

DCA13MR002
Conrail - Shared Assets
Derailment/Hazardous Material Release
Paulsboro, New Jersey
November 30, 2012

NTSB - Interview of Washington
Township Volunteer Fire Department
Chief

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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CONRAIL DERAILMENT/HAZARDOUS

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MATERIAL RELEASE

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Docket No.: DCA-13-MR-002

PAULSBORO, NEW JERSEY

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NOVEMBER 30, 2012

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Interview of: RICHARD SUMEK

Washington Township Fire Department
Headquarters
213 East Holly Avenue
Sewell, New Jersey 08080

Tuesday,
January 29, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: MUHAMED EL-ZOGHBI
Accident Investigator

APPEARANCES:

MUHAMED EL-ZOGHBI, Accident Investigator
Office of Railroad, Pipeline and Hazardous
Materials Investigations
National Transportation Safety Board
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Washington, D.C. 20594

** PII **

** PII **

PAUL L. STANCIL, Senior Accident Investigator
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I N T E R V I E W

(11:30 a.m.)

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3 MR. EL-ZOGHBI: This is Muhamed El-Zoghbi, a Hazardous
4 Materials Accident Investigator with the National Transportation
5 Safety Board. Today is January 29th, 2013. We are here -- it is
6 currently around 11:30 a.m. at -- and we are located at the
7 Washington Township Fire Department in the conference room.

8 To start off, we'll go around the room and have
9 everybody introduce themselves.

10 CHIEF SUMEK: My name is Richard Sumek, S-u-m-e-k. I'm
11 with the Washington Township Volunteer Fire Department. It's a
12 career combination department, and I represent the volunteer chief
13 side.

14 MR. STANCIL: Okay. And my name is Paul Stancil. I'm a
15 Senior Hazardous Materials Accident Investigator with the National
16 Transportation Safety Board.

INTERVIEW OF RICHARD SUMEK

BY MR. EL-ZOGHBI:

18
19 Q. And can I say Chief Sumek?

20 A. Yes.

21 Q. Okay. Chief Sumek, what I would like to do right now is
22 ask you to look back on November 30th, the date of the Paulsboro
23 derailment, and if you could, in a narrative format, describe to
24 us your involvement, what you saw, and anything you'd like to tell
25 us about the incident.

1 A. On November 30th, as I recall, it was a Friday, correct?

2 Q. Uh-huh.

3 A. A Friday morning. I was alerted to the incident
4 approximately 7:30 a.m. by Chief Hoffman via telephone. He called
5 me personally and said, have you been monitoring what's going on
6 at Paulsboro? And I said, no, I'm sleeping and I didn't have the
7 radio on. He said we had a major incident with railcars derailed,
8 one breached and two in a river.

9 At that point in time we talked briefly about the
10 operational response from the Washington Township Fire Department.
11 We have a large contingency of manpower that goes with the
12 hazardous material team which is known as CBRNE in Gloucester
13 County, and we have I believe a total of 14 technicians. I am not
14 currently a part of the team, but myself and Chief Hoffman are
15 also state certified as hazardous material technicians.

16 In my capacity that morning, he solicited -- we need to
17 send a chief officer; it would be him or I to go out to work as a
18 liaison between the hazardous material component of Washington
19 Township and our secondary backup unit, which is a decontamination
20 unit. It's known as Decon 10. That traditionally is staffed by a
21 few career firefighters and a few volunteers. We try to deploy
22 10. If we can get a mix of eight, that's fine, we can work it out
23 until we get there and see what we have.

24 That morning, I got dressed, I got cleaned up. I came
25 over to headquarters. I have a chief's vehicle assigned to me.

1 The team was already forward of me. I want to say I got here
2 about 8:15. I picked up one other volunteer, which was Nick
3 Castagnia (ph.). He's a younger guy. I got my orders from the
4 chief and I was deployed as a liaison chief between the
5 decontamination unit and Washington Township Fire Department's
6 hazmat techs, and just report to Paulsboro.

7 I drove to Paulsboro. I want to say I was on the case
8 at 9, 9:00, somewhere around there. I would have the run card if
9 needed. Signed on the location and met with approximately 14 --
10 13 or 14 of our people on site. I reported to the forward command
11 post, which was a field com unit. I signed in and I was inquiring
12 in reference to my manpower on site. It was being led by Captain
13 Pat Dolgos. He was acting as the hazmat branch director.

14 Pat was probably an hour ahead of me in the incident.
15 He was notified first, I believe, as a -- county has it broken
16 down into an assessment group, who are a forward group of core
17 people, four or five or whoever is available, can make a quick
18 assessment. Well, naturally upon dispatch they had a major event.
19 So he immediately had the whole team dispatched, or the county did
20 that. I don't have the particulars on that.

21 When I got on location, I met with Pat briefly, and I
22 was instructed over to Captain James Lee, who is also a career
23 captain here. At that point in time we were located on North
24 Broad Street in Paulsboro at the Ames parking lot. We had -- I
25 was instructed that we were approximately 1.2 miles from the

1 crash. We were in a parking lot where patients were brought to
2 the location to be gross deconned, and I want to say that there
3 was 18 workers that were working along the tracks who were in the
4 general vicinity, and they were positioned over against the
5 building and gross decontamination was beginning.

6 We had four or five decon guys over there with portable
7 tents and they had one air monitor with them to gross decon these
8 workers because the EMS people refused to transport to -- from any
9 part of the site to the hospital without decontamination, which
10 was an excellent move. How those workers got from the crash site
11 to Ames, I have no idea. I got there and they were up against the
12 wall standing there.

13 The information came back to me, and I was, at that
14 point in time, just trying to figure out who we had where, get my
15 accountability together, find out how many actual guys I had
16 assigned to the tech team and how many guys are on decon. They
17 were working that and sending four guys over to decon. So it was
18 kind of chaotic at the event at first, but we were well, you know,
19 away from, if you would call it the hot zone, even though it
20 wasn't instructed as the hot zone at the time. I felt comfortable
21 at the range I was at because I know the City of Paulsboro pretty
22 well.

23 As that operation was going on, we assisted by giving
24 some Tyvek suits. Basically we had the team that was hands on
25 with those guys decon them, strip their clothes out, bag the

1 clothes, and put them into Tyvek suits so we could get them into
2 an ambulance and transport them up to Underwood Hospital.

3 That event was happening simultaneously to us deploying
4 our decon unit, which is a 28-foot box trailer. All the guys were
5 pulling everything out to set the tents up, the heaters. A fire
6 truck came up from Gibbstown Fire Department to give us water if
7 we needed it. We were setting that up as Ames was going to be our
8 command post.

9 I want to say 9:30, quarter of 10, Captain Dolgos was
10 sent forward to the scene to do a site inspection or evaluation.
11 To his recollection, it may have been earlier. He went forward as
12 an individual to get a good hands on what was going on forward and
13 to see if we were in a functional location.

14 At that point in time there was no air monitoring
15 established for anything other than our decontamination site and
16 specifically along the building of Ames Department Store, which is
17 closed. So we weren't -- we didn't have the patients in more risk
18 and our men were protected. Those patients were deconned, dressed
19 out, clothing was captured, and they were transported.

20 At that time we got the call that the captain wanted the
21 hazmat team to move forward to Commerce Street and the railroad
22 tracks. That would be approximately a mile in towards the scene.
23 With the components as large as it is with the tractor trailer of
24 tech group and decon unit, I made the suggestion to the teams, if
25 the hazmat team's going forward, we're going with them with decon

1 because we wanted to gross decon immediately on those people.
2 Everything was wrapped up. We moved as one unit, tech and decon,
3 we moved up into Commerce Street and the railroad tracks, and from
4 there I want to say we were apparently 300 yards from the scene.
5 We vaguely could make out the bridge and the tanks upside down or
6 in the water, what have you, but we had a decent buffer zone
7 between us and the crash site.

8 Pat assigned -- as he took over the branch director's
9 position of hazmat. He assigned a firefighter, a firefighter
10 technician from Washington Township, Joe Schmidt, as the
11 operational director of the team, and Joe is a member of the
12 Gloucester County team and he's one of our guys that's certified
13 as a technician. We were identifying how many actual technicians
14 we had and how many people we needed to be available for tech work
15 and how many we needed for decon.

16 James Lee was in charge of the decon and I was still
17 acting as the liaison. We positioned my vehicle as a command,
18 forward command function just for us, and out of that truck I was
19 -- I maintained accountability and I assumed the site -- our site
20 safety just for our conglomerate.

21 The forward commander at the time, I heard on the radio,
22 was the chief of Paulsboro Fire Department, Alfonso, and his last
23 name slips me. He was operating as the incident commander. His
24 deputy chief was Gary Stevenson. It's unique with Gary; his house
25 is located on the tracks. If you guys were out there, you know

1 what I'm talking about. He was the one that called the incident
2 in. Gary was readily available to us back and forth. We were
3 more or less getting everything established.

4 Pretty much simultaneously as we moved forward, the
5 tractor trailer was set up, the decon trailer was there ready to
6 go. We didn't deploy anything back out because it's a 20-minute
7 in and out of the trailer. Some of these units are really huge.
8 Everybody stand fast until we see, are we staying here or are we
9 moving again, what have you.

10 Pat, the captain calls me and Joe, we have to go to a
11 briefing. I told all the men, stand fast here, get some air
12 monitoring established for our position here, we'll be right back.

13 We get called into a church and I think we were within
14 250 feet of the crash. Right behind Gary's house, there's a side
15 street and there's a small church. The room was maybe, in
16 comparison to this room, one half size larger. It wasn't a big
17 church. It was the size of a two-car garage.

18 Going into the church in the side door, I looked out and
19 I could throw a rock and hit the tank cars, and I was kind of
20 suspect. They had a cloud. They had a discharge. Okay, we're
21 going into this church.

22 At the time representation in the church was the chief
23 of the fire department, Alphonse; Gary was his deputy. The mayor
24 of Paulsboro started filtering in; New Jersey State Police, and I
25 don't recall if he was a lieutenant -- I'm familiar with the one

1 trooper, Greg Godish who was standing next to me. He's a Regional
2 Emergency Management guy. Police, EMS, whoever was dispatched had
3 representation in the room is the best way to say it. Conrail was
4 there. CSX was there. He gave us a briefing, okay, we had a
5 train derailment. He introduced himself, I'm Chief of Paulsboro
6 Fire Department. We have this event going on. You know, thanked
7 everybody for coming and now what we have to establish is what
8 we're going to do and how we're going to do it.

9 Immediately the State Police -- oh, I'm sorry. A key
10 component to this is that the Valero Fire Department, known as the
11 Paulsboro Refinery, they -- their gates basically surrounds --
12 Paulsboro is built around this environment. They have two of the
13 best people in the tri-state area that, in my knowledge -- and
14 I've trained under both of them. I've worked with both of them.
15 The chief of the fire department was Pat Robinson. He's pretty
16 much a guru of hazardous material, flammable liquids, foam. He's
17 the guy if you get into a pinch you want to talk to him. He was
18 there.

19 His second in command is a guy named Calvin Hargie (ph.)
20 who used to be a volunteer here. Calvin's the same standard.
21 These guys, they trained all around the world. They're the best
22 of the best. I felt very comfortable with them.

23 The chief was immediately inundated with requests. We
24 have to move out of here. We're too close to the incident. We
25 don't have knowledge of the air levels here or the monitoring.

