by on Cherry Tree Road, is that ConocoPhillips?

MR. ERFERT: You're referring to Chelsea Tank Farm?

CHAIRMAN BARRAR: Yes.

MR. ERFERT: Yeah, the Chelsea Tank Farm is continued to be owned by ConocoPhillips as part of the sales process, we hope to sell that asset. That asset is currently completely de-inventoried of any hydrocarbons.

CHAIRMAN BARRAR: There's nothing there, Okay.

MR. ERFERT: Nothing. It's really just sitting there waiting for someone to buy.

CHAIRMAN BARRAR: Okay, alright, thanks.

MR. ERFERT: I would also add to this, Representative Tallman, Mr. Franks is going to be staying well through this year so we'll retain his incident command expertise on site.

CHAIRMAN BARRAR: Mr. Pickering, could you answer the same type of question about what will take place, what type of personnel will be there?

MR. PICKERING: Well, we're currently we have everybody you know also employed, we have not let anybody go at this point in time. And we are retaining the folks that have the level of expertise that Representative Tallman mentioned, they are going to be retained, and we either transfer that expertise over into the operating organization that remains or we retain those

folks. But we are not going to lose the level of expertise that we have today. Again, were a little bit different than ConocoPhillips in that we do have some ongoing operations so we're not just an idle tank farm that's completely empty and devoid of all activity. So, we'll continue to keep the high level of expertise on site for as long as Sunoco owns the facility.

CHAIRMAN BARRAR: Of your current operations, how many would be classified as highly hazardous?

MR. PICKERING: Of our operations, what operations—

CHAIRMAN BARRAR: Of what you're scaling down, you said you still have some of the operations would be continuing that would be—

MR. PICKERING: We're continuing to provide ethylene oxide to RODEO and that is a highly hazardous material. We also continue to provide propylene to Braskem, that also is flammable material. We're also keeping the caverns operating so they contain propane, butane also hydrocarbons so that will remain active for the foreseeable future. In addition we do operate the tank farms, we do bring in product and we do supply that product to the marketing organizations, so we have tanks that are active and will remain active.

CHAIRMAN BARRAR: The tank farm on 322 will stay active and the distribution plant in Twin Oaks, they will still stay open?

MR. PICKERING: Yeah, those assets are owned by Sunoco Logistics our sister company, they are not actually owned by Sunoco Inc. per say. So, yes they will continue to remain active.

CHAIRMAN BARRAR: Do they, I know since it's a separate company may not know, do they maintain any fire fighting ability there in Upper Chichester?

MR. PICKERING: I don't know what capabilities Sunoco Logistics has but they operate 40-plus terminals and I'm sure that you know they operate that and have the appropriate amount of emergency response and fire fighting capabilities. But no, I really don't know exactly what they have.

CHAIRMAN BARRAR: Maybe after the hearing, could you furnish me with a name of who I would contact there at Sunoco Logistics and see if we could send them questions in writing and ask for a response from them.

MR. PICKERING: I could do that. Okay, I will provide you that name.

CHAIRMAN BARRAR: For a question, Representative Vulakovich.

REPRESENTATIVE VULAKOVICH: Thank you Mr. Chairman. Question I have now since Chairman Barrar asked, I don't have a view of this facility, the one that's going to close eventually, completely close, is it part of the same docket of land where these other facilities are still going to provide certain services to other companies or is it a separate piece of property?

MR. PICKERING: It's actually embedded within the existing Marcus Hook refinery. There's various locations within the Marcus Hook Refinery that we have the ethylene oxide unloading, the propylene, the caverns and the tanks they're all in various locations within the existing footprint of the refinery.

REPRESENTATIVE VULAKOVICH: So when this, when it, let's say at the end of March you start depleting your inventory with regards to the portion you're going to close, there will always be someone there as far as security and as far as emergency response. I mean once that's closed and there's no buyer, there's still going to be a part, there will still be some type of security and emergency response equipment and personnel there for as long as you have those other operations going?

MR. PICKERING: That is absolutely correct.

REPRESENTATIVE VULAKOVICH: Okay, and the worst case scenario that can happen when you close, I imagine there's a lot of empty tanks there and you deplete everything in them but with weather, heat, cold, dampness, is there any way that anything can build up in those tanks as far as fumes or anything that could be explosive?

MR. PICKERING: No, once the tanks are completely emptied, all the hydrocarbon is removed and then the tank is cleaned so there's no sledges left in the tank and then they are typically opened to the atmosphere.

REPRESENTATIVE VULAKOVICH: And would you consider, actually I guess it would, it is a brown field situation in the part that you're closing right, in another words if everything left there and you closed that off and you tore it all down, you'd have soil left, brown field with contamination?

