

2018 LOCAL EMERGENCY PLANNING MEETING.
JUNE 15, 2018

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.

2017 Update on Tier II Submissions – DEP

- On January 11, 2018, the Right-to-Know Unit hosted a Tier II filing workshop. This workshop was held at Maple Grove Cemetery, 127-15 Kew Gardens Road, Queens, NY 11415.
- On February 27, 2018, a Compliance Advisor Training class was held for the Small Business Association at DEP Headquarters.
- DEP assisted two (2) consulting firms to migrate their clients from filing hard copy submissions (216) to online filing.
- The Risk Management Plan Review Group was formed to improve the efficiency of the Risk Management Plan review process. The group is comprised of Emergency Response Personnel and Right-to-Know Inspectors.
- A new Facility Inventory Form has been developed to include the new Physical and Health categories as mandated by the Environmental Protection Agency (EPA). It is currently under review by the New York City Law Department and the Mayor's Office of Operations. Upon completion of the review process, a notice of Public Hearing will be posted in the City Record. The form should be ready for the next Tier II filing period, which will begin January 1, 2019.
- The Right-to-Know program manages the reporting and storage of hazardous substances by requiring businesses and facilities to annually file a Tier II report detailing the quantity, location, and chemical nature of every hazardous substance stored within their facilities throughout the five boroughs.

Hazardous Substance Advisory Board – DEP

The Hazardous Substance Advisory Board meeting was made a part of today's (June 15) LEPC meeting. The Hazardous Substance Advisory Board is a subset of the LEPC.

- The March 12, 2018 meeting minutes:
 - With respect to Right-to-Know (RTK) and Tier II submissions, as of 2017:
 - DEP conducted three (3) workshops demonstrating how to use the online Tier II filing system.
 - 9,669 submissions were received as of March 12, 2018, of which 440 submissions were from new facilities.
 - 9,200 submissions were submitted online; 469 were submitted via hardcopy.
 - Risk Management Plans:
 - 368 risk management plans on file as of March 9, 2018.

- An additional 39 facilities are required to submit RMPs.
- Inspections:
 - 6,260 inspections were performed as of March, 9, 2018.
 - 264 facilities went out of business.
 - 410 were in violation of the law.
- Facility Inventory Form is being developed to include the new Physical and Health categories as mandated by the Environmental Protection Agency (EPA).
- Still no update on the Hazardous Substance Advisory Board vacancies.
- The Memorandums of Understanding between DEP, ConEdison, and National Grid have been fully executed.
- There is a 2% increase in natural gas jobs in comparison to the same period last fiscal year.
- Upcoming deployments:
 - St. Patrick's Day Parade on Saturday, March 17, 2018
 - New York City Half Marathon on Sunday, March 18, 2018
 - Yankee's Opening Day
 - Met's Opening Day
 - 9/11 Memorial Walk
- The tentative date for the next LEPC meeting is June 15, 2018.

Update on Tier II Submissions – DEP

- With respect to Right-to-Know (RTK) and Tier II submissions:
 - As of March 9, 2018 the RTK received 10,937 Tier II submissions.
 - 611 submissions were from new facilities.
 - 10,141 submissions were submitted online; 794 were submitted via hardcopy.
 - There was a 33% increase in online submissions.
- Risk Management Plans:
 - 370 risk management plans are on file as of June 8, 2018.
 - An additional 39 facilities are required to submit RMPs.
- Inspections:
 - 9,466 inspections were performed during fiscal year 2018.
 - 1,025 were in violation of the law.

Effective Chemical Risk Management Program (ECRM) Update

- DEP:
 - The program was developed after the West Texas incident. 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 for inter-agency collaboration and data sharing.
 - The last in-person meeting was held in June 2016.