1 What do we have in position? The chief was a little mind strong
2 at the time and insisted, we don't care where you guys take your
3 command post; we're staying right here. The main guy, and I wish
4 I knew his name for you, from the state police, was emphatical:
5 We need to move this operation. This is a large event. We need
6 to get back. Okay. Is your town hall available? Is the library?
7 Something we can get us as the commander safe in this incident.
8 And it went on for a good 15 minutes and the chief just didn't
9 want to do it. Finally, somebody intervened and said, okay, our
10 next briefing will be at Town Hall.

11 So what they came up with is they were waiting for
12 experts from the rail people to come. They had a chemist that is
13 -- I guess he's the expert in vinyl chloride, being flown in, and
14 they said he would be here in hours, if not two hours, and they
15 pretty much said there would be no forward operations at the time.
16 They had CSX -- or Conrail had a team coming in for air
17 monitoring.

18 They were working with the reverse 911 system to notify
19 people for an evacuation zone. They didn't have at that point in
20 time how many blocks, to my knowledge, that were going to be
21 totally evacuated. They did isolate probably 10 blocks of the
22 rail track that we were in that we had no -- you know, we had no
23 contact with the public. The police had the roads shut down for
24 us for that much.

25 Nobody gave us a geographical map or topographical view

1 of the incident to say this is the plume; this is where we need to
2 be; this is an exclusion zone; under no circumstance do you move
3 forward without -- SCBA was never mentioned. Air purifying
4 devices were never mentioned. Levels were briefly talked about,
5 and specifically the teams that were forward, including our hazmat
6 team, we use the MX6 meter. It has six different functions, and
7 it doesn't have a specific setting for vinyl chloride. So what
8 are the thresholds? What are the comparison charts? I know Pat
9 was actively working on that.

10 Pretty much everything was on hold until this chemist
11 got on site. We were sent back to the outside, prepare your
12 equipment for air monitoring. We're waiting also for a second
13 move is they had some apparatus around, they had some large
14 diameter waterlines established if needed. We were assured by the
15 rail people that there was a few things in our favor that day.
16 Number one, the one tank that breached, they believed it totally
17 discharged everything. The chemical itself was in water, and
18 that's the best way to scrub this chemical is in water. So what
19 was left at the waterline was being cleaned as it was in the
20 Mantua Creek. And the third thing was the element of the
21 temperature that day was cool. We didn't have to deal with a high
22 flash point, heavy concentrations or that. So it was hurry up and
23 wait, get everything at ready. Your position is okay where we're
24 at right now.

25 I went back with the teams, with Joe. Pat was summonsed

1 to another meeting. He was to be introduced to the CSX people and
2 Conrail. They were bringing their hazmat teams in from Baltimore.
3 That specific man was Mike Austin. I have a world of respect for
4 him. He's phenomenal, and how he integrated his position between
5 law enforcement, hazmat and to work with volunteers, because
6 you're going into a volunteer city, was phenomenal. I have
7 nothing but the best to say about the guy. He got on site, I want
8 to say 1:00, maybe a little bit sooner. He was the one who came
9 out and spoke with us and said you're fine where you're at right
10 now. We're going to do additional air monitoring. CETH [sic] is
11 a company who was going to come in with a fixed monitoring system
12 for the whole City of Paulsboro.

13 The only glitch that I had, as the day was going on, was
14 -- well, not the only glitch, but one of the major glitches, was
15 we deployed -- we actually sent back for a second meter. I made
16 inquiry to the only person that I saw there was Pat Robinson. I
17 said to him and Calvin, I said we have one meter right now, and I
18 just was explained by our technicians that the air monitoring
19 devices that are on the tractor trailer are inadequate or not
20 working. It's as simple as that. I tried to keep it brief. They
21 went, oh, okay. I said you have sufficient air monitoring on site
22 to protect us and you? He said, yes, I have 14 meters right now
23 on site.

24 That made my decision, we could stay. We could work
25 along with these people. I said if you guys are leaving before

1 they get CETH into position or our team has a good vinyl chloride
2 calibrated meter, if you say you're leaving, we'll leave. He said
3 I have it worked out -- because my concern with this is working
4 with the refineries before. They'll come out and help, but their
5 bosses want them back in the gate immediately. They have a huge
6 protection issue plus they don't like them interacting outside as
7 much as they were doing. So he had the key component. He could
8 pair up two of my guys with one of his guys with a meter and we
9 had a nice circle of protection of us. I can't say that for the
10 Gloucester County component.

11 Once I got back to the tractor trailer, guys were coming
12 up to me and saying, Chief, we've got issues. For instance, air
13 monitoring. The area RAE system. To protect the team or send
14 forward, we have a computer-based system. It's known as the area
15 RAE system. That can be deployed in different positions. It'll
16 give us a forward reading, a neutral reading, and then our
17 position, and we can move our team back accordingly. The unit was
18 found dead. They did get one pack to come on and it came up with
19 a failed sensor that was calibrated, I want to say, 2011.

20 The next move was to deploy more equipment off the
21 truck. I said get me the weather station off the truck. I want
22 to set up here behind my command vehicle so I have the speed and
23 wind conditions and anything in the atmosphere will be captured by
24 this.

25 They deployed it off the truck. They came over and they

1 started putting it together, and there's no computer to run it.
2 The key component to that truck is not only for the air monitoring
3 devices but the weather station and several other things are all
4 computer based, it's bluetoothed back to them, and you can read
5 the position from afar. No good.

6 We're coming up on 12:30, 1:00. I'm getting very
7 frustrated. I go over to the -- there is no interaction with
8 Gloucester County. They are broken out into hazmat, and I know
9 this because I was a past -- I won't say founding member. I was
10 on the first wave of people on the team. There's a chief assigned
11 to the team. It's Jack DeAngelo. I asked for him immediately
12 when I got there. He was off. He was on vacation that day.
13 Okay, Jack's not there.

14 Number two, his second in command is a guy named Dennis
15 Kappler. I never had any interaction with Dennis whatsoever that
16 day.

17 Number three, is there anyone here from the county? And
18 I saw one guy. His name is Jay Jones, and I spoke to Jay. I said
19 are you it from Gloucester County? He said, no, Pat Dolgos is in
20 charge. I'm trained. I'm a technician. This is way out of my
21 league. I've been assigned to the fire marshal's office. I'm out
22 of here. He got in the car and he left.

23 We're standing there with 14 people from Washington
24 Township, I believe two from Deptford Fire Department, and two new
25 guys from Glassboro. There was no one from Gloucester County on

1 that site.

2 Now if Pat talked to anybody on site that I didn't know
3 about, then maybe they were represented, but where we were hands
4 on, we thought that we were there to give technical support or
5 technical advice to the incident commander, there was no
6 interaction amongst us and the county, and in their own policies
7 and procedures is, in charge of that one team. Now we're not in
8 charge of the incident. We're just going to give them technical
9 support, technical advice to feed to the incident commanders so
10 they can have live data.

11 The only person I spoke to physically from Gloucester
12 County that day was Carl -- his name just slipped me. He comes
13 from Emergency Services as the chief dispatcher one time. Carl
14 Vandergrift is his name. He's a CDL driver. He drives the
15 tractor trailer to site, brings it there, and our guys deploy
16 everything off of it. When I saw Carl, my frustrations were going
17 on. I said, Carl, what's going on with this unit? He said, "I'm
18 just the driver." I said, well, I'm just the chief. I'm taking
19 everything off that truck, I'm laying it in the street, and I'm
20 taking a good inventory of what we have and what's operational. I
21 said, Carl, half the stuff that we need is not there or it's not
22 working. "I'm just the driver."

23 Okay. Tell the guys, get everything off that truck, I
24 want a piece-by-piece inventory of the truck. I want it all laid
25 out on the ground. I want to know what's working and what's not

1 working. It takes 45 minutes to an hour. We have a laundry list
2 of it and I think I just gave my other one to the Department of
3 Labor. I may have a list for you. If not, I can get it brought
4 over to you of the deficiencies of the unit. (A), number one, is
5 the air monitoring system, the area RAEs were dead and if not
6 calibrated properly, they were inoperable to us. That's our
7 lifeline.

8 There's two Scout meters that I've been told that were
9 supposed to be on the truck. For instance, another MX6 meter and
10 I want to say a Scott Scout meter. Several units that were
11 supposed to be on the truck, including the computer, were not
12 available. When I said, well, what normally happens? Where do
13 these come from? Well, they may be in Jack's car or somebody's
14 car that the assessment team uses. I said, great. Well,
15 assessment's over. We're operational now. We need to protect
16 ourselves. There was no answers for that.

17 Like I said, I got Pat and Calvin's guys, we met up with
18 their engine crew. We had all their meters deployed around us
19 with our people. We were asked just to keep Commerce Street,
20 basically air monitoring to see what we had. We had people
21 walking in the street, positioned around us and checking the
22 monitoring situations.

23 This was coming up on 1:00. I pulled -- Pat was back
24 and forth to the meetings, and he was acting as the branch
25 director on radio, and I pulled him aside and I said, we need to

1 talk right now. I said if you are going operational, anything
2 additional than what Pat and Calvin can give us air monitoring,
3 the vehicle's out of service. I said I noted it in my notes, and
4 it's done. 1:00, that truck is out of service. We've identified
5 five Scott Air-Paks, self-contacted breathing apparatus that had
6 air capacity but the Viber alert or the PASS devices were dead.
7 The batteries were dead. That's 5 out of 10. There were supposed
8 to be 12 on the truck. So I only have half the amount of air.
9 Luckily, we had some support. We brought our own with us. But we
10 shouldn't have to do that.

11 Scott Air-Paks were the issue. Air monitoring was a big
12 issue. They had suits. They had -- we had to send for some decon
13 equipment. Seven to 10 months ago, we had an issue with decon
14 where a lot of the equipment needed repair, or damaged. They
15 recalled everything to the county facility. They came up with a
16 game plan that they would palletize the stuff. We'll put what we
17 need on the trailer. We took the tent. We took our hose lines.
18 We took suits. We took scrub brushes, portable showers, portable
19 pools for collection of materials, our pumps, our heaters, our
20 forced hot air heater, our hot water heaters and all that was left
21 in the garage, and it would be palletized and brought out.

22 I called back to the headquarters and they sent a guy
23 with a truck to Clayton to pick that stuff up and he says there's
24 nothing on pallets. There's nothing -- there's a forklift, but
25 there's nothing -- the heater's got broken wheels. There's stuff

1 -- there's a pile of stuff laying in the corner. I said get me
2 the hot water heater and get me the, you know, the forced air
3 heater because it was getting cold, and just get that stuff to the
4 site. So we did that. That was a frustration on our part.

5 The incident goes on. After the 1:00 briefing, Mike
6 showed up on location. He actually came down to the site. Our
7 field comm unit -- there's pictures of this stuff, too, somewhere.
8 Where we were positioned along the railroad tracks is our tractor
9 trailer was set up. I was across the street with the command.
10 And I use the word command post and I -- this is the fear that
11 people get when we come in with the component. We are there to
12 give support underneath the instant commander, but knowing that
13 we're going into -- and it's not only volunteer agencies we
14 respond to. Some professional agencies aren't adapted to the
15 training and the levels we do. So my job is go over and say,
16 chief, I know it looks like we've got a lot going on. We're not
17 here to take over your scene. We're going to give you live data,
18 what you ask us to do; that's it.

19 What's get confusing, if they don't see guys in full
20 Level A suits, fully encapsulated and taglines and everything
21 else, they -- that's hazmat to them. We also dress out in
22 structural firefighting gear to do air monitoring, you know, LEL
23 levels and stuff like that. Once they see that, they figure,
24 well, they're firemen, too, so we don't have to do anything.