MR. PICKERING: Well, the—

REPRESENTATIVE VULAKOVICH: There's no way it could not have some contamination to the ground right?

MR. PICKERING: Well I think prudence would dictate you would have to assume there would be some contamination that would remain.

REPRESENTATIVE VULAKOVICH: And do you guys have any plans for that once you close that sector to and tear down whatever facilities are in that sector do you have plans to clean up that ground or just leave it there for some buyer to come and buy it?

MR. PICKERING: No, in terms of if we sold the facility we would have conversations with the buyer about what to do with any lingering environmental issues that are on site. But if it went to a brown field and there was no buyer and we were going to demolish the facility then

there would be remediation activities that would take place to ensure any lingering environmental issues were properly addressed. We're working very closely, we paid up on that, in fact we had a meeting with them December 15 to talk about what all the environmental and implications are of a closure should it come to that.

REPRESENTATIVE VULAKOVICH: So there is a plan, it just won't lay there vacant once everything is torn down, there will be a plan to start to clean up that soil and the property of the facility that's removed.

MR. PICKERING: That's absolutely correct, we're not just going to walk away and you know and leave it at that, no, that's not going to happen.

REPRESENTATIVE VULAKOVICH: Alright, thank you Mr. Chairman.

CHAIRMAN BARRAR: Thank you Representative, Representative Donatucci for question.

REPRESENTATIVE DONATUCCI: Thank you Mr. Chairman, during the idling or the shutdown of a refinery, are there any governmental agencies or independent agents who oversee or monitor that specific processes or steps are taken and in the shutdown do all refineries follow a specific process or steps, in other words is there somebody to watch that if you have to shoot oil through a pipe to clean it out because somebody's not going to shoot water through it. I mean how does this whole process work?

MR. ERFERT: I think the question was, is there any oversight or any regulations that govern the actual act of idling or shutting down a refinery and to my knowledge the answer is no. One of the things we very much focused on and we did have some discussion and actually visit from PaDEP (Pennsylvania Department of Environmental Protection) was preserving the equipment for a new buyer potentially and there's lots of things you need to do with that and we

actually had some discussions with PaDEP in October and also some subsequent visits in December to look at how we were idling the facility, what we were monitoring, maintenance of permit requirements, adhere permit requirements, so that's been done along with PaDEP

MR. PICKERING: Yeah, let me just add to that too, as you start the shutdown process, which actually is not too dissimilar from what you would go through if you going to undergo maintenance for a refinery. But the follow-up in that there are a number of environmental requirements, monitoring to ensure that there is no volatile hydrocarbons emitted from pipes and what not that do come into play in terms of the ongoing monitoring if you will of the efficacy of the shut down process.

CHAIRMAN BARRAR: We've been joined by a couple other Representatives since the beginning here, Representative Tim Hennessey is here, Representative Ted Harhai, and Representative Perry. Are there any other Reps that have not been mentioned as of yet that have walked in? For a question, the Chair recognizes Representative Barbin.

REPRESENTATIVE BARBIN: Thank you Mr. Chairman. I'm just trying to get a handle on what it is that were supposed to be doing as part of this committee. And what I've heard from Sunoco is that they are shutting down Marcus Hook but there are still facilities that remain in operation so that their whole emergency response system is still in place. But from Conoco what I've heard is that 85 percent of the materials have been de-commissioned and that you would hope that somebody buys your facility, but I don't understand at the moment, what it is, why your situation is different than Sunoco because, and I guess that's because I don't understand what you're doing in your refining process and without knowing that, I don't know how the public can know whether or not we're protecting them in the process of whether it's a sale or are you just shutting this down and were going to have a brown field on our hand. So if you could,

what I'd ask you to do is explain, what did you do before and why aren't you doing any of those operations now in your process of trying to sell it like Sunoco is?

MR. ERFERT: Okay, I'll take a stab at that, I think one difference, a couple differences between Sunoco and ConocoPhillips; number one were a little bit on different time lines for our idling, we started in late September and Sunoco started in December, early December. And this whole process takes time. The other part is that Sunoco has some refinery units operating where as we essentially don't. We don't have third party facilities operating within our property. So in terms of the overall risk profile, again, I think it's important for the committee to recognize that the risk is much lower and there was really three areas that we significantly reduced the risk. The first is we stopped the refinery processing so if you look at historically just an accident record of any refinery where emergency response is required, most of those are caused when the refinery is in operations, it's the nature of high temperatures, high pressures, and the hazardous occasionally some of the hazardous aspects of a refining, so that's number one, that's been eliminated.

The second part, the inventories of hazardous chemicals, acids and caustic, and we've again been further along and we've had the time to fully eliminate all the inventories of hazardous materials, again inventories are a measure of risk if you will.

