

**2017 LOCAL EMERGENCY PLANNING MEETING.**  
**JUNE 20, 2017**

The LEPC meeting is an annual requirement under the SARA III (Act Superfund Amendments and Reauthorization Act) and part of the Emergency Planning and Community Right to Know Act

**2016 LEPC Meeting Minutes**

The Hazardous Substance Advisory Board meeting was made a part of today's (June 7, 2016) LEPC meeting. A recap of the 2015 fiscal year was discussed and compared to the 2014 fiscal year.

- Emergency responses for 2015 were nothing out of the ordinary.
- 3836 total responses in 2015, an 11.4 % increase from 2014. The increase were mostly uniform with respect to response of various categorizes of hazardous substances; they include:
  - Abandoned chemicals
  - Chemical spills
  - Chemical odors
  - Chemical fires
  - Explosives/WMD
  - Petroleum Spills
  - PCBs
  - Transformer releases
  - Carbon Monoxide
  - Special investigations
  - Asbestos
  - Building collapse (new category)
- Since the last LEPC meeting, there have been ten (10) joint agency/partner details, they were for the following events:
  - Year's Eve
  - St Patrick's Day (3/17)
  - United Airlines half-marathon (3/20)
  - New York Yankees opening day (4/4)
  - New York Mets opening day (4/8)
  - 9/11 Memorial walk (4/24)

- United Nations Climate Treaty Signing (4/21-22)
- Five borough bike tour (5/1)
- Brooklyn half-marathon (5/21)
- Salute to Israel (6/5)

There are two upcoming details:

- Puerto Rican parade (6/12)
- July 4

### **Update on Tier II Submissions – DEP**

- With respect to Right-to-Know (RTK) and Tier II submissions, as of May 21, 2016:
  - Approximately 10,415 submissions, of which 623 submissions are from new facilities.
  - 9,310 were submitted online; 1,105 were submitted hardcopy.
  - Approximately half are paid online while the other half is through checks.
  - There is a trend towards online payment.
- Risk Management Plans
  - 343 risk management plans on file.
  - As of May, 2016 an additional 17 facilities are required to submit RMPs.
- Inspections
  - 8,151 inspections during fiscal year 2016.
  - 122 facilities were found to be exempt from Right-to-Know Law
  - 393 were in violation of the law.
  - 242 facilities went out of business
- Special Events
  - On March 21, 2016, NYC Small Business Services requested training classes regarding rules, regulations, Tier II, and RTK inspections. These training classes were provided by DEP-DERTA.

### **ECRM2 Project Update – DEP/NYCEM**

- A background to the Effective Chemical Risk Management 2 (ECRM2) Project was provided. This project sprang forth from the response to the West Texas tragedy and President Obama signed Executive Order 13650 to improve chemical facility safety and security. Many agencies from the federal, state, and local level have coordinated to address this issue and to develop best practices.

- It is chaired by the Department of Homeland Security, EPA, and OSHA.
- ECRM2 focuses on Federal Region 2 and there are currently three main objectives:
  - Developing an understanding of the jurisdiction amongst agencies and how each agency ranks chemical risk
  - Develop a plan to improve operational coordination
  - Identifying challenges, possible solutions, and the value added by conducting joint-inspections
- Materials have been developed for cross-training of inspectors.
- Agencies identified top 10 items that are considered non-complaint with regulatory programs.
- Multi-agency guide developed for inspecting high risks facilities.
- Compiled a regional standard operation procedures manual for a unified federal, state, tribe, and local approach on how to respond, identify, and communicate the risks at a facility.
- Identified sectors that are particularly at risk.
- Regular conference calls among subgroups have been held for agency referrals and informational exchange.
- NYCEM is continuing collaboration with the United States Coast Guard and coordination with other City agencies to add value to responses.
- Upcoming meetings:
  - “Inspector Day” scheduled for end of June in Edison, NJ. This will be an opportunity for inspectors throughout different agencies to present and meet in various sessions.
  - Bi-annual meeting scheduled for October in Edison, NJ.

### **Additional Items**

- Noteworthy Emergency responses – DEP
  - Bay Ridge
  - Event started in December of last year when DEP responded to a chemical spill of an unknown substance. This chemical was eventually identified as concentrated rat poison. No one was injured.
- Special Deployments – DEP
  - Special deployments that occurred last year.
  - United States Woman’s National Team Parade (7/10/15)
  - Visit by the Pope to many venues throughout New York City
  - 2015 Major League Baseball playoffs

- New York Yankees
- New York Mets

The meeting minutes were concluded and accepted.