25 They were returning some of the resources because they

1 saw our people in firefighting gear. I'm like, no, that's not --
2 you -- your task is, if this thing goes up in a ball of flames,
3 we're going to try to let you know it's going to happen beforehand
4 but you still need to have the water supply, your deck guns, your
5 ladder pipes. You're still going to need all this. That's --
6 well, what would you do? I said I would -- at afar, I would lay
7 as much line as I could and have unmanned monitoring ready to go
8 for this.

9 Okay. Well, they left that meeting and they came back
10 over, and the next thing I know, I see a fire engine going down.
11 This isn't right, but that's their -- we're going to give them air
12 monitoring and if something catastrophic happens, hopefully you
13 save somebody's life.

14 Mike Austin's there, and we're pushing 2:30, 3:00. Pat
15 was sent out several times to different meetings. The command
16 post got moved from the Borough of Paulsboro out to Mickleton, to
17 the county fire marshal's office. I was alerted by radio and
18 telephone that the Coast Guard was coming because it was -- you
19 know, they were going to have a big stake in this. We're
20 conducting air monitoring along the road. We didn't go forward.

21 At one point Pat -- Calvin Hargie, through Pat, made a
22 determination that -- they walked us up Commerce Street, along
23 Chief Stevenson's property, to the bulkhead to view what we were
24 looking at. From an angle, they had their, you know, air monitors
25 in hand. They showed us, you know, how many tank cars we had

1 involved. These are pellets. That's VC and this -- you know, how
2 many cars are on the tracks. We were told we could take photos
3 for our team, which I did, you know, not for publication, not to
4 go out anywhere, and I had to address the guys with that. You
5 secure these for back at our truck; that's it. No Facebook, no My
6 Space, whatever. I don't want to hear it. Everybody understood.
7 So we did take some photos of that.

8 Our site assessment was from 250, 300 yards away upwind
9 and then we worked our way back. So everybody had a feel for what
10 was coming into play. You had a bulkhead. You had a railroad
11 bridge that was destroyed, and you had all these tanks. It looked
12 like a train toy set just flipped over in the water.

13 We did that. We came back up. They were still serving
14 food in this church, in this command post, which we just stayed
15 away from. We went back to our vehicles and stayed where we
16 believed to be the safest distance away.

17 After I instructed Pat that if we have to go operational
18 here any way, any how, you need to call another team. He said
19 we'll address that when that time comes. I said, okay, it's your
20 shot, but I'm letting you know, I'm considering that vehicle done.
21 We don't have time to figure out what's working and what's not.
22 We have another team available and I made a suggestion of Cherry
23 Hill. They're the next step that would be our equivalent, large
24 equipment and a lot of equipment and a lot of good manpower. I
25 said if we have to turn valves or send somebody forward, you need

1 to have them here before you do that. He agreed. That point in
2 time never came. We maintained just what we were doing.

3 Mike got on location, did his assessment, came down. He
4 was in the command post -- or our forward command post, which was
5 a field comm truck, has a boom like and camera. At that point in
6 time, somewhere along the equation, he had established some air
7 monitoring up front and they were starting to get spikes. The
8 actual number transferred. It was 2 at one point in one meter.
9 It was 3. We were given so many different numbers; 8, you need to
10 move back. You know, 2, everybody evacuate and if you're in the
11 2, you need to be on air, fully SCBA operating, you know,
12 retreating, getting out.

13 Mike saw something from the command post. The engine
14 company was forward. Now they were within 100 feet of the thing.
15 They were applying a fine mist to it. He saw a guy in no turnout
16 gear, who was the operator, and no SCBA. Mike saw the spike,
17 ordered everybody out, get ready to go get these guys. Our guys
18 packed up as a rescue company now to go get these people and they
19 made their way out. But when that spike hit, it was, you know,
20 everybody back.

21 MR. STANCIL: Excuse me. When you say Mike, who are you
22 referring to?

23 CHIEF SUMEK: Mike Austin.

24 MR. STANCIL: Okay.

25 CHIEF SUMEK: He -- Mike Austin came in and the best I

1 can -- I was told he was from CSX. He's their hazmat. He was
2 assigned to that incident. It was very clear once he got there,
3 that he was going to be in charge. Okay, we'll work -- he came
4 over. We had a brief conversation. He looked at our equipment
5 and I informed him, I said don't take all this as a big picture,
6 you know, we're all butter and bread here. I said if you're going
7 to do operations, you either need to find it or we can get more,
8 but this is not working. He agreed. He said, okay, we'll be
9 fine. We have our own teams coming in, which they have contract
10 teams. He assured us they were on their way. He said, you know,
11 right now we're stable to the point that if anything was to move,
12 roll or tumble, it could be a catastrophic event, prepare yourself
13 for the worst, for fire and for air quality. Fine. We were okay
14 with that.

15 That brings us to about 4:30, 5:00. The structure
16 stayed in place, and I was informed this later on in the day, that
17 the Coast Guard went into the command post and said this is our
18 incident; we're taking it over; we're doing this, this and this.
19 I wasn't a part of any of that. Pat Dolgos was in those meetings
20 I understand. He relayed it back to us. We're just going to
21 stand as we are, and he asked for additional monitoring.

22 At one point in time we took teams of two. We actually
23 retrieved a specific MX6 meter that was set up for vinyl chloride
24 and we were giving data back and forth to the incident commander
25 or to the command post in Mount Royal of the numbers that we were

1 retrieving and they were doing a calculation. We were told, don't
2 worry about the calculation, just give us what you're reading.
3 And out guys did that in teams of two.

4 That continued until approximately 6:30. We were told
5 that everything was going to stand down on the fire branch side of
6 it. They were going to establish some fog curtains or water
7 supplies, and they were just going to direct it to keep the -- if
8 there was any more vapors or cloud, away from the City of
9 Paulsboro, pushing it out into the marsh. And we were told we
10 could break down our operation, go back to the main command post
11 at the fire marshal's office to check out and we'd get further
12 instructions from there.

13 The team was ahead of me because I was breaking down,
14 and I got sidetracked with the deputy chief from Paulsboro
15 thanking us for coming and everything else. So I was about 20
16 minutes behind them. I went over to my car, and the team was
17 standing out front, and they were highly agitated. I said what's
18 the matter? They said, well, we were just told that we're all
19 exposed. They don't know the levels and they're going to come up
20 with an answer for us and we may have to get urinalysis tomorrow.
21 I said who told you this? They said the Coast Guard and the
22 people inside gave us a debriefing, but they're expecting
23 everybody on site or anybody living in the proximity has some
24 levels of VC and they're trying to figure out what to do with it.

25 I go in, introduce myself to the captain of the Coast

1 Guard, the commander, and I said, ma'am, I wasn't a part of the
2 debriefing but these guys are telling me -- could you repeat it?
3 She said, Chief, here's what we have. I'm considering everybody
4 that was on site down there, that made any type of contact within
5 so many blocks, that we're expecting levels of VC. It's not
6 catastrophic. It's an exposure. The time weighted averages are
7 on your side because, you know, the thresholds have to be over so
8 high over an 8-hour period over 365 days. You guys were outside
9 and you're in fresh air, but you're going to have some exposures.
10 We are working with the chemist and toxicology people to get the
11 right test for you. We don't have that established yet.

12 So, okay, that's not very comforting to hear but, you
13 know, we have own medical monitoring in place. We have baseline
14 physicals. We can do comparisons. You know, when do you expect
15 this to happen? We've been here all day. Is it going to happen
16 now? What's the collection? "We're going to get back to you. We
17 don't have that right yet."

18 I walk out to my car, got on my phone, called
19 headquarters. I got the chief on the phone. I said no matter
20 what these people are doing, I don't know how or what, who they're
21 going to collect or how they're going to do it, I said I'm
22 requesting that our medical people come in tonight. They're
23 saying it's going to be urinalysis of some type. I said we need
24 to capture our guys, get our people here before they go home,
25 we'll collect it, we'll secure it, and we'll be able to do it from

1 there.

2 My frustration with that was, I made it perfectly clear
3 that if we were developing samples that night, I wanted one to go
4 to the CSX people or whatever group they're using, and I wanted
5 one sample to stay home, if it's preservable, so we can do our own
6 independent study. Overkill. I'm not saying anybody's going to
7 do anything wrong, but in my life, I'd rather have two comparisons
8 for this.

9 I find out that our specimens were collected here. They
10 were taken properly but then they were turned over to the main
11 group. Everything was brought together and sent out.

12 Our medical care provider here is Mobile Care. She said
13 I've been on the phone with two doctors. I'm waiting for a
14 toxicologist to call me back. I don't know what test to run. I
15 don't know if we have to put the additive, the preservative in the
16 urine to keep it. I don't know, and the Coast Guard can't tell me
17 that either. So that wasn't real comforting either.

18 Once she's instructed, okay, bring everything here,
19 we're going to do one -- I would imagine it was hundreds of
20 samples at the time. We turned in 15 or so, and whoever was on
21 site that day, you know, had to submit. It was all being
22 processed out. I'm thinking, okay, where are we at now? Days
23 went by. I called into the command post, and -- because now our
24 hazmat was broke down. Our decon was broke down.

25 Washington Township was asked to work as a rescue

1 intervention team, as a RIT company. The on site hazmat people,
2 Mike Austin, has his professional guys coming in to go up and do
3 some forward work or whatever he wanted, qualified, trained people
4 that knew how to rescue people. We were tapped for that because
5 we do that for the region. We do it for several communities. The
6 long and short is, a lot of our surrounding departments don't have
7 enough either qualified people or the medical monitoring in place
8 to provide a service. We do that. It's either career or
9 volunteer. We've got a combination of both.

10 When Mike asked us to come back, we were sending teams
11 of four down just to rescue his guys on the bridge and operational
12 periods, and out a 10 or 12-hour shift, they may have packed up
13 two or three times, but you need it to be four. We did that four
14 times over -- I think it was a 7-day event, if I'm correct?

15 BY MR. EL-ZOGHBI:

16 Q. Uh-huh.

17 A. We did it the first couple of days. I know Chief
18 Hoffman went out with a crew. There was two forward crews that
19 just stood by while they were getting their ideas together and
20 then I was actually the chief that went out the day that they did
21 the lifts. We went there and it was very well coordinated. Air
22 monitoring was perfect. Each team had a component of air
23 monitoring.

24 My specific task was four firefighters at the bridge,
25 and my focus was on four technicians that were there ready, once

1 the rigging crew got done, and if they saw something wrong, they
2 could correct it. For instance, if there was a slight breach in
3 one of the tanks, they were going to patch that tank and fix that
4 tank while it was in the air. We were told, just get them out.
5 If somebody gets hurt or this thing goes up in flames, you have
6 seconds to get in and get out. So we actually trained as we were
7 doing it out there, and that was our job.

8 Two of the days the teams went out there, not the day I
9 was there, but they were issued dosimeters. Chief Hoffman's crew
10 and the crew before that were issued dosimeters. He'll have to
11 speak on that, but I understand that the data was never retrieved
12 from the dosimeters to see if it was zero or if it was high.

13 As that's going on, and this was -- I think it was the
14 day after the lifts were done, I called up the command post. Like
15 I said, I was asking them about my records. I need what you've
16 discovered so I can go back to my baseline physical to see my
17 elevation. Well, you've got to come in person and you've got to
18 show photo ID. Okay, that's good. HIPAA laws and everything
19 else, I fully understand them. I show up, give my photo ID. The
20 lady slides me this piece of paper and she says, there will be a
21 doctor around sometime, but you're okay. You don't have to worry
22 about it. You're only a 1.9 and the threshold is 2.