And the third aspect is just it's the 85 percent that you referenced, it's just the net of volumes of crude oils and diesels and gasoline's in our storage tanks, those are 85 percent less than a typical running refinery. So I think in almost all respects the overall risk profile is lower and our scenarios of potential are much lower.

REPRESENTATIVE BARBIN: Would it be fair to say that Conoco continues to have refining facilities outside of the Philadelphia area? I mean do you have any other refineries that you're not closing?

MR. ERFERT: All of our current refineries domestically and internationally are continuing to operate.

REPRESENTATIVE BARBIN: So why I'm asking that question is, in your testimony you said that all oil transfers have stopped. That to me means that in your facility that you're trying to sell you no longer have refine fuel for sale.

MR. ERFERT: Right, effectively we're not selling any material—

REPRESNETATIVE BARBIN: But you are other places outside the Philadelphia area?

MR. ERFERT: That is correct, sir.

REPRESENTATIVE BARBIN: Okay, and you still have all of these people that are working in your facility, your whole crew is still working.

MR. ERFERT: Yes.

REPRESENTATIVE BARBIN: What I don't understand is, isn't the facility safer and isn't it more saleable if you continue to have some operations run through your refinery, at least some transfer of gasoline? You can bring in gasoline from anywhere and you can refine it anywhere and you can have it in that facility and if you had it in that facility wouldn't that facility be safer because you still have your same crew and wouldn't it be more saleable?

MR. ERFERT: Well with regards to safer, I think were an absolutly the safest position possible with regards to salability, I know we're here to talk about emergency response, I think the things that we've done on the salability factor is we've gone to extraordinary efforts, our workforce has to preserve the equipment so we put it in to good shape for a buyer to take over

and there are thousands of analyzers, thousands of instruments, furnaces, pumps, and we took special procedures for each and every one of those to make sure they were in good shape for a new buyer.

REPRESENTATIVE BARBIN: And I guess where I'd like to try to finish this because and I'm going to try to stay in the confines of emergency preparedness, but the idea that this is veterans and this is a recession and we've been told for the last two years that we don't have enough refining capacity in the United States. When they had the big storm in the Gulf Coast, we were told the reason that prices went up was because refining capacity was less than 100 percent, so if those things are true and you're not operating a facility aren't you putting us, and I mean by us the taxpayers of Pennsylvania in the position where it's not as safe of a facility while you're doing this, and secondly, aren't we going to be responsible for the brown field if you don't find a buyer, if you shut everything down. And I don't think that's fair, I mean if you have a response to that, I'd be happy to listen to it, but this, we're here to protect the people both from shut down problems, from brown field problems, and from economic problems. And I don't see your actions since September as doing anything to help any of those issues.

MR. ERFERT: I think the best thing that were focused on is trying to find a potential buyer to sell a facility to, that's what we're completely focused on. Again our decisions to shut down were based upon economics, we lost money for three years running, it's a very difficult environment, there's regulatory requirements that have been passed, there's regulatory permits that are pending, we could not make it work economically.

REPRESENTATIVE BARBIN: When you say that do you mean by separate corporation or do you mean Conoco as a whole?

MR. ERFERT: The way we and other companies look at is each business, each refinery has to stand on its own feet and being here in the east coast with the situation we're in, this refinery was losing a significant amount of money.

REPRESENTATIVE BARBIN: Are any other east coast refineries making money?

MR. ERFERT: Do you want me to answer that Representative Barrar?

REPRESENTATIVE BARBIN: I'd like getting an answer to the question and then that will be my last question.

CHAIRMAN BARRAR: If you have an answer, great, but I think that's way beyond the scope—

REPRESENTATIVE BARBIN: No, I don't think it is, Mr. Chairman.

MR. ERFERT: I would ask the question as I don't know, but all refineries are configured differently.

REPRESENTATIVE BARBIN: I asked your refineries on the east coast? Question was are any of your refineries on the east coast making money?

MR. ERFERT: I cannot answer that question, sir.

REPRESENTATIVE BARBIN: Thank you Mr. Chairman.

CHAIRMAN BARRAR: Thank you Representative, are there other Representatives that have questions, anybody I missed, that I passed over? I have quite a few questions and I'm going to, my fire chief from upper Chichester David Holland, could not be here today, I'd asked him if he would testify, he is having some treatments for an illness, but he really came up with a great list of concerns dealing with the tank farm, the pipelines, the pumping stations, the fuel depot and waste water. If I got you copies of these would you be willing to submit answers to us in writing on these of how to respond to the fire chief there? And speaking of the fire chief and

Chief Holland and some of our other fire chiefs, have you sat down with any of the local communities with their fire chiefs yet and explained to them in what will take place and the type of responsibility that they may have in responding to fires currently at the refineries if your work staff is let go.