### **2017 Update on Tier II Submissions – DEP**

- January 1, 2017 DEP began the 2016 Tier II filing period
- The Right to Know Unit conducted a total of six (6) workshops demonstration how to use the Tier II online filing system. Two (2) of the workshops focused on facilities that have not used the online system. This was done in order to increase productivity. In an effort to accommodate submissions from the outer boroughs the Right to Know Unit conducted one (1) workshop in Staten Island at Seaview Hospital, one (1) in NYC DOHMH in Manhattan, all other workshops were held at the DEP Headquarters in Queens.
- Tutorial videos were uploaded to DEP’s website
- With respect to Right-to-Know (RTK) and Tier II submissions, as of May 31, 2016:
  - Approximately 10,241 submissions, of which 684 submissions are from new facilities.
  - 9,163 were submitted online; 1,079 were submitted hardcopy.
- Risk Management Plans
  - 354 risk management plans on file.
  - As of May, 2017 an additional 35 facilities are required to submit RMPs.
- Inspections
  - 9,743 inspections during fiscal year 2017.
  - 207 facilities were found to be exempt from Right-to-Know Law
  - 194 were in violation of the law.

### **Hazardous Substance Advisory Board – DEP**

The Hazardous Substance Advisory Board meeting was made a part of today’s (June 20) LEPC meeting. The Hazardous Substance Advisory Board is a subset of the LEPC.

- The March 15 meeting was cancelled due to a snowstorm.
- The December 13, 2016 meeting minutes:
  - With respect to Right-to-Know (RTK) and Tier II submissions, as of 2015:
    - Conducted four (4) workshops demonstrating how to use the online Tier II filing system. All workshops held in Queens at DEP’s headquarters. Two (2) additional workshops are scheduled for the 2016 filing year on January 25, 2017 in Staten Island and on February 1, 2017 in Manhattan.

- Approximately 10,667 submissions, of which 510 submissions are from new facilities.
- 9,493 were submitted online; 1,174 were submitted hardcopy.
- Risk Management Plans
  - 343 risk management plans on file.
  - 14 new RMPs were received.
  - 70 facilities submitted updates.
  - 148 facilities submitted affidavits confirming that there were no changes to the current RMP.
  - 105 notifications were sent to facilities requesting updates of their affidavits for the RMPs.
- Inspections
  - 10,132 inspections during fiscal year 2016.
  - 443 facilities were found to be exempt from Right-to-Know Law.
  - 930 facilities went out of business.
  - 462 were in violation of the law to which Notice of Violation were issued.
  - 1,417 survey inspections were performed.
  - 744 facilities need to comply with the RTK Law.
- Regional Response Team 2 (RRT 2) program initiated under the Environmental Protection Agency (EPA):
  - Meeting held in Edison New Jersey on October 12<sup>th</sup> and 13<sup>th</sup> 2016.
  - Inspector Day Initiative was organized by EPA and was a successful event.
  - EPA gave a presentation on the emergency response to an incident involving ice and cold storage facility that stored thousands of pounds of ammonia, for refrigeration, in an unsafe manner.
  - New York State Department of Environmental Conservation (DEC) provided an update regarding significant responses to spills and incidents which over the past six (6) months. Such as:
    - Crane collapse on Tappan Zee Bridge
    - ConEd feeder-line leak under the Hudson
  - The next RRT 2 meeting was set for April 10, 2017
  - Response:
    - 10% to 11% increase in response requests

Meeting minutes concluded

### **2017 Update on Emergency responses**

From FY 14 to May of FY 17 the ERT is responding to between 10% to 14% more responses per-year. The increased number of responses are due to the following categorizes of hazardous substances:

- Abandoned chemicals

- Chemical spills
- Chemical odors
- Chemical fires
- Petroleum Spills
- Indoor investigations (Carbon Monoxide)
- DERTA also responds to the following categories Explosives/WMDs
- PCBs
- Transformer releases
- Special Investigations – these are unique spills, whether intentional or abandoned in such a way that require further investigation.
- Asbestos – the DERTA works in conjunction with the Asbestos Response Team
- Building Collapses/Debris
- Special Events / Deployments:
  - Year’s Eve
  - St Patrick’s Day
  - New York Mets opening day
  - New York Yankees opening day
  - 9/11 Memorial walk
  - Five borough bike tour
  - Brooklyn half-marathon
  - Salute to Israel parade
  - National Puerto Rican Day parade
- Upcoming details:
  - Heritage Pride Parade

A question was asked as to why there was an increase in the number of responses year over year.