23 I said, ma'am, in my life, 1.9 and 2 are the same
24 number. I said I'd like to talk to the physician. "Well, he's
25 not here right now. You would have to come back and talk to him.

1 Here, I'll give you his phone number." I said, okay. So I was
2 kind of mystified that they collected my urine, they sent it out
3 for analysis, and this is what they gave me.

4 MR. EL-ZOGHBI: Just for the record, I was handed a
5 document that is from the Center for Toxicology and Environmental
6 Health that just mentions the level of 1.9 milligrams per gram of
7 creatinine.

8 CHIEF SUMEK: Like I said, maybe I was thinking too hard
9 ahead of the game. A urine sample that we collect or send out for
10 our blood work on our baseline physical, our annual physical -- we
11 do annual physicals in the fire department to compare. I get a
12 full spectrum of what is my levels, what's permissible, what I'm
13 high in and what I'm low in. Mimeographic form with a 1.9 and a
14 checkmark, I wasn't satisfied with that. I asked for -- through
15 the CTEH people, I want the actual lab analysis of the machine it
16 came out of. I still haven't received that.

17 That said and done, we get a telephone call that they
18 want to meet with the entire team here, the CDC -- is that the
19 group I'm talking about -- understands that we had some concerns
20 about this and they wanted to talk to us. So it was a gentleman
21 and a lady from Washington came out, and they sat us all down and
22 basically explained to us that they're working on it. They don't
23 have any specific areas. They're going to concentrate on liver,
24 kidneys, what kind of function tests or whatever, and they want us
25 to fill out this questionnaire. Well, naturally some of the guys

1 in the room and myself became concerned. A questionnaire, can you
2 tell us, is it acute symptoms, chronic? The best that they came
3 out with, well, if you didn't have flu-type symptoms and you
4 didn't feel sick that day, you're probably okay.

5 BY MR. EL-ZOGHBI:

6 Q. On that note, can I ask you, did any -- did you or any
7 of your team members experience any health effects on the day of
8 the incident?

9 A. I have no knowledge of -- no one reported to me, because
10 that's part of what chain of command, anybody has a sign or
11 symptoms. I had two guys get flagged with high blood pressure at
12 the end of the day. When we were doing our air monitoring, I had
13 a paramedic team monitoring our guys and two of those guys late in
14 the date were tapped out. Their pressures were up so we put them
15 on the bench. I didn't have any symptoms but we're in the middle
16 of flu season here.

17 Q. Uh-huh.

18 A. Everybody had a head cold or they felt chronic. The
19 only thing I can say, and it was identified by Jim Lee, who's one
20 of our captains. He said something's wrong, I don't -- I can't
21 explain it to you, he said, but it's weird. I have a weird taste
22 in my mouth. I can't drink enough water, and it's affecting my
23 fillings. And as it was going on, I had the same sensation but I
24 didn't -- so I started asking questions about it and they said, it
25 could be anything. You're in Paulsboro. I mean, it's an

1 environment -- I don't know what the air quality is on a daily
2 basis down there because you're in a refinery. You're basically
3 surrounded by stacks and stuff. But nobody went to the hospital.
4 Nobody, you know, sought the physician. We didn't know.

5 Q. Uh-huh.

6 A. I mean, I did start asking more questions, calling the
7 guys and saying, hey, did you have this, did you have that? I
8 guess the closest I could take to this thing was carbon monoxide,
9 a CO incident. I look for the flushness of the face. Are they
10 vomiting or, you know, just some tall-tale signs, and nobody had
11 anything. A couple of the guys did say they had headaches but
12 they dissipated; they went away. That could be just the event,
13 because, you know -- for an operational guy, this was highly
14 frustrating. Sit and wait. We get it. We do sit and wait a lot,
15 but sit and wait with the proper equipment, your frustration goes
16 down.

17 Q. Can I ask, back on, earlier in the incident, if you
18 could talk a little more about the interaction between the
19 Paulsboro Refinery, I know they were there assisting the chief at
20 the time, and the interaction with your team?

21 A. To put it frank --

22 Q. Uh-huh.

23 A. -- I would leave. I would have left if I didn't see
24 those guys there. I know for a fact that we were sent there to
25 provide the fire department, whether volunteer or paid, we were

1 there to give them protection with air monitoring and stuff. Once
2 I identified our equipment was bad, we would have left. If Pat
3 and Calvin would have got pulled off, we would have pulled out.
4 We would not have been there.

5 Pat and Calvin, from what I understand, talking to them
6 personally, they were at the plant, heard the crash and responded.
7 Gary Stevenson was in his house and called it in on the radio.
8 They were there seconds later. They were doing their site
9 assessment and monitoring as it went on. So their role in the
10 whole thing, Pat became -- from immediately, wherever Pat was,
11 Alphonse was, especially in the initial ground briefing, which I
12 guess was a couple of hours after the incident started. Naturally
13 the chief called for everything that he could think of on his
14 list, you know, everybody. Send me everything. This is what I've
15 got, a major event.

16 Yeah, Pat was highly relied on, and then as Pat stayed
17 at the command post, either the original one -- or Calvin stayed
18 back with his crew, and that's when, you know, he established that
19 he had 14 meters with him. We were side by side with him. I
20 don't know if that answers your question, but --

21 Q. Yeah. You mentioned being at the church early in the
22 morning for that first briefing.

23 A. Yeah.

24 Q. Do you recall anybody from Paulsboro Refinery actually
25 reporting numbers, any air monitoring results?

1 A. Pat was seated at the table with the chief. I don't
2 recall if there was actual mention of the numbers, what levels
3 they're looking at. I know that they -- Pat was in agreement with
4 the state police that we need to move, we need to get out of here,
5 we need to go farther away.

6 Q. So you said the decision to stay there was --

7 A. It was solely the chief.

8 Q. -- Chief Giampola.

9 A. Chief Giampola. He was emphatic about it. Well, you
10 guys can move, but I'm staying -- we're staying right here, and
11 then somehow somebody threw out the conversation, a couple of
12 sidebars in front of everybody, he reluctantly moved to the town
13 hall, which got moved again.

14 Q. Uh-huh.

15 A. So I wasn't, I wasn't in his core group of commanders.
16 I was off to the side, you know, with the chief of police of
17 Paulsboro, the next town over, and then as the Conrail people
18 filtered in. But we're not normally seated at that interior
19 command. As a liaison, at times, I have been called into that
20 group just to say, okay, we have something to go back and forth,
21 but not on this one. It was Alphonse. It was Pat. Conrail and
22 CSX people were there on the on site, and then the police
23 department to start the evacuation.

24 Q. And when you said Pat Dolgos was there --

25 A. Pat Dolgos was -- he was -- I was told getting on

1 location that he was going to be the CBRNE, he was the guy. He
2 was the branch instructor for hazmat.

3 Q. Do you know -- I'm sorry, at this meeting, was he
4 there --

5 A. Yes.

6 Q. -- also providing the chief, Chief Giampola with
7 information.

8 A. No, we -- we were basically -- he was listening like
9 everyone else.

10 Q. Okay.

11 A. At that point in time, I don't -- Pat didn't speak. He
12 wasn't asked to speak. No one was. Chief Giampola gave an
13 overview, what was coming in, you know, what their operational
14 plan was. The question that was -- that came up right before I
15 was going to ask it was, well, we need to establish operational
16 periods. He took that as the IAP, you know, the incident action
17 plan for the whole site, and there was confusion there.

18 Basically the guys want to know, you know, are we doing
19 a 10-hour shift or 12-hour shift? How many guys do I need to put
20 on notice to come back in? And they were taking that as, well, we
21 don't have the incident action plan ready yet, which you're not
22 going to have it ready but just give us a duration so we can
23 backfill our people. I had guys coming off shift at 4 or 5. I
24 can hold them a little bit, but they have families and they need
25 to go. I have more people waiting to come in, but I just needed

1 to know that. That's kind of like where the focus was there.

2 Q. So there was no designated safety officer at that time
3 for the incident that you're aware of?

4 A. For that period, unless I missed it, we weren't
5 instructed that there was a site safety officer established. I
6 know what we took upon ourselves for our branch and hazmat, you
7 know, it's not a part of the command structure. The CBRNE branch
8 we had Pat as the branch director. Joe was the operational leader
9 with the hazmat techs. Decon was established, and I was in with
10 the decon and overview, and I took accountability and I took the
11 safety of our guys, inspecting the equipment, if they had to go
12 the next level up, taping, donning of the masks and -- you know, I
13 was -- I assumed that just for our own group because there was no
14 mention of a site safety officer.

15 As it went on, the next couple of days, I was told that
16 2 days later there was an established site safety officer. But
17 that was 2 days into the incident. I don't -- I can't -- I know
18 that day I wasn't instructed that safety is Gary Stevenson. Gary
19 was the fire branch operations chief, and he interacted back and
20 forth with me.

21 And, actually, we had a little conflict where an out-of-
22 town chief came in to Gary and said, this is ridiculous, you know,
23 you guys are running this thing crazy. You got guys going
24 forward, you know, how come we're not being protected? Blah,
25 blah, blah. I want this, and he started doing his own thing.

1 And I pulled both of them aside and I said, listen,
2 you're coming into this game late, chief, I said, but everything
3 that's going on with those guys over there, even though they're in
4 structural firefighting gear, is coming from my car. I want to
5 make this perfectly clear. They're not coming to you. I'm going
6 to Gary and saying we're conducting monitoring now. We're going
7 to give you live information, but their safety and their
8 accountability comes through me, and that's it. "Well, we didn't
9 know that." I said, well, that's -- we're playing your parts, not
10 an emergency on mine.

11 We have it established with the team, they know how to
12 do this thing. We'll come back -- if we need different support,
13 we will come to you as the fire branch and say hazmat needs this.
14 And he goes, "Oh, I didn't know. I just got here." Okay. Well,
15 don't reinvent the wheel because you just walked onto the fire
16 scene. and it was Chief Chew from Gibbstown. He's a good guy but
17 he was frustrated because his guys he felt was in harms way. And
18 then Gary calmed the whole thing down.

19 Q. Was there any discussion about the necessary gear for
20 being on scene or even moving closer into the incident?

21 A. At first, everybody was dressed like I am now. We
22 didn't even have the air purifying devices.

23 Q. Uh-huh.

24 A. We have are our mask with the cartridges, they weren't
25 even on the truck. That's another item that was brought out

1 later. The following day they were issued for the teams. To have
2 backup, your first would be your air purifier and then you would
3 have to have a suit, SCBA. Ever guy -- the second day of the
4 incident, they required hour bottles, you know, through check-in
5 and all that. That was all established through Mike and his
6 hazmat guys.

7 Anybody coming forward, once they got their check-in
8 established and their own accountability established, which we had
9 three established. We had to go through the county at Clarksboro,
10 which was a check-in with our own county, with Coast Guard, and
11 then when we reached site, we signed in with another group, and
12 CTEH, I believe. There was another group out there that was doing
13 accountability. Once they had the scene locked down, you had to
14 go through several steps to get in.

15 No mentions other than that one spike in the meter of
16 Friday, the 30th, go get them guys, they have to be on air and
17 they have to be protected. Because one guy was wearing like
18 street clothes. He was operating a pump. He said get them out
19 here -- get them out of there now.

20 Q. So when you showed up to the church, was there a visible
21 fog or cloud or anything of that nature when you arrived?