- Conference calls were reestablished March 2018. These calls will now be held quarterly.
- There was a Regional Response Team (Region II) meeting held in Jersey City. The Environmental Protection Agency (EPA) and the United States Coast Guard (USCG) resumed the ECRM Program and focused on sharing key or “red-flag” information rather than all information, which was deemed impractical.
- They will set up an “Agency Day” where field personnel and inspectors from various agencies will be able to meet.
- The next meeting is scheduled for next week.
- The USCG reported that there was increase in congestion within New York Harbor. As such, they are anticipating an increase in the number of collisions and groundings that could result in fuel spills.
- The USCG is looking at the release of petroleum and dielectric fluid spills as the number has doubled over the past year. This may be due to aging infrastructure. ConEdison was present and informed the group as to steps that have been taken.
- OSHA was present and discussed facilities that “fell between the cracks” – there was an explosion in Newberg, New York where 1 person was killed and 125 injured – this facility was not expected to report or file an inventory. This is not an issue for New York City as our thresholds are much lower.
- The Lawrence Livermore National Lab is working on a Federal Emergency Management Agency (FEMA) planner resource. This resource will allow cities to plan for large scale emergencies. Here, it was prepared for Improvised Nuclear Devices (IND) – looking to expand into the areas of chemical and biological threats.
- The New York State Department of Environmental Conservation (DEC):
 - The Bayside Oil Terminal Spill – Release of 27,000 gallons of oil into Gravesend Bay.
 - ConEdison Substation Spill – 30,000 gallons of dielectric fluid (a synthetic mineral oil) was released into the East River.
 - There have been a number of events involving ConEdison. A third of the oil spills DEC receives in the New York City area involves the release of dielectric fluid.
 - Regarding the event in Newberg, New York – the materials they had on site did not meet the local, State, and Federal threshold requirements in terms of reporting.

Update on Emergency Responses

Slightly above last year’s number responses – 3,171 to 3,239 - this is a 2% increase. This number is in line with last year’s projection. There are various categorizes of hazardous substances:

- Abandoned chemicals
- Chemical spills
- Chemical odors
- Chemical fires

- Explosives/WMDs
- Petroleum Spills
- PCBs
- Transformer releases
- Indoor investigations (Carbon Monoxide)
- 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

There is a higher percentage of natural gas responses due to public awareness.

- Special Events/Deployments:
 - Five borough bike tour on May 6th
 - Brooklyn half-marathon on May 19th
 - Salute to Israel Parade on June 3rd
 - National Puerto Rican Day Parade on June 10th
- Upcoming details:
 - Heritage Pride Parade scheduled for June 24th
 - July 4th
 - US Open (August 27 to September 9)
 - UN General Assembly (September 24 to September 28)

The 2017 LEPC Meeting Minutes were discussed at this point. (*See 2017 LEPC Meeting Minutes* - https://www1.nyc.gov/assets/em/downloads/pdf/2017_LEPC_minutes.pdf)

Local Law 143

- Local Law 143 was introduced by Council Members Van Bramer, Chin, Ferreras, James, Koo, Lander, Mendez, Palma, Rose, Mark-Viverito, and Ulrich.
- After Hurricane Sandy the City was concerned with chemicals stored in facilities near waterways (or within a special flood hazard area).
- DEP worked with representatives from City Hall, the New York City Law Department, the New York City Mayor’s Office of Recovery and Resiliency, and DEC to address the promulgation of the regulations.
- The regulations are now going through the CAPA process.
- The threshold requirements set forth in the proposed regulations will be above the Community Right-to-Know threshold, but below the DEC required reporting threshold.
- Local Law 143 of 2013 amended Section 24-716 of the Administrative Code (Community Right-to-Know Law or Local Law 26) by adding a new subdivision

requiring that DEP promulgate rules for the proper siting and storage of hazardous substances, taking into consideration all safety issues. In response, after consulting with other emergency response agencies, as well as the Law Department, the Mayor's Office of Operations, and DEC.

- DEP has developed amendments to the existing Community Right-to-Know Regulations which add a new Section 41-14 to require spillage prevention measures for all portable containers of hazardous substances in order to prevent releases of hazardous substances in case of an extreme weather event, and to impose spillage prevention requirements for facilities located in a Special Flood Hazard Area.
- The proposed rule also authorizes DEP to perform inspections at facilities and to issue summonses for violations of the rule, and adds definitions for terms found in the new section 41-14.
- "Flood prone areas" are based upon FEMA floodplain maps and agreed upon protocols.

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

- Stems from a 2015 incident that occurred on 54th Street. A Natural Gas Working Group was formed and consisted of NYCEM, DEP, National Grid, ConEdison, NYPD, FDNY, and DOT. As part of the working group, a MOU sub-committee, chaired by DEP, was established to update the existing MOUs regarding natural gas leak notification procedures.
- The amended MOU contains the following language requiring utilities to provide gas leak notifications when they detect "any sustained natural gas readings of more than 1.5% gas in the air in the atmosphere of the utility vault, manhole, or subsurface structures with at least a 27 inch opening that cannot be immediately be relieved to below 1.5%."