

2020 LOCAL EMERGENCY PLANNING MEETING

September 22, 2020

The LEPC meeting is an annual requirement under the SARA III Act (The 1986 Superfund Amendments and Reauthorization Act) and part of the Emergency Planning and Community Right to Know Act. It was enacted to provide local communities with information concerning chemical hazards present in their respective communities and to facilitate the development of chemical emergency response plans by state and local governments.

The New York City Department of Environmental Protection (DEP) serves and the Chair of the LEPC and New York City Emergency Management (NYCEM) serves as the Secretary of the LEPC.

Hazardous Material Operations. – DEP

DEP's hazardous material operations were impacted during the height of COVID in March and April. This was due to locations being closed and staff within the Right-to-Know division moving to a teleworking posture. However, hazardous material responses were not impacted as emergency responders were reporting to work. Over the last several months operations have been restored and, as businesses begin to reopen, we are seeing an increase in the number of calls.

The 2019 LEPC Meeting Minutes were discussed at this point. (The minutes for the 2019 LEPC Meeting can be found on New York City Emergency Managements webpage.)

Hazardous Substance Advisory Board (HSAB) – DEP

The Hazardous Substance Advisory Board meeting was made a part of today's (September 22, 2020) LEPC meeting.

The Hazardous Substance Advisory Board is a subset of the LEPC and meets quarterly.

- The June 9, 2020 meeting minutes:
 - The previous HSAB minutes from March 10, 2020 were read and accepted by those in attendance.
 - Regarding the Right-to-Know (RTK) program, changes to the program due to the COVID-19 Pandemic were outlined:
 - RTK inspections were suspended in March
 - All of the staff were working remotely and completing technical review of the 2019 Tier II submissions.
 - 95% of the 11,000+ Tier II submissions had been reviewed.
 - Inspections would resume once safe to do so.
- With respect to Tier II and Risk Management Plan submissions for the 2020 calendar year:

- 11,252 Tier II submissions were received.
 - Of the 11,252 submissions, 1,028 were from new facilities.
 - 10,794 facilities submissions were submitted online; 458 were submitted via hardcopy.
- Risk Management Plans:
 - 374 risk management plans on file as of May 31, 2020.
 - An additional 48 facilities are required to submit RMPs.
 - DEP received 139 Risk Management Plan Affidavit letters.
 - DEP received 45 updated RMPs.
- Inspections:
 - 7,046 inspections were performed during Fiscal Year 2020.
 - 88 facilities were exempt from filing.
 - 332 facilities went out of business.
 - 341 facilities were issued a notice of violation.
- Regarding the Emergency Response Unit, DERTA Responders are considered essential employees and have been reporting to work on a 24/7 basis.
 - Due to the COVID-19 Pandemic there was a 43% to 45% reduction in the number of calls received (generally, between 300 and 400 calls are received each month). This reduction is likely attributed to fewer people going outside that could potentially report hazardous conditions. However, it was noted that there has been an increase in the number of calls over the past two (2) weeks.
 - Currently, there are no special event deployments are scheduled. The New York City Fire Department (FDNY) stated that the 4th of July fireworks display may be held virtually and the United Nations event would likely be cancelled.
 - An inquiry was raised by NYCEM, regarding special events and large gatherings of protestors. In response, it was explained that the difference between the two was that the protests were unplanned and unannounced and do not require permits while special event gatherings do.
 - NYCEM also inquired as to whether FDNY and DEP had sufficient PPE. In response, FDNY stated that there was no shortage of PPE and DEP stated that 80% of staff were teleworking and essential employees had the proper PPE.

Update on Tier II Submissions – DEP

- With respect to Right-to-Know (RTK) and Tier II submissions:

- DEP received 11,439 Tier II submissions.
 - 1,094 submissions were from new facilities and were added to the database.
 - 10,963 submissions were submitted online; 474 were submitted via hardcopy.
 - 95.8% of the facilities submitted online; 4.2% of the facilities submitted via hardcopy. It is easier for DERTA to review submissions that are received online. That is why we encourage facilities to file online. We hold workshops for facilities, but have been unable to do so for the last several months because of COVID.
- Risk Management Plans:
 - 375 risk management plans are on file as of June 3, 2019.
 - 19 new RMPs were received.
 - An additional 44 facilities are required to submit RMPs.
 - 57 facilities reported updated to their plans.
 - 130 affidavits have been received indicating that no changes have been made to their plans.
 - 20 inspections were completed for RMPs.
 - Inspections:
 - 7,173 inspections were performed during fiscal year 2020.
 - 90 facilities were exempt from filing.
 - 211 facilities went out of business.
 - 341 facilities were in violation of the law.

Update on Emergency Responses

- As noted, responses were down around 45% due to COVID. However, now that facilities are beginning to open, the numbers have gone up and stabilized. There was a 10% change from this year as compared to last year – 3,531 last year to 3,192 this year (9.6%). We expect this pattern to continue and close out the year back to the normal range.
- The last special event deployment was New Year’s Eve. All other special events were cancelled due to COVID and if any events did take place they were virtual, meaning there were no spectators.
- This week is the U.N. General Assembly, and from what is understood, there are many virtual meetings taking place.
- The Thanksgiving Day Parade, like the 4th of July event, will take place virtually.
- This will likely continue through the end of the year.
- It was noted, that regarding deployments to special events, DEP does not deploy unilaterally. They are part of the hazardous materials branch of CIMS. So, if the hazardous

materials branch is called upon for a special event that is when they would deploy.

Notable Responses - DEP

- DEP was notified by NYPD ESU. A call was received of an individual who burnt himself with a chemical. When the location was entered, numerous chemicals were discovered. DEP was called to assist with identification of the substances. DEP conducted a preliminary analysis. A chemical was identified, which could be used for medical purposes, but also has an illegal component. At that point DEP serves as a technical support unit to NYPD. NYPD took the lead (Narcotics and Crime Scene Units). This job took two (2) days and the individual was being held for possible illegal manufacturing of narcotics. NYPD ESU, Crime Scene, NYPD Crime Lab, and DEP secured the material for safe transport. The material was tested by the NYPD Crime Lab and the results were submitted to the District Attorney for prosecution.

End Notes

- Regarding the U.N. General Assembly, there was some thought that the President of the United States would be in the City, but the Secret Service notified FDNY that it was cancelled. Also, the Thanksgiving Day Parade would be virtual.