22 A. That morning, weather conditions leaving here, it was
23 fogged in. It was a weird day. The whole county was under fog.
24 So driving from here to there was a chore because it was so much
25 fog. Getting down to the Ames parking lot, there was still fog.

1 So could I say we had a plume or we were operating in a cloud?
2 No, because the fog was there. But now some pictures that I've
3 seen on the news and stuff, there was clearly a plume from this
4 incident.

5 Q. And that fog was there at the time when you were at the
6 church?

7 A. Yes.

8 Q. Do you recall?

9 A. Well, the fog was ambient. It was its nature. I mean
10 it was out there. What was actually vinyl chloride and which was
11 just atmosphere, I couldn't tell you --

12 Q. Okay.

13 A. -- because it was just a foggy morning. So what they
14 saw go up and how it went up, I couldn't say that because I didn't
15 see it. It was eerie to say the least, because we're looking for
16 a fog which naturally would be by itself amongst the scene --

17 Q. Uh-huh.

18 A. -- so we could develop our plume, our cloud, our vapors.
19 And I've learned a lot with this and it's as simple as -- now I
20 have it on my phone, on my iPad and I have it available a thousand
21 different ways. If I type in vinyl chloride on my phone, I can
22 page down and I can pick up the radiuses I need to be and I can
23 monitor as I go, pick up my wind directions, and I can work in a
24 safe environment with it. That morning, we didn't have that.

25 Q. If you could clarify for me, the interaction between --

1 you know, I know there's no mutual aid agreement. What was the
2 chief expecting from your team and vice versa at the incident?

3 A. I can't speak for the chief, but as much -- like I said,
4 the team's been around maybe -- I'm saying 10 years; it's probably
5 12 years now. I don't have the exact dates, and I should because,
6 like I said, I was one of the founding group that purchased the
7 tractor trailer. We sent it in. We built it.

8 We've done demonstrations after demonstrations
9 throughout this county and several counties that we service, and
10 people still are under the impression, we'll just call them and
11 they'll handle it. It's not the case. At first it was just a big
12 cleanup team. We would go out and clean up diesel fuel. Well,
13 that's not the way it's designed.

14 What Alphonse's expectations of Gloucester County was, I
15 don't know. I know it wasn't -- I know he didn't feel as though
16 we were going to go in and upright these cars and do anything.
17 But, in retrospect, if we had an active leak of a secondary
18 vehicle and we could have deemed it safe enough, we could have did
19 a transfer to that. But then again, the transfer equipment wasn't
20 readily available. Parts of it were there. We built it. They
21 brought us the equipment. It took us a year to get it done. We
22 built it in that shop. We built a transfer. We could have
23 transferred the chemical from one tank to another tank. Our
24 technicians and our specialists have the ability to do that, but
25 some of the equipment just wasn't there.

1 Q. So when your team arrived, it was more of a support
2 role?

3 A. Yes.

4 Q. It wasn't necessarily handling the hazmat?

5 A. We had no -- and that's dictated by law, by New Jersey
6 State law. We have no command and control of that scene. We were
7 brought in as technical specialists to the incident commander.
8 The hazmat team, some guys that get carried away feel as though,
9 well, it's my scene now because I'm here. No, you're a small
10 component. You're a very vital component of that group. You're
11 giving technical assistance, technical support, and you have the
12 ability to go operational to stop the leak, contain the leak or
13 mitigate the leak. You could stop the whole thing by either
14 turning the valve or simply saying get out.

15 You know, the best scenario in this one would have been,
16 get out, don't go forward, and that's what I'm learning in this.
17 From a distance, you had one total breach. You had three that
18 were unstable at the time. We may have been better off to leave
19 it alone.

20 In talking to Mike Austin, I said to him, what would
21 have been the worst case scenario? He said worst case scenario
22 was high temperature, no water that the chemical was in. He said
23 being that we were in a heavily populated area, he said, I know
24 their answer was going to be no, because once the Coast Guard
25 comes into it, it becomes a federal issue; if this was in a

1 different location, I would have flared it. I would have burned
2 it off. Because through my training I know that's -- hey, let's
3 get rid of the stuff. Let's not hurt anybody else. Flare it and
4 be done with it. I said we're on the same page. He goes, "Oh,
5 you've been around." I said I'm just asking questions. Because
6 rightfully so, to mitigate it, you burn it off, let it go.

7 Q. I was going to say, when you arrived, was there any
8 discussion of the ERG and any evacuation guidance or even the
9 proximity of the location?

10 A. Pat was working with the -- actually, he had it up on
11 his phone. He was working with the ERG.

12 Q. This is Pat Dolgos?

13 A. Pat Dolgos.

14 Q. Okay.

15 A. He had the site in his, you know, in his pre-plan --

16 Q. Uh-huh.

17 A. -- before going forward. He knew mapping. He did have
18 his like -- he would have to give you -- I don't want to speak for
19 him.

20 Q. Uh-huh.

21 A. He would have to give it to you, but he is very well
22 versed in ERG and he gave us the chemical composition of it.
23 Actually, prior to me even being dispatched, I was alerted that it
24 was definitely vinyl chloride and it was a breach, so we could
25 refer to ERG. And even -- I forgot this -- Chief Hoffman did have

1 a printout of vinyl chloride.

2 Q. Uh-huh.

3 A. So the team's going forward. Now whether they read it
4 or just disposed -- I did have a copy of it, exclusion zones and
5 stuff like that. But not knowing what we were -- so we were
6 actively using the ERG guides and, you know, that kind of thing
7 but -- I'm trying to think if there's anything else that they
8 added to it.

9 What got reported back to me is that the original team
10 got deployed into the fire marshal's office, which is our Fire
11 Academy. They had a very quick briefing. They were told what
12 they were facing, and then they were sent forward. That part I
13 did miss. I apologize for that. I was told to go around that
14 because the team was already forward; they would conduct the
15 briefing for me. They told me that on the fire radio, just go on
16 in and meet your team.

17 I don't know what that briefing was, if it was thorough
18 enough, if it was on point per se. I don't know. I can't speak
19 for them but --

20 Q. But the assumption was that when you arrived to the
21 church that the environment was safe --

22 A. Yes.

23 Q. -- for you to enter and conduct whatever work --

24 A. I had to take it on command, coming back to us. They
25 established a zone. Maybe the assumption was a bad part on my

1 spec, but when they call the entire operational leaders forward to
2 a section, you would have to make that assumption, that that was
3 monitored and ready to go. Right now I can say no. Somebody else
4 may have an answer that, yes, they were because, you know, Pat or
5 Valero had their monitors in place. I don't know that answer, but
6 I know --

7 Q. So your team, you had no feedback from your own teams
8 about any monitoring at the time you arrived?

9 A. No.

10 Q. Okay. And then you were reporting --

11 A. Now, like I said, Captain Dolgos, Pat Dolgos, may have
12 had a conversation on the telephone or something because he --
13 like I said, he went forward first and then called for the
14 components to come up. So Pat's a very capable guy. He's very
15 smart. He's been around hazmat a long time. I don't know what
16 was in place.

17 Q. Okay.

18 A. I may be missing a big piece of the pie but what we were
19 left with, we could have monitored our way in if it was properly
20 working, if we had all the components. The "if" is we didn't, and
21 we never got it.

22 Q. So while you were going to the church, you didn't have
23 any monitoring set up. Did you have any instrumentation that was
24 operational --

25 A. No.

1 Q. -- at the time? So no -- okay.

2 A. We had zero instrumentation at -- no, I apologize. From
3 what I was told, they had one handheld detector that they used at
4 the decon of the individuals. That was sent with the forward
5 vehicle. I don't know if Pat took that with the actual decon
6 truck or the hazmat truck. I was third in line. I was the last
7 car in. If that was on the vehicle ahead of me -- I know there
8 was one instrument, I don't know what instrument that was --

9 Q. Okay.

10 A. -- but they used some type of air monitoring around the
11 victims before they deconned them.

12 Q. Okay.

13 A. And which meter that was, I don't know.

14 MR. EL-ZOGHBI: Okay. Do you have any questions?

15 MR. STANCIL: Yeah, I do have a few.

16 BY MR. STANCIL:

17 Q. Whose responsibility would it have been to characterize
18 the scene to do the assessment, the site assessment for
19 establishing hot zones, proper levels of PPE, things of that
20 nature?

21 A. The best of my understanding, with the Gloucester County
22 policies that I have, is they have a deployment of a site
23 assessment team. That's normally Jack who is the chief, and a few
24 other team members. His assistant chief is Dennis. At times, it
25 could be two of them going out. At times Pat Dolgos was involved

1 with that. They would go forward.

2 What we ran into is, early on, they wanted everything --
3 based on our training with limited experience, when the team first
4 got formulated, a hazmat response is a hazmat response, and by law
5 we have to have hazmat and decon together because you can't do
6 hazmat without your decon set up. So we all moved as a group.
7 Well, they were being dispatched to everything under the sun
8 because this new team was available and it was a waste of time.

9 As the time went on, the county, and I'll say Jack as
10 the chief -- he's identified in the plan as the chief -- developed
11 a core group of people and that four or five would rotate. If the
12 fire chief had an incident, he wasn't sure what he had, it wasn't
13 burning, but he wanted some technical assistance, he would call
14 for the assessment team.

15 Right now if I was -- if we were part of the county
16 team, I would go out from a distance and say I have something, I
17 don't know what it is, send me the assessment team. That would
18 bring me the technical support to say, all right, Jack, I've got a
19 drum in that corner, I don't know what it is, I can see it with my
20 binoculars and it's boiling. Jack would make the decision, okay,
21 can I monitor it myself or do I need the full team? If he needs
22 the full team, then everybody will come in. He relays that back
23 to the incident commander and the incident commander says, okay,
24 do what you've got to do.

25 Q. So normally it would have been the hazmat team's

1 function to do that assessment --

2 A. A small group of the team.

3 Q. -- however, because the equipment wasn't functioning,
4 you didn't do it for Paulsboro?

5 A. Like I said, I can't speak for Captain Dolgos, Pat.
6 He's a member of our fire department. He's assigned to the hazmat
7 team as a technician. At one time a part of his role was that
8 assessment team.

9 The confusion comes in, we were always instructed that
10 the equipment's on the truck that you need. The breakdown is it
11 got disseminated in the vehicle so they could do an assessment
12 without bringing the whole team out and running back and forth. I
13 guess the long and short, we should have double of everything. If
14 you're going to send a car forward, but you can't guarantee that
15 car's going to be at every site, but in the county's position,
16 those cars go on every job. Well, they don't go on every job
17 because November 30th, we didn't have either car, and that was
18 where the equipment is kept. So --

19 BY MR. EL-ZOGHBI:

20 Q. So is it correct to assume that you assumed the
21 assessment was done, therefore your team moved forward to the
22 church with the assumption that --

23 A. With Pat going forward prior to the team and however he
24 accomplished that assessment, I don't know. To this day, I don't
25 know.

1 Q. Okay.

2 A. What I did find out and after seeing Paulsboro Refinery
3 people there with 14 meters --

4 Q. Uh-huh.

5 A. -- the assumption that I made was Pat worked with them
6 and established his own air monitoring and made his own assessment
7 until he got in conjunction with the CSX people, but that's not
8 for me to say.

9 Q. But that wasn't verbally communicated per se. I mean
10 you didn't confirm that that --

11 A. No, because, to be honest with you, actually when we
12 went forward, I kept calling for air monitoring, I want more air
13 monitoring. And then I approached the Paulsboro people, which was
14 Calvin and Pat, and --

15 Q. Uh-huh.

16 A. -- it was Calvin specifically. I said, do you have
17 enough equipment to protect us? He goes, absolutely; we'll break
18 it out right now.