MR. FRANKS: We have not sat down with the individual fire companies at this point. We have attended meetings with the community environmental council's in that area where we talked about the lack of level of reliance on the community fire companies and things like that. Basically what we've talked about is that we plan to have the emergency response personnel in the plant to be able to be self sufficient, when I say that, that relies on our layered capabilities with our mutual aid agreements, our sister refinery in New Jersey, but we have talked to some of those folks, we do plan to talk more to understand where we are in this process.

CHAIRMAN BARRAR: Are you meeting with them individually as a group, is that something that I as a Representative in that region could help you with to set up a meeting with them? I'd be more than willing to get my fire chiefs together from Upper Chi, Marcus Hook, Trainer and I would think asking some of the other communities would really be interested in knowing what type of response, and I know it's not happening immediately, but we don't know where any of this will be in 6 months from today and whether more of this burden could be placed on our local fire companies. I know I can't ask you for this, but some type of commitment to keep them informed of what potential response would be required from them in the future as this whole thing, I mean the best case scenario is that the refineries are sold and you know we're all happy that our people are back to work and everything, but our big concern is our local firemen trained efficiently enough to deal with any type of potential hazard? I think at Conoco it may be less than Sun which is still doing a lot of a lot more I guess you would say hazardous

activity, not to elevate the activity there to an unreasonable level, but that's really my concern. I don't think our firefighters are trained and prepared and have the equipment to have to respond to a possible fire. I still, I'm probably a little older than you guys but I still remember the refinery fire in 1976 at Gulf Oil, my wife was an employee there at the time, the explosion of the Corinthian. I still remember the damage that did in the area and today who would fight that type of fire? Plus, I think one of our concerns is that both, I think both refineries your firefighters have a mutual aid agreement with the county and Sunoco Logistics, right? And what happens to them in these agreements of mutual aid if you guys are no longer staffing a fire department there? And I think it's there fair questions that is really the reason I ask for the hearing was some of the fire fighters were asking me, as I bump into them in the gas station or the gym or the Wal-Mart, wherever, what are we going to be called upon to do? And I really would like to see us facilitate a meeting with you guys with the local level to meet with our local officials there. We do have the Mayor of Marcus Hook here he's going to testify later on in the committee to hear what his concerns are, just some of my thoughts. I will submit these; I will make sure you get copies of these before you leave and if you can send us something so we can respond to Dave Holland on those.

Any of the other members, Chairman Sainato, comments?

CHAIRMAN SAINATO: Thank you Chairman Barrar, I would like to thank you for being here because I think this is such an important issue. As I said earlier, the safety is something we can't overlook and I know you said 85 percent is there but you still have the 15 percent and something could happen at any time. As Chairman Barrar said with our local fire departments, are they trained, are they able, and they do a fantastic job, but when you're dealing with chemicals and those types of issues, there's a lot of special training that needs to be done. I

would hope that you would keep people there as long as there's any hazard to the residents.

Thank you.

CHAIRMAN BARRAR: We have two more Reps. that want to ask some questions and then we'll let you go and bring our next testifier on. Representative Donatucci please.

REPRESENTATIVE DONATUCCI: Thank you Mr. Chairman, there's a lot of talk about selling these refineries, but if you don't get a buyer do you have any plans of importing refined products and if so, what new safety issues will these create and how are you going to handle these new safety issues? We hear a lot of rumors, Sunoco in Philadelphia is in the middle of my district, so we're hearing a lot of things that can happen if you don't get a buyer. So, I'm just curious.

MR. PICKERING: I'll speak on behalf of Sunoco, we obviously have a very large marketing presence in this area, so by not having refiners our supply would come from other locations, primarily up from the Gulf Coast. So yeah, there would continue to be activity you know, Marcus Hook, Philadelphia, Eagle Point, we have three locations currently in the general area, exactly how we would configure those three in the event we were unable to find a buyer for the Marcus Hook and Philadelphia Refineries is something we would have to work through, we have not done so yet but yeah there would continue to be a product we would bring into the area.

CHAIRMAN BARRAR: Thank you Representative.

REPRESENTATIVE DONNATUCCI: But how are they coming, like where is it coming from, is it going to be coming from foreign countries?

CHAIRMAN BARRAR: I'd really like to keep this to the public safety if you could.

REPRESENTATIVE DONNATUCCI: Okay.

CHAIRMAN BARRAR: Thank you.

REPRESENTATIVE DONNATUCCI: Alright, thank you, thank you Mr. Chairman.

CHAIRMAN BARRAR: Representative Vulakovich.