Commissioner McBride addressed this question and explained that many of the responses have to do with natural gas or a chemical odor. This is due to the notoriety of past incidents regarding gas. It also is easier for people to file a complaint through 311 and online.

Hazardous Substance Advisory Board meeting minutes concluded and LEPC meeting resumed

#### Local Law 143

- After Hurricane Sandy the City was concerned with chemicals stored in facilities near waterways (or within a special flood hazard area).

- DEP initially released a best practices advisement. But, over time, a local law was enacted dealing with chemical facilities that are vulnerable to extreme weather conditions.
- The law was proposed and approved in FY13.
- It was introduced by Council Members Van Bramer, Chin, Ferreras, James, Koo, Lander, Mendez, Palma, Rose, Mark-Viverito, and Ulrich.
- The intention of the law was to address scenarios where extreme weather conditions were to impact chemical facilities and the possible controls or mechanisms that could be implemented to protect chemicals from a possible release during said extreme weather events.
- Extreme weather events include many things under the law, such as, spillage, fire, flooding, storm surge, earthquake, power outages, and high winds.
- Over the past year, a taskforce was convened consisting of the Department of City Planning, the New York City Law Department, the New York City Department of Environmental Protection, and the New York City Mayor's Office of Recovery and Resiliency, to address the promulgation of the regulations.
- DEP had taken the initiative through its inspection program to advise facilities that were located in flood zones on how to secure chemicals from possible impact. Such as, elevation, double packaging or double drumming, and a diking or pooling control system.
- The taskforce is now preparing rules for review that will allow DEP, as well as other involved agencies, to enforce these regulations in such a way where the facilities, which may be impacted, will be guided through a process to satisfactorily implement measures to prevent a release to the environment. The measures that will be implemented depend on the facility.
- The Law Department is looking to include in the (proposed) regulations volumes of hazardous material that are above the reporting threshold for the Community Right to Know, but are below the jurisdiction of the Department of Environmental Conservation when it comes to hazardous material storage. The Law Department is preparing the regulations, with the Legal Counsel Division (this department reviews all legislation that is being promulgated by an agency before it goes through the CAPA process). The remaining questions have been submitted to DEP before they are sent to DEC.

### **Noteworthy Emergency Responses & Special Deployments**

- Gotham Shield - DEP
  - Scenario where an improvised nuclear device was detonated.
  - This was to gauge how the various entities (43) would respond to such an event.
  - This was an all-day event.
  - This was one of the most difficult scenarios to address.
  - The drill was very informative and will allow DEP to develop and revise SOPs in the event of such an event.

- Noteworthy Emergency Responses - DEP
  - Individual claimed to have a vial of liquid nerve agent (this claim was false)
  - Taxed the abilities of NYPD ESU, DEP, and FBI
  - A technique was developed to safely package (to prevent shaking, vibrating, leaking, etc.) and transport the material to the appropriate federal entity for analysis.
- Dielectric Fluid Spill \_ NYCEM
  - Occurred May 7, 2017
  - NYCEM was notified by Con Edison of a Controlled Spill on private property.
  - Initially, the leak was contained and had no impact on an adjacent waterway.
  - No City resources were required or needed.
  - The United States Coast Guard (USCG) later reported that the containment failed.
  - Con Edison's Blue Team brought in Emergency Support Function Coordinators (Transportation, Utilities, Infrastructure, Human Services, and Planning Section) to address possible impacts to the ferries traveling at that time as well as any disruptions in service and disseminate information to the public (the released substance was not hazardous – joint determination by DEC, DEP, Department of Health [DOH] after review of the material safety data sheets MSDS]/riders were told to remain indoors due to the odor).
  - USCG established safety zones and speed restrictions. They were able to be adjusted over time.
  - Virtual Joint Information Center was beneficial during this incident.
  - Looking at the thresholds to this or similar incidents.
  - NYCEM is continuing to monitor.
  - DOH stated that without knowing the amounts involved it was difficult to make a determination of potential health effects from the MSDS alone.

### **Memorandum of Understanding (MOU) between Con Edison, National Grid, and DEP**

- As a result of several high profile incidents involving natural gas, NYCEM and the Mayor's Office formed a Natural Gas Working Group, which consisted of NYCEM, DEP, National Grid, ConEd, NYPD, FDNY, DOT. As part of the working group, a MOU sub-committee, chaired by DEP, was established to update the existing MOUs.
- DEP had existing MOUs with National Grid and Con Edison regarding natural gas leak notification procedures.
- National Grid and ConEd have been very corporative.
- The final draft of the MOU has been submitted to the utilities for review and execution.