19 Q. Okay.

20 A. And that's when I got the number of 14. And I said, can
21 you bring -- and I'll give you two or three guys, if we're going
22 to maintain the street, if they're with your meter, I'm okay with
23 that.

24 Now, what Pat was working on -- what Pat Dolgos was
25 working on, his own structure, I don't know. He was being pulled

1 in another area. They wanted him to come be in these external
2 meetings, which I get it, somebody has to be there, but I feel as
3 though our people needed to stay as a core group. Somebody else
4 should have been in those meetings radioing it back to us. To
5 have a hands on technician or the group leader of the team up
6 there, I don't think it was proper.

7 MR. STANCIL: Do I understand you correctly that the
8 Paulsboro Refinery folks were providing you with the monitoring
9 you needed --

10 CHIEF SUMEK: Yes.

11 MR. STANCIL: -- and that they were actually giving you
12 results from the monitor?

13 CHIEF SUMEK: We were getting live data from their
14 meters, like I said, in the perimeter that we were at.

15 MR. STANCIL: Do you remember what some of the readings
16 were?

17 CHIEF SUMEK: At one point in time we were told if
18 anything hits in the range of 2, it's a total evacuation. We were
19 operating between -- no, I'm sorry. If the first readings -- in
20 the one set of meters they said it was 8, and then somehow it got
21 broken down to 2. But that was site specific to a scientific
22 meter that does specific vinyl chloride. No, I -- you know what?
23 It was a crapshoot.

24 Now like I said, from my position of seeing that and not
25 knowing, you have the components that Pat Dolgos was actually

1 working closer with the people, and then the operational leader,
2 which is Joe Schmidt. Maybe they had a number in mind or they
3 were instructed a number, that didn't get back to me. After
4 talking to them, days into the event, you know, days afterwards,
5 nobody, nobody had a specific reading that we should have been
6 evacuating.

7 BY MR. EL-ZOGHBI:

8 Q. When you arrived at the church, were you concerned about
9 the proximity or was it -- what -- I guess -- let me rephrase my
10 question and say, at what point did you have concerns about
11 exposures and other things of that nature?

12 A. I felt very confident in Pat's decision to bring us
13 forward. However, he did it -- or maybe he had a meter that he
14 got -- maybe he had his own, I don't know.

15 Q. Okay.

16 A. I felt confident Pat called the team forward.

17 Q. Uh-huh.

18 A. I'm good with his decision with that. What brought me
19 to a different level is inside that facility, inside the church,
20 which was closer than here to that shop to the tank cars, other
21 agencies saying, we've got to get out of here; we're too close.
22 That's when, you know, you start thinking, hum, something's up
23 here.

24 Q. Okay.

25 A. From that position, walking into the church, you could

1 see the tank cars. You could see the frost line that was on the
2 water. So there's still chemical generating below the surface
3 here. It's off-gassing somewhere. It's not totally staying down.
4 So I guess that's -- that was the levels that -- once we broke out
5 of that meeting, that's when I got integrated with the Paulsboro
6 people. How many monitors and where are they at and where should
7 we be at now? And they were even dressed in just their refinery
8 jumpsuits. I mean, yeah, they have SCBA available on their truck.
9 Everything was there. Nobody had air purifying devices on, APRs.
10 It was casual.

11 Q. Okay.

12 A. And I don't know if that was proper.

13 BY MR. STANCIL:

14 Q. Looking back on the incident at this point, do you have
15 any concerns about any deficiencies in the protocols or procedures
16 that were used?

17 A. Absolutely.

18 Q. Can you kind of go through a list of what you saw that
19 concerned you?

20 A. Well, for starts, everything that Gloucester County's --
21 and this is going to target Gloucester County.

22 MR. EL-ZOGHBI: Uh-huh.

23 CHIEF SUMEK: Is that okay?

24 MR. EL-ZOGHBI: Uh-huh.

25 CHIEF SUMEK: Their SOGs, or Standing Operating

1 Guidelines, that they have established and that have been handed
2 down to each of our technicians, this document -- and I was, like
3 I said, I was on the team for 5 or 6 years as a police officer.
4 That was part of my deployment. We struggled to get this put
5 together. I've been told that it's in writing, but it's never
6 been signed off by county government. It's never been accepted as
7 a policy or procedure. Zero.

8 I've been told everyone of our technicians, as of late,
9 have full working knowledge of this and full working knowledge of
10 the equipment based on their training. That's false. And I can
11 document that by saying that the guys that are going to come
12 forward to you, when I questioned them, as an internal issue with
13 the fire department, they were leaving. They want off this team.
14 Why? Why do you want off the team so bad? Because quite frankly
15 the training sucks; we're not being trained to the levels that
16 we're supposed to perform at. We can't give Chief A technical
17 support and technical advice if we don't know what our meters will
18 do.

19 Our training over the last couple of years has been, I
20 can't even use the word substandard. I have to correct myself.
21 Their training has been less than standard.

22 BY MR. STANCIL:

23 Q. Theirs?

24 A. Theirs is our active team members.

25 Q. The county's CBRNE?

1 A. The county's CBRNE team has a component. They have five
2 or six core group people down there that operate their branch
3 which falls into -- this is their entire team guidelines.
4 Mr. Butts is the coordinator. He's the county emergency
5 management coordinator. Jack DeAngelo is the chief. Len Clark is
6 a coordinator. Dennis -- and this document shows Pat Dolgos as a
7 lieutenant and then team members.

8 We come into this level here. We're team members, our
9 fire department component. We have I want to say nine active
10 Level 1 technicians, and we have, out of that nine, I believe
11 three are specialists and at least two I know are railcar
12 specialists. They're the ones for the last 2 years that have been
13 saying that this isn't being done professionally, this isn't being
14 done to the standards that they wrote themselves, that they said
15 this is what we do on a monthly basis, this is what we can provide
16 to the State of New Jersey, to the County of Gloucester, to
17 Washington Township. This is what our county says they can do.
18 I'm here to tell you they can't.

19 BY MR. EL-ZOGHBI:

20 Q. Is that -- I mean, I guess, do you guys have emergency
21 operation plans and emergency response plans and do you train
22 to --

23 A. Yes. Each --

24 Q. -- specifications they have?

25 A. Each community by law has to have an EOP.

1 Q. Uh-huh.

2 A. That EOP dictates, and for instance, ours just got
3 stepped out. I believe it's 15 now. Hazmat is a big one. You
4 have to have a specific layout of who is going to be the
5 responding agency to give you technical support, and ours at the
6 time listed Gloucester County as it just mirrored -- everybody in
7 the county went to it. That plan gets established locally. It's
8 reviewed by the county emergency management people. Then it gets
9 adopted and signed off on by the state.

10 Q. Okay.

11 A. I don't know if Paulsboro has one that was in effect
12 that day, if it's even written.

13 Q. But that wasn't discussed at all?

14 A. That wasn't discussed at the onset of this meeting at
15 all. I know in another forum, the Department of Labor's involved
16 in this from New Jersey with a POSHA (ph.) complaint that I
17 formalized myself, representing the volunteer component from
18 Washington Township.

19 Q. Uh-huh.

20 A. The career firefighters have a complaint, and the
21 captains have a complaint. We're three identities under one
22 house. So to make sure that we had things right, we formalized
23 one complaint with three names on it. And that -- in that forum
24 we addressed, you know, EOPs and stuff like that.

25 To go back on something that you asked me about earlier,

1 with the --

2 BY MR. STANCIL:

3 Q. Concerns that you have about deficiencies in the
4 protocols or procedures that were employed on the day of that
5 accident.

6 A. On the day of the accident, what led up to this, and I
7 was brought into the equation as a past member of the team and as
8 a volunteer chief here, the relationship between Washington
9 Township and Gloucester County was -- operational, it was okay.
10 On the command side of it, there was a disconnect between
11 Mr. Butts, who is the coordinator of emergency management, the
12 county, and he's in charge of -- everything falls under him as
13 emergency services, and Chief Hoffman.

14 In the summer of 2011, our Board of Fire Commissioners,
15 our team wanted off. They said we're having training issues. We
16 just had enough. We want to be done.

17 The chief intervened and tried to get some dialogue
18 going, and it was just -- it was a personality conflict at the
19 least. It came into -- it affected operations. The Board of Fire
20 Commissioners came to me and said your name came up; would you be
21 willing to go down and try to work this out? We'll go with you
22 but we don't want to pull them guys off if it's a personnel issue
23 on our part. I said, fine. I said, but the chief's got to be on
24 board because he is the chief. I work for him. And they said,
25 no, what we're going to do here is we're going to go down and

1 talk. We're going to have you as a liaison for hazmat. The
2 county likes working with you. Basically they didn't want to work
3 with our chief.

4 I said, well, that's -- that shouldn't happen in this
5 day and age but let's give it a shot because, quite honestly, if
6 we pulled out then, and I'll say it to this day, if we pulled out
7 all of our resources from hazmat, the technician level and the
8 volunteer component of decon with them, I felt as though then they
9 would have been out of business, because every training that I've
10 monitored or went to, it was Washington Township and a couple of
11 county employees. There were people on the books. There's 40
12 some people on the books that never came to training. I couldn't
13 even say they could consider them technicians because I don't know
14 -- I don't know -- we've never seen them. Our guys are telling me
15 they've never seen them. I personally have never seen them on a
16 scene.

17 So if we were to pull out in 2011, it would have left a
18 gaping hole, and it wasn't the time. We needed to make this thing
19 work. So my role was, I went in with some facts, deficiencies on
20 the trailer, on the tractor trailer and operationally, why are my
21 guys doing this? Well, it was kind of uncomfortable. I'm sitting
22 in a room with -- I had myself and Captain Lee here because he was
23 a -- he's on the hazmat team and he's a ranking officer here. I
24 took him with me, and I had two of the Board of Fire Commissioners
25 with me. Mr. Butts was sitting there. His hazmat chief and his

1 deputy were in the room, and it was kind of uncomfortable to --
2 they call this meeting and now I'm to kick it off and I'm
3 basically in their yard.

4 So I said, you know, it's uncomfortable. I said I want
5 to keep this totally professional. I said we have to address some
6 issues and they're serious issues. I have an idea where to start
7 but I want you guys to know that I'm going to attack this
8 professionally. It's not personal. I want all personalities to
9 step aside.

10 And, Mr. Butts stopped the meeting. He said, hold on.
11 He said I know you feel uncomfortable. He said I'm comfortable
12 sitting here talking to you guys. I have all the respect in the
13 world for your component, your guys, you. You come in here, you
14 treat me -- he says I want nothing to do with your chief. I don't
15 even want him in my buildings. I don't know. He hates me. He
16 laid it out on the table for me. He went off.

17 And I call him chief as a police officer because he's
18 the past chief of police. I said, Chief, thank you for breaking
19 the ice, I said, but he's not here. I said that's the reason why
20 he's not here and these two guys are allowing me to coordinate
21 this. So, you know, can we put that aside? He goes, absolutely.
22 He said I have all the respect -- you guys have a core group of
23 guys. They're all good. I love working with Washington Township.
24 He said I just can't deal with those issues. I said, well, if we
25 can put them aside for today, I think we can get something done.