REPRESENTATIVE VULAKOVICH: Thank you Mr. Chairman, this is more of a comment. I, and maybe we just weren't clear with our questions or maybe you weren't clear with your answers, but you talk a lot about it incident command and how this is all ready. I get the picture that I don't know that you're really ready for this, if you're going to close this thing down in March and were already almost to the middle of January, to set up an incident command, you got to have a lot of communications so that everybody knows what their job is and what they're going to do and if you haven't even really met with the volunteer fire companies or paid the fire companies that might respond with the county as far as their emergency management, I think you're way behind schedule, that's the impression I get because these discussions should already be going on with the local people who are going to respond to these types of things and nothing is worse than when you show up at a scene especially where there is hazardous materials or where they were and you really don't know what's going on.

One of the things that I saw on some training I went through a long time ago was a fire company pulled up and it looked like they were far away from this one single tank car on a railroad track and it had a BLEVE (boiling liquid expanding vapor explosion), a hole in it that caught on fire. When that thing exploded, they were engulfed about 500 feet away. I just, I'm not getting the whole picture that you guys are really involved in the part that we're most concerned about on this committee and that's to have that plan ready and know what these fireman, so that these fireman know what they might respond to and do they even have the proper equipment to do it? Staging areas and triage and all that kind of stuff in an incident command system is pretty involved and I don't know, March? I think you should be more ahead on this issue. I think you

need to meet with those fire companies and anyone involved in responding there so you have this all worked out. And that's it Mr. Chairman.

CHAIRMAN BARRAR: Thank you representative. And gentlemen I want to thank you for coming here today and for your testimony, we truly appreciate it. Thank you.

Our next testifier is Mr. Ed Truitt with the Delaware County Director of Emergency Services.

MR. TRUITT: I gave you a bunch of paperwork; I'm not going to read all of it.

CHAIRMAN BARRAR: Okay.

MR. TRUITT: That's like PowerPoint presentation for our guys reading every word of everybody else can see. I'll paraphrase it somewhat, is that my sole concern in my capacity is that what happens when this side, our side of the fence line with regard to public safety and allaying the fears of the surrounding community. Now operating under the Superfund Amendments of Reauthorization Act of 1986 commonly referred to SARA Title III, that Act stipulated that those people are manufacture store or transport extremely hazardous substances are abound by the Act. They are required to have emergency response plans should an event occur, that same Act also created the Local Emergency Planning Committee, LEPC, and in Delaware County that's chaired by co-chaired by Ed Doyle who was a former employee of BP and a former employee of Sun Oil, been on his own for the past 10 years who is highly regarded in the neighborhood. For some reason they named me as the on scene coordinator in accordance with the Act, they just didn't define what an on scene coordinator does so it gives me a whole lot of latitude to make that definition myself.

On December the 6th I met with Mr. Franks and their emergency response fire person McClure at the county 911 center and told him what our concerns were, requesting that they

supply us with a plan by December 31 and in that plan they should include the need for 24/7 on scene fully paid hazmat and fire brigade response. And the reason why that is critical is because their hazmat and fire brigade personnel on litigating an incident within their fence line. Jay Schiliro will tell you, who's not just the Mayor of Marcus Hook but also a firefighter that the volunteer fire community in the environment are in support in those highly trained personnel but would be ill prepared to command an incident within their fence line. December 31 came and went we got, received no plan, Ed Doyle advised me, he contacted or attempted to make contact with the ConocoPhillips personnel on numerous occasions got received a response. I became concerned, what I did, I contacted or re-contacted my enforcement agency for SARA Title III is EPA, I made contact with my contacted EPA to let them know in Early December what our plans were about meeting with the refinery personnel on this issue. I said I don't want you to do anything because I don't want you to do something which could have an adverse effect upon a sale; I just want to keep you abreast because we may be needing you to validate what plans are being made. Last Wednesday he called me, and I told him my experience with ConocoPhillips, by the way, Sun Oil, their plan is not do for us for another couple of weeks yet but meeting with their personnel. He told me that apparently the refineries have been meeting with DEP on the issue and I don't know to what extent I was a little bit confused because I was under the impression from SARA Title III that the LEPC was the jurisdiction authority working with the EPA and I welcome the support from DEP, I'm just a little curious as to what they would be doing, DEP has not contacted us by the way about emergency response.

What's further confusing is that the Seminal property extension to the State of Delaware so I'm not sure to what jurisdiction DEP has in another State and I don't want to open that door because sometimes those people in Delaware, oh never mind. In any case, he told me he was in

touch with Mr. Kenny or Mr. Kennedy from DEP in the Conshohocken office on the issue and he re-contacted him again to advise him, hey what are you guys doing about our emergency response and I don't know whether or not he made that phone call or not. I have not received a call from DEP. What my suggestion is is that, and he agreed, let's all put all the players into the same room together, EPA, The Coast Guard because the Captain of the port has jurisdiction between I-95 and the river, DEP, and anybody else who wants to play. Come into the room together, sit down and let's come up with a plan. Now with DEP, EPA, the Captain of the port we can probably provide a validation for the allegations which are being made, keeping in mind, come July the 1 these people making plans may be unemployed, so who do we hold accountable? Between those three agencies, I'm sure they can find somebody to be held accountable. What's nice about EPA is they can do some nasty things for people who are not being held accountable. Now it may sound like I'm overstressing it, understand my philosophy is always better when it comes to the matter of public safety, I don't really 100 percent trust the face I see in the mirror when I shave without validation and I am a strong believer in validation but I think we got to get all the players together, come up with a plan, bring the folks in, and let's do something.