1 He said, okay.

2 So I said I'll start with your chief. I said -- I'm
3 going to take a rundown of some of the complaints I have and some
4 of them come back on you. You are the chief, correct? He said,
5 yeah. I said how did you receive the title chief? "That's my
6 job." Could you give me some of your training? And he kind of
7 got standoffish. I said, listen, this isn't to -- I need a
8 background of you because you're the chief in charge of our guys
9 when they're on the road with you. I mean we've been in Louisiana
10 with decon with people, so you've got to have a working
11 relationship with these people.

12 So he took offense to me challenging his credentials. I
13 said I just want to put it out there. Are you -- have you been a
14 chief? Have you been in command and control of several dozen men?
15 Have you ran a fire department? Where's it at? "No, I was a
16 volunteer captain for 6 months or so." I said, okay, well, that's
17 out there.

18 I went to his deputy chief, you know, and he had more
19 credentials than the other. Well, Jack's the guy; he's in charge.
20 Okay, can you tell me why on this training event that there's
21 supposed to be in Level A suits operating the meters on full air.
22 They didn't have proper air. The SCBAs were deficient because
23 they didn't have -- the PASS devices weren't working. I said, and
24 then they gave them a bar of soap and said this is your meter. I
25 said that's not the level of training I'm looking for, for my men.

1 And he goes, well, you know, things happen. I said, no,
2 things don't happen. I said you're going to put a guy in a fully
3 encapsulated suit. You're going to test him on proficiency of
4 running the meter and you give him a bar of soap or whatever they
5 used? I said, that's ridiculous.

6 I said, now let's get into the training hours. You're
7 saying you're going to train 50 hours, 50 hours a year. It says
8 it right here. Well, no, that's just a guide. I said, no, it's
9 not. I said we have a mutual aid agreement saying that you're
10 training 50 hours a year that we take out of our operational
11 budget and put into your hands and say you're training 50 hours a
12 year and now you're telling me that you don't do that? "Well,
13 when we can." I said that's unacceptable.

14 So, Mr. Butts is over there. He's taking notes, and we
15 went into the vehicle. It was in disarray. Some of the equipment
16 wasn't there, wasn't operating right back in 2011. Very similar
17 laundry list that we have now.

18 The meeting ends. I said, I think, you know, we've
19 established that we need to get training on board. We need to
20 have a lesson plan established, and when it comes down to it, I
21 want to view it before my people leave my town. I want to see
22 hours of operations of the training plan, and I want to see the
23 equipment that's in use, and I'm requesting -- I'm not asking you,
24 Chief, I'm asking your boss -- as a past team member and as a
25 coordinator for Washington Hazard, I want permission to come and

1 go as I please on those events. He started talking, he said, I'll
2 take care of that. He said absolutely, you go on any one of these
3 assignments and working assignments as you want to go. He said
4 then you and me can sit and talk about that. Okay. I think we're
5 making some headway.

6 The chief wasn't real -- you know, he was upset that I
7 challenged him. It had to be done. We shared some e-mails back
8 and forth. He addressed some of the issues immediately with the
9 vehicle. We offered to have the vehicle brought here with the
10 core group of guys. We would take it to the ground, rebuild it
11 up, give them a laundry list of what we needed. If we had
12 something on hand, we would replace it or fix it. We would.

13 What I came out of there asking was operational
14 readiness of the vehicle. I have the manpower. I have the
15 people. I have it. I need the nuts and bolts to go in my toolbox
16 and the wrenches. We need to make that right. We could do that,
17 but I'm not releasing that vehicle to you guys and anywhere Chief
18 Hoffman's in charge, it's not going. I said, Chief, you're being
19 ridiculous. He goes, well, you might think that, but I'm not
20 letting him have any control over this. You can send your people
21 to us.

22 Now my commissioners are getting -- we'll do that. Give
23 me a date and time, Jack, and I'll send people to you. So he
24 picks out a couple of dates. Our guys go down in pairs of two,
25 and they work with them. They establish a working relationship.

1 They're getting the truck straightened out. That lasted twice.

2 It was done. They went back into lackadaisical training.

3 When I -- let me back up a little. When I left the
4 meeting, Mr. Butts, he pulled me into his office, he said, listen,
5 I appreciate what you're doing. I understand you're in a tight
6 spot. He said, I'm embarrassed. He said we need to tone things
7 up on my end. He said I'm going to assure you I'll get this done.

8 Next couple of months, like I said, they started to do
9 the right thing. In talking to his chief, because I was friendly
10 with the guy, I still tried to be friendly with them, but it's
11 just kind of hard, is he's being pulled in six different
12 directions. He's the chief of hazmat and I don't get into who
13 pays him and how he gets paid. There's a lot of undertone out
14 there that he's on a grant and it's site specific to hazmat only,
15 and there were supposed to be four per the grant and they're only
16 using him and I said, listen, that's not my issue.

17 They're bringing millions of dollars of funding in to
18 give us the best of the equipment. I can say -- you know, if we
19 wanted something, if we can prove a need -- I'll use a robot.
20 Some of the new technology, we can deploy a robot downfield in
21 many situations. But we cross-trained that. We did it with SWAT,
22 law enforcement, hostage negotiation and hazmat. I can send a
23 robot a quarter of a mile away and collect air samples and come
24 back, and give me -- or leave it down the field and give me live
25 data. You know, it was close to a million dollars. It was

1 bought. It was put into service. So there's components that if
2 everybody works together, it's a great thing, and the funding was
3 coming from Homeland Security.

4 So, you know, let's make it work. Yeah, we've got to
5 open the doors to more people, get more people involved. I don't
6 have a number. I know originally we were given like \$1.9 million.
7 That was just to get a vehicle and some of the equipment. Now I
8 think they're up to like 6, 8, \$10 million of equipment.

9 BY MR. EL-ZOGHBI:

10 Q. And that is to the county itself?

11 A. The county itself.

12 Q. Okay.

13 A. And that was all disseminated from federal grants to
14 state grants, but I took that -- that's an administrative role
15 that I don't want to be involved in. I should be involved in it.
16 I'm a boots on the ground type of guy, be out there with the men
17 and the equipment. Well, the equipment that they have wasn't
18 maintained.

19 Q. Now can I ask what -- you're from the operations side.
20 When they develop these teams, the teams that augment the
21 commanders from Gloucester County, is there the level of
22 communication and expectation for the equipment? Can you describe
23 how effective that has been? How do you communicate your needs?

24 A. The original plan is to get the core group of people,
25 and it was handed down -- it was -- for instance, I'll show you

1 the form. If this was today's scenario, or this is when the team
2 was originated. Tom's the Administrator. He has the total
3 responsibility back to the state and to the local governments. It
4 falls under the chief. He was a full-time employee. He's a
5 county full-time employee. He's an outside resource. I believe
6 he was a paramedic, Mark Chapman, as the captain.

7 Q. Okay.

8 A. And then Pat is from, you know, the fire department
9 component and Nelson's from the fire department component. So
10 it's a mix of --

11 Q. Uh-huh.

12 A. -- yes, the county has a leading role in it, but they
13 also rely on their staff billed out as, you know, a conglomerate
14 from the county, and that's all based on mutual aid agreements and
15 structures of that sort, which in this day and age, nobody has the
16 manpower to run one team. I don't know anybody in the State of
17 New Jersey right now that has one sole team. Everybody's reaching
18 out for somebody.

19 Q. But given that the operational -- I won't say that the
20 bulk of the capability really comes from the operational element,
21 your units and such, how has the communication been with their
22 chiefs and in terms of communicating those operational
23 capabilities up to their folks or even having -- yeah.

24 A. Through this chain?

25 Q. Has it been primarily through meetings --

1 A. Monthly.

2 Q. -- developing SOG or --

3 A. Well, monthly -- how it all originated is the team was
4 on paper. It took us probably close to a year to say we can go
5 operational.

6 Q. Uh-huh.

7 A. On paper, the state requested a structure. Along with
8 that, we were requesting funding. The structure came from
9 Gloucester County down through having a key component of the
10 hazmat team and then it would integrate your manpower, share the
11 proficiencies. How many technicians do you have with 420 hours of
12 training? How many this? I mean, we have a lot of guys at the
13 awareness level or the operational hazmat level, but not
14 technicians. We had to prove to the state that we had that to get
15 the funding to get developed. It was a good year before the team
16 actually got suited out and we could do a response, and that was a
17 minimal response, spills, fuel leaks. You know, the advanced
18 monitoring came along as the team grew and got generated. That
19 was pretty open. That was pretty good.

20 Q. Okay.

21 A. Jack actually didn't take charge of this until a couple
22 of years. It was by committee, I'll say. It was more of hazmat
23 committee. Everybody, we had roundtables once a month, and we'd
24 come up with ideas and structures, and we started working on the
25 SOGs to try to get -- getting them done. And that was a battle

1 for years. I'm going to say 5 to 7 years, and I'm sure people
2 would doubt that, but no -- I was one of those that if we're going
3 to go out in the field in today's environment, where we're sitting
4 at today is, I need a document to refer to, I can go back and put
5 my finger on it.

6 The training at the onset was okay. The communication
7 was okay. They were soliciting a lot of help because everybody
8 was in the same boat. You went to the school, you did your 420
9 hours of training or whatever it was, you had all the
10 prerequisites leading up: basic firefighting, awareness,
11 operation, technicians. Then we had some specialists. That all
12 seemed to be pretty good, and then all of a sudden the breakdown
13 was the training became lackadaisical, you know, the equipment
14 failures back in 2011, and then 2102 comes on top us, and here it
15 is the big one, and we weren't ready.

16 Q. On that note, you said your agreements, there's around
17 50 hours of training a year?

18 A. In their --

19 Q. In the county?

20 A. In their procedure, in their SOG states 50 hours.

21 Q. And would you say over the past 2 years or so, that
22 obligation has not been met?

23 A. I have not gotten into the 2011.

24 Q. Okay.

25 A. I did a study on my own of our internal guys --

1 Q. Uh-huh.

2 A. -- and I did a comparison to 2012. I have a copy of the
3 2012 -- I might have given that to -- I apologize.

4 Q. Oh, no, that's fine.

5 A. The Department of Labor has some of my documents. I can
6 reprint it, but -- in the mutual aid agreement, they sent out a
7 request -- in late 2011, beginning of 2012, they posted a training
8 schedule for the Gloucester County CBRNE team, and in that
9 schedule they listed each month starting with January running
10 through December of training expectations, what their goals were,
11 and what they were able to accomplish. In that was 9 to 12 was
12 their basic hours of operation.

13 MR. STANCIL: Is this it?

14 CHIEF SUMEK: Yep. That's the exact one. I went down
15 line by line with the guys. For instance, I don't have it in
16 front of me but January was an outstanding drill. They had hands
17 on work and they worked at Camden county. February, they did an
18 overview of something. They gave it like a 5 out of a 10, and
19 then we started picking out holes. A majority of 2012 was
20 canceled or when they got on site there was no direction. The
21 chief would show up and say, oh, we got to go do something because
22 I don't -- we don't have any plans. That happened on at least two
23 occasions that I'm aware of, and the rest was merely canceled.

24 BY MR. EL-ZOGHBI:

25 Q. And the training plan is established by the hazmat

1 team --

2 A. Yes.

3 Q. -- by Gloucester County?

4 A. By Gloucester County.

5 Q. Okay.

6 A. And in that, if you -- on a scale I went high. I
7 document 18 hours and it was realistic probably 12 or 15 hours of
8 2012 training. But this is a 2011. There was a new one for 2012
9 that looked very similar to this, and hooked to that document was
10 a request for updating your mutual aid agreement.

11 Q. Okay.

12 A. Your chiefs need to sign on you being there and then you
13 need your documentation saying that, you know, you were certified.

14 Q. So another question for you is the equipment is held and
15 maintained by Gloucester County in the expectation they -- their
16 personnel maintain inventory --

17 A. Yes.

18 Q. -- calibration, other issues like that, and then your
19 personnel, your requirement is to ensure competency and
20 capabilities on that equipment?

21 A. Correct. That's perfect. The only other thing is each
22 team member is issued a set of turnout gear and an APR --

23 Q. Okay.

24 A. -- that they can carry with them. If you had 30 guys on
25 this team, there wouldn't be enough space. So each guy has a jump

1 bag with their jumpsuits or helmet, you know, whatever they needed
2 to -- they would carry that with them. Some of them kept in
3 quarters here. Some of them kept it at home. They could deploy
4 from here and go meet the apparatus.

5 MR. EL-ZOGHBI: Okay. That is all I have. Do you have
6 any questions, Paul?

7 MR. STANCIL: In the interest of time, I think --

8 CHIEF SUMEK: Yeah, sorry. I know it was going to be
9 long.

10 BY MR. STANCIL:

11 Q. I know you have a lot of great information. Is there
12 anything else, Chief Sumek, that you believe we haven't covered
13 that's important?

14 A. In Gloucester County specific, well, there's a few
15 things, but to speed it along.

16 Q. Please go ahead.

17 A. Everything in their SOGs and everything in hazmat, the
18 way, my understanding -- and my training and experience have been,
19 involved in it over 10 years -- refers to 1910.120, C.F.R.
20 1910.120. Which in C.F.R. 1910.120, after I studied it and went
21 over it a little bit, I highlighted several things. It's not as
22 clear cut as people want to believe, but people didn't read the
23 document. People didn't get into the nuts and bolts of this.
24 This is really an on-site hazardous waste document. It has very
25 little to do with first responders, responding technicians to a

1 site. It has very little, but in the writings of this and the
2 understanding, they think this covers everything. It covers very
3 little. But there's some deficiencies in here that I need to
4 address with you guys.

5 As far as the technicians and the teams and everything
6 else, what I'm facing right now is it's clear in this that
7 briefings are to be established to make recommendations and to
8 improve training, what have you. Each incident, not just a once a
9 year or every month we're going to have a briefing.

10 There's an exodus policy in this. There's a procedure
11 in this that not only if you want to quit the team or, hey, my
12 life's changed, I can't be a team member no more, it's clearly
13 stated that there's an exodus procedure of, there's an interview
14 and then there's a medical evaluation. We've not been afforded
15 even a phone call of an interview and/or a suggestion about a
16 medical evaluation. That's a flaw.

17 I don't know if the gist of it is, well, they're no
18 longer part of the team. Well, we were part of the team. We were
19 on site November 30th when this incident occurred, and we should
20 receive some protection here.

21 To go on with that, there's been two debriefings, hot
22 washes they're being called now. One we were totally alienated
23 from, not even mentioned. No one from on site was invited to it.
24 The second one, which was a pat on the back, thank you for coming,
25 it was clearly stated, and Chief -- from Paulsboro, this is not a

1 review; this is not a hearing; we're just going to give a site
2 overview. Thank you. I couldn't make that one. Our guys did go
3 to the second one. The first one, we weren't even included on.

4 Like I said, part of my complaint with the whole thing
5 is if this is a real team and it's going to continue to be a team,
6 we want to protect the next group coming in. You know, it could
7 be my neighbor. It could be one of you guys. It could be anyone.
8 We may not be the right fit for this team for certain reasons, but
9 I believe we've demonstrated that we're proficient in what we do.

10 They have the proper amount of equipment. It's
11 operational readiness is not there. We had put them on notice
12 since 2011. We have it documented in 2011. It happened again in
13 2012. You're looking in a mirror. We have the same issues with
14 different items here and there. We have no other recourse other
15 than getting our people out of harms way.

16 Q. Assuming that these issues have been taken care of,
17 starting tomorrow, what would you expect to see in terms of a
18 different approach to the next hazardous materials incident that
19 didn't occur at Paulsboro?

20 A. Using the same structure and the same people, I would --
21 well, I expected it this day, that somebody in this chart other
22 than our people were there, were on site, number one, giving some
23 type of guidance. I mean, they're the chiefs. They're the top
24 people. For us to go out there with no structure or leadership --
25 you know, it's asking a lot to go into a major scene and develop

1 your own tactics and strategy. We're coming in to support and to
2 work, that should already be laid out.

3 So the assessment mode or whoever was going to establish
4 command needed to be stronger in this situation. And I use
5 command as, you know, Chief Alfons had, he had a big plate, but
6 when he gets his specialists out there, those people should be
7 forwarding. And if one guy's on vacation -- and I expected to see
8 one of these three people there first. They're on the books.
9 They're full-time employees. We're coming from afar. Someone
10 should have been able to give us directions. Two of these guys
11 were available. They were doing other functions.

12 Dennis Kappler was doing -- he's also a county
13 coordinator, fire coordinator, but he was running the fire branch.
14 How he not worked back into his title here, I -- but that's not
15 for me to ask him that question. He had other jobs to do.

16 Len Clark was there. He's a coordinator. I don't know
17 what his role was that day. And in knowing emergency management,
18 Len had more issues to deal with evacuations and sheltering and
19 stuff like that, so I can see it. But where Dennis fell into it,
20 I don't know.

21 My gut is the incident was there. It's documented at,
22 yeah, Gloucester County, we can do it all. It didn't happen that
23 way.

24 There's no short answer to your question. I guess -- I
25 don't -- it's just too broad, I guess. Higher levels of

1 responsibility. I mean, we take it to the extreme because it is
2 an extreme issue. When you're outfitted in Level A and you're
3 putting people out there, you may not come home. I mean, and then
4 now we get into a situation, well, 60-some days post the incident,
5 I still don't know where I stand. Responding out there as a
6 volunteer, my son's standing right next to me, and he's a career
7 guy. So I got levels, he has levels. Next day, no, he doesn't
8 have levels. I've got guys who were there only 4 hours, got
9 pulled off to go to a different incident, and they have higher
10 levels than we had.

11 So when you lump it altogether, where to start -- where
12 to start would be training and operational readiness. To weed it
13 down to two things, training's totally, totally out of the
14 question. If I allowed my staff, even as a volunteer, to give me
15 the bull crap that that's actual training, somebody's got to go.
16 Something's got to go. Something's got to change.

17 Now keep in mind I've been doing this a lot of years and
18 I have brought these issues forward 2 years ago or a year ago,
19 so --

20 BY MR. EL-ZOGHBI:

21 Q. Okay. Just to document also for the record, if you
22 could just give us a brief description of your experience with
23 hazmat?

24 A. Okay. My profession is I'm police supervisor with the
25 Washington Township Police Department. I started in 1987. I was

1 a part-time officer in 1980. I became full-time in '87. With my
2 fire department experience in the early '90s, there was a push.
3 We had an epidemic proportion drug problem with methamphetamines.
4 I got deployed into my -- or our narcotics unit, which I'm
5 currently the supervisor of, and I got sent out to DEA in
6 Quantico, Virginia, for specialist in methamphetamine labs. I got
7 certified as a lab technician, site safety officer and a command
8 and control presence at the federal level.

9 I came back to New Jersey, and we formulated a team that
10 was funded by DEA. Oversight is DEA and New Jersey State Police
11 was our responsible party. There was a core group. We had a
12 group in North Jersey, Central Jersey and southern New Jersey.
13 After the training, they saw the level of training, which you had
14 to have technician, and on top of that, we had to do all the DEA
15 entry teams and stuff like that. What it whittled down to, we had
16 one team that was basically South and Central Jersey, we were
17 responsible for the whole state. We did all P2P labs. We did any
18 type of clandestine type lab, and we trained our own people in
19 conjunction with DEA out of Quantico.

20 I worked with that for 8 to 10 years until our team got
21 dissolved with retirements and then the DEA made it where they
22 have, their region is -- even though we're close to Philadelphia,
23 our DEA region is New York. So they took agents and the guys that
24 wanted to stay involved, we could if we wanted to, but just to
25 keep up with that training, was immense, and everybody was

1 shorthanded, doing drug jobs, working on task force, and also
2 going to school for this, we just -- you just couldn't keep up.
3 So DEA took that over.

4 As that was folding down, this whole hazmat came to
5 light in Gloucester County. I was solicited by the county
6 prosecutor's office to be a part of this on two roles. Number one
7 is law enforcement, knowledge of the labs and, number two is my
8 fire department experience, starting when I was 16 in 1976, gives
9 me some knowledge of chemicals and hazmat. So it became a pretty
10 good fit.

11 I never wanted a role of responsibility in this. I did
12 work diligently on making the tractor trailer work, getting some
13 proper equipment. It became a full-time job, and quite frankly, I
14 was going up through the ranks and became sergeant of my unit and
15 I just couldn't do both. So I still monitored it. I wanted to be
16 part of it, and finally my chief said, it's one or the other. If
17 you want to be a hazmat guy, go get a hazmat job. If you want to
18 be a cop, be a cop. So I said okay.

19 So, you know, I still kept my hands with it, because we
20 do decon through here, and as a volunteer chief, so -- and
21 everybody ask me, why do you do it? You're crazy. I said, well,
22 it's just the way it is.

23 So that's pretty much my bio on that and how I got
24 involved in the team and I was pretty active with the team. You
25 know, like I said, we started out on paper, started out at a table

1 like this. We built it out to the tractor trailer. We didn't
2 have the assessment group yet. We just started getting to that,
3 and then I kind of went to the wayside and then as I came home to
4 the fire department -- Chief Hoffman was a technician from his
5 past job. We convinced the powers to be here, you know, we should
6 be a part of this. We're the largest town in the county. We have
7 the resources. We have the manpower. Let's get them trained.
8 And I believe we're outfitted out to now 14. We have 14 techs out
9 there if we need it, which is, in our region, it's unheard of.
10 Everybody has one or two guys that hold the credentials and keep
11 them active.

12 That's really it. I mean -- and then I got put into the
13 position of a liaison in 2011 to try to work on some of these
14 problems, and led to 2012, 30 November, and I'm sitting in front
15 of you folks. And I've also filed Labor complaints against them
16 because it's -- you know, no matter how people consider it, an
17 exposure is an injury. There's workmen's comp issues that have to
18 be dealt with. I'm not, and I'll tell you this, and I'll tell any
19 court this, I'm not looking for payday for Richard Sumek. I'm not
20 looking for a dime. I am interested in medical monitoring and
21 some things down the road. I'm highly insulted about the
22 evaluation stuff since it was taken by alleged professionals. You
23 know, I have no other way to look at it. Are they telling me
24 something? Are they not telling me something I should know? So
25 now we have to go through the legal system to find my records to

1 do some comparisons.

2 MR. EL-ZOGHBI: Excellent. If there's nothing else, we
3 can terminate the interview today as of right now. It's about
4 1:20 p.m. Thank you so much.

5 CHIEF SUMEK: No problem.

6 (Whereupon, at 1:20 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: CONRAIL DERAILMENT/HAZARDOUS
 MATERIAL RELEASE
 PAULSBORO, NEW JERSEY
 NOVEMBER 30, 2012
 Interview of Richard Sumek

DOCKET NUMBER: DCA-13-MR-002

PLACE: Sewell, New Jersey

DATE: January 29, 2013

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Kathryn A. Mirfin
Transcriber