I really didn't want to exclude anybody from the planning process because I think you folks have learned in the past, if you exclude somebody who feels they should be a player and they're not a player they walk past a room and might throw in a hand grenade that screws everything up, I'll let good and glad all the players, lets black it out. Figure who's in charge doing what and when, that's what we need. And again, this whole concern from our standpoint is our side of the fence line with regard to allaying the fears of the constituency and also making provisions for proper public safety. I hope I haven't talked too much—

CHAIRMAN BARRAR: Not yet, we'll let you know, so, Mr. Truitt would you be okay if we asked Mayor Schiliro if he would take the seat next to you and give his testimony and we'll question you together?

MR. TRUITT: Sure, we both share the same configuration so.

CHAIRMAN BARRAR: That's what I figured.

This is Mr. James Schiliro who is the Mayor of Marcus Hook where the Sun Oil Refinery is stationed.

MR. TRUITT: Status might be because he's also a volunteer firefighter.

MR. SCHILIRO: First off before I have some remarks, I'd like to go onto those remarks, I just have a few questions as well. For those of you who don't know me, my name is James Schiliro, I'm mayor of Marcus Hook Borough, I will like to thank Representative Barrar once again for pulling this meeting together, all the State reps, and the delegations that are here today as well as one of my council members Brian Mercandante who rode up with me, Mr. Truitt and everyone else.

I was very happy to be able to listen to the representatives from ConocoPhillips and Sunoco go first, I had a hard time sitting on my chair keeping my mouth shut, which usually isn't a good thing of mine, but I did it and I have a couple of questions that statements were made since Mr. Truitt stated I was a volunteer firemen for 13 years, I've done the training down at Texas A&M and some other refinery trainings, I know what kind of hazards are in those refineries. I fought several fires in that refinery for days for the tank fire over in Trainer and the ethylene fire recently happened at Sun Oil. These things do go boom and it doesn't matter if there's a large quantity or a small quantity, they still go boom. Even though they are taking their processing down, their units and they are taking product out, what they didn't say is they are

taking all of the product out. There is still going to be product left in these facilities. So, when they say they are going to have the appropriate response available to what product they have in the facility that makes me worry.

My question to them is, what type of response? Are you going to have the foam tankers there, are they going to stay, are you taking the foam tankers to Philadelphia? The equipment that's in place there for a fire now with the refinery in full operation are you going to take that equipment and split it up because you don't have all that product there? That's a problem that I have and I know that my residents are going to be concerned about, so my question directly is what equipment are going to be taken out, how much product is going to be left behind? One of the other things before they answer that question is once again Representative Barrar and the delegation, Congressman Mann and everyone else involved has done their best to get these refinery Representatives together, however I continue to see the same faces, this is an Emergency Preparedness Meeting, emergency personnel from Sunoco should be here, they should be representatives, there isn't, unfortunately the people they sent up can't answer any type of fire hazmat questions, they're not trained for that. The response for days for ConocoPhillips they did provide a gentleman that could answer those questions. Sunoco once again, there's no representative from Sunoco here that can answer the tough questions, and especially when it comes to emergency response for the lives of my daughter and the rest of my residents, I want to be able to have an answer to those questions and there is nobody here that can answer them. We need to make sure that our refineries are safe, we need to make sure that the equipment stays in that refinery for fire protection and they say that there will be a level of training for people that will be there to handle the situation.

Witco Chemical Refinery shut down, perfect example, it's been closed for years, closed down for years, we had an incident there several years ago when it was shut down, that could have wiped that part off the map, it does happen, it will happen, hopefully it doesn't, but you know it's there so we just want to make sure that we have the adequate enough people there and trained people in order so that doesn't happen.

So, let me read what I, I recently had a meeting with my fire department officials, Chief Tony Capasso, Chief Jamie McClure, and Chief John Clausen and we sat down and they had some remarks they wanted me to read off if you give me a couple of minutes. The Borough of Marcus Hook is protected by an all volunteer fire department, all volunteer fire departments across America struggle to provide service with an ever dwindling staffing level and a short volunteer membership retention time. Alone the Borough fire department lacks the ability or the technical knowledge and would be unable to sustain with expertise the handling of the extra hazards presented by the Marcus Hook Sunoco Refinery and ConocoPhillips site. For decades Sunoco and ConocoPhillips recognized that the operations of these facilities presented an extraordinary hazard to the Borough requiring trained and equipped fire department in their facility. There are countless examples of facility fire department successfully handling emergencies that it would threaten the community if not for their immediate response. Just because the facility is not processing crude oil, there continues to be potential hazards on the site, for example; the storing and transferring of ethylene oxide, the storing and transferring of ethylene, the transferring of propylene, the continued manufacturing of racing gasoline, as well as a large underground caverns that hold liquid propane gas. In fact, the largest significant fire in the facility of recent history was caused by a failed pipeline releasing a large flammable vapor cloud and the fire of ethylene that burned for over a day. In addition, one of these caverns was at

one time overfilled spilling flammable gas into residents basements; the operation of this cavern requires emergency response capabilities by illegal consent decree.

It is our understanding that these caverns will continue to operate inside these refineries. My fire department does not have the proper training or equipment to handle emergencies relating to the above examples. We would need the assistance and expertise of the onsite fire department to assist us in the knowledge of the refinery process. Sunoco and Conoco must, with this continuing operation, continue with the responsibility to maintain a trained and equipped fire department. The Borough of Marcus Hook deserves and requires protection for the hazards presented by Sunoco and Conoco and associated potentials of a catastrophic fire emergency.

I'd like to thank you guys everyone here for giving me a chance to speak and I would hope that we could possibly get that plan from both Sunoco and Conoco on what type of emergency preparedness they indeed to keep on site there at the refinery.

CHAIRMAN BARRAR: Did we get a copy of your written testimony?

MR. SCHILIRO: No

CHAIRMAN BARRAR: Can we get that put together and out to the members because your statement is very strong and actually what I was not all hoping we would hear, but the strength of the statement was great, I'd appreciate it.

MR. SCHILIRO: Absolutely.

MR. TRUITT: Mr. Chairman?

CHAIRMAN BARRAR: Yes?

MR. TRUITT: This is a follow-up; I've been in contact with Jay during this process, I've nothing to tell him because we don't have anything that been told to us. So I would like the planning process to commence so we can get working on this thing.

CHAIRMAN BARRAR: So would we.

MR. TRUITT: And whatever help you need from us, you got it.

MR. SCHILIRO: Please don't hesitate.

CHAIRMAN BARRAR: And you still haven't had anything yet from Sun Oil? And they're due when?

MR. TRUITT: That's not due for another week yet. So, I haven't gotten anything from ConocoPhillips.

CHAIRMAN BARRAR: Okay, questions from the members, I'll start here on the right here, are there any members with questions anybody over here? Representative Barbin.

REPRESENTATIVE BARBIN: Thank you Mr. Chairman, and thank you for coming up. I do think all of these issues are tied together, but what you're telling us is that we don't have anything, no written response for a response plan that we can even review for the hearing. In addition to that we written testimony, but only written testimony from DEP from Community and Economic Development and nobody's here to testify.

What I'm worried about is what you seem to be worried about is you have no way of knowing what obligations are going to be left with Marcus Hook. And I think that's unfair to, I think we really should have a hearing where we have the information first and you should be asked to come back.

MR. TRUITT: Well the clock is ticking; we need to know who's going to be in charge or is nobody going to be in charge or is everybody going to be in charge? We need a plan. Might I suggest, we'd like to empower the local municipality but we need the information and the initial plan to be able to do that. As I said to you, we should have maybe DEP, EPA, Captain of the port, and anybody else you want have into the picture. Sit around the table, all it needs is people

around the table discussing a common issue and deciding who's going to do what and when and people who have clout, I assume that EPA has clout, I assume that DEP has clout, who has the most clout, I don't know but I'll take as much as I can get. Again, I don't want to do it in such a way that it will dissuade somebody who's a potential buyer.

MR. SCHILIRO: Absolutely not, and I think the thing was to add on that, I'm sorry, Mr. Truitt, is the fire chiefs of each oil refinery or some type of emergency response coordinator for those fire companies to sit down with us as well and say, you know when we leave this is what we got in the facility and this is how we plan on attacking if there's an incident. That was the failure of what happened at Witco, they didn't know it was there, it caught fire and it was terrible. We can't have that happen in Marcus Hook, there's just too many chemicals that are still in those facilities that if that small fire happens and your response time is under so many minutes, it's over, so, that's a real concern.

MR. TRUITT: Come July the 1st, everybody leaves; he and his firefighters are going to be in trouble.

CHAIRMAN BARRAR: Dave, do you have any idea where that plan might be or if that would be forthcoming?

MR. ERFERT: Yes, we were unaware of this deadline.

CHAIRMAN BARRAR: Okay.

MR. ERFERT: Get us get the LEPC here in the next week or two. I do think the suggestion by yourself and everybody communicating and where we're headed in a local level is good, we do have plans you know, which is something talked about today, but I think we should get around a table and clarify that's certainly something we're willing to do.

CHAIRMAN BARRAR: Jay if you want to coordinate with Beth in my office and we can get the fire chiefs together, set a meeting date up in back in the district. We will take care of that immediately and invite the interested parties, the parties we want, you know that are required to be there.

MR. SCHILIRO: Absolutely, thank you.

MR. TRUITT: We also need to know what's going to be the role of the Commonwealth and what's going to be the role of the county under when the federal, one of the State legislators, bring everybody, I don't care.

CHAIRMAN BARRAR: That's, I know we would have to have the DEP there and PEMA should be there. We did get a statement here from the Governor, but he basically raises the same issues that you're raising Jay basically about the training of the volunteers whether they would even be qualified and I'll just read a statement on here.

One issue that does need to be examined is that the refineries have their own trained personnel "on-site" who are the first to respond in the event of a fire or other emergency incident at the facility. PEMA and OSFC are unaware of these "on-site" responders will remain at the refinery until they are idle or probably sold... If the "on-site" personnel are phased out prior to the idling, it will require local fire companies to be the first responders for an incident. With many volunteer and career fire departments struggling with budget cuts and less staff, it will no doubt create an additional burden on the local first responder community.

So I mean did that come from the Governor's office or, where did that, okay, yep, and if you want a copy of that, I can make you copies of this.

MR. TRUITT: Steve I think that you and Joe and others have been to more line of duty firefighter deaths than we have law enforcement deaths in Delaware County. I don't want to go to another one.

CHAIRMAN BARRAR: I agree with you.

MR. TRUITT: I'm totally concerned.

MR. SCHILIRO: That is a big concern. A lot of the older firemen and that belong to these fire companies had the training in Texas A&M in Reno. Sunoco and Conoco in the recent years paid for that training. However, those days are gone, so we have a lot of young firemen, when I say young, 18-25, that don't have that type of training. So that call is put out for an ethylene fire inside of Sun Oil and they respond and just throw water on it, we're in trouble. So we, that's why obviously there's a big concern. So, you know, fighting hazardous materials fires is ten times different than fighting a structural fire. It has to be different equipment needs to be used, it's a whole different type of training, so we just want to make sure when and if that call ever rings out that our men are properly trained, men and women are properly trained to handle it. So I think that would be a great idea to get the fire chiefs and everybody in the same room and I'll call your office as soon as I get back and set that up.

CHAIRMAN BARRAR: Thank you.

MR. TRUITT: Just a matter of information, ConocoPhillips is a HF refinery, Hydrogen Fluoride, I believe it to be the only one on the east coast, the other three in the nation are on the west coast. HF is a very nasty substance. There are three different classifications of hazmat, stuff, bad stuff, and real bad stuff. HF is real bad stuff. I'd be, Jay would not want to send his personnel into an HF situation because the results could be rather catastrophic.

MR. ERFERT: There are dozens of hydrochloric acid facilities in the nation, we do not have any more hydrochloric acid on-site at our facility.

MR. TRUITT: But we need validation for that.

MR. ERFERT: It's in my testimony.

MR. TRUITT: I mean, you're a salesman right now, I understand where you are coming from. I'm German, I need validation.

MR. ERFERT: And we're happy to discuss this at this meeting.

CHAIRMAN BARRAR: Okay, great, are there other questions from the Representatives that are currently present? Anybody?

Gentlemen, I want to thank you again for your participating in this hearing today. As we all can agree proper emergency planning and response procedures are paramount for the communities that surround the facilities such as these refineries and manufacturing facilities and I think today's hearing was very helpful to our goal of ensuring that safety of the public is indeed at the forefront of what we do here. And Chairman Sainato, did you want to make any closing remarks?

CHAIRMAN SAINATO: Yes, Mr. Chairman, I'd like to thank you and the staff for putting this committee meeting together today. I know when we met in your office back in December this was a very important issue. I thank everyone for participating today and I'm very happy with the number of members from the legislature that came out today in an off week because it's very important. This shows that the issue is very important to us in the legislature and I'm hoping that you can get this information on the work together, get this done. The safety of the people, as I said earlier, is the most important thing. That's really all I have to say.

CHAIRMAN BARRAR: Thank you everyone for being here and members for taking the time to get here today, I truly appreciate it. Thank you, the hearing is adjourned.

(Whereupon, the meeting adjourned at 2:52 PM

The above is a full and accurate transcript of proceedings produced by the Chief Clerk's Office of the Pennsylvania House of Representatives.

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