

**2019 LOCAL EMERGENCY PLANNING MEETING.**  
**JUNE 7, 2019**

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 2018 LEPC Meeting Minutes were discussed at this point.** (The minutes for the 2018 LEPC Meeting can be found on New York City Emergency Managements webpage.)

**2018 Update on Tier II Submissions – DEP**

- Between January and March, the Right-to-Know Unit hosted a number of workshops and webinars that focused on educating facility owners on Local Law 143 and the newly added “Physical” and “Health” categories of the “Safety Data Sheets”.
- DEP continues to work with consulting firms to migrate their clients from filing hard copy submissions to online filing.
- DEP acquired a list of registered auto repair and auto body shops from the NYS Department of Motor Vehicles website. Based off of this list, DEP is performing inspections at these facilities to ensure compliance with the Community Right-to-Know Law.
- DEP has developed a risk management plan database with step-by-step guidelines for reviewing submitted plans for completeness. Once the plans are approved, inspections are scheduled to ensure proper compliance with the law.

**Hazardous Substance Advisory Board – DEP**

The Hazardous Substance Advisory Board meeting was made a part of today’s (June 7, 2019) LEPC meeting. The Hazardous Substance Advisory Board is a subset of the LEPC.

- The March 13, 2019 meeting minutes:
  - DEP conducted six (6) workshops during the months of January and February to assist facilities with their Tier II filings. Four (4) workshops were held at DEP Headquarters. One (1) workshop was held in Staten Island and the other was held in the Bronx.
  - DEP is looking to hold a workshop in Brooklyn for the next filing year.
  - DEP is continuing to host annual webinars to assist new facilities with their filings. The webinars are focused on the new Local Law requirements and the new Tier II form, which includes the “Physical” and “Health” hazard sections.
  - DEP plans on holding additional workshops throughout the year.
  - DEP worked with New York City business experts to transition customers from submitting hardcopy submissions to online submissions. As a result, DEP was able to transition 91 facilities to online filing.

- 10,074 submissions were received.
- Of the 10,074 submissions, 267 were from new facilities.
- 9,637 facilities submissions were submitted online; 437 were submitted via hardcopy.
- Risk Management Plans:
  - 350 risk management plans on file.
  - An additional 39 facilities are required to submit RMPs.
  - DEP received 93 Risk Management Plan Affidavit letters.
  - DEP received 53 updated RMPs.
- Inspections:
  - 6,627 inspections were performed.
  - 60 facilities were exempt from filing.
  - 289 facilities went out of business.
  - 207 facilities were issued a notice of violation.
- The penalties under Local Law 143, which was promulgated on November 6, 2018, are now established. However, DEP would not issue violations for non-compliance, rather, as inspections are completed, DEP would continue to educate the facilities on the law. Facilities would be given thirty (30) days to comply. After the thirty (30) day period, any facilities found in non-compliance would be issued a Commissioner's Order and/or violation.
- The Emergency Response Team was preparing for the next inspector day, which was to be held at the New Jersey EPA location. The focus of the meeting was inter-agency collaboration. Each agency in attendance was to provide a summary as to what each agency does to effectively collaborate with other agencies.
- The number of emergency responses over the past year were within 5% of each other as compared to last year's numbers. There were no major increases in the numbers of any one category of the types of responses DERTA handles.
- Upcoming deployments:
  - St. Patrick's Day Parade
  - United Airlines Half Marathon
  - Yankee's Opening Day
  - Met's Opening Day
  - 9/11 Memorial Walk
  - Five Borough Bike Tour

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

- With respect to Right-to-Know (RTK) and Tier II submissions:
  - DEP received 10,797 Tier II submissions.
  - 423 facilities were added to the database.
  - 374 submissions were from new facilities.
  - 10,230 submissions were submitted online; 567 were submitted via hardcopy.
  - 95% of the facilities submitted online.

- Risk Management Plans:
  - 356 risk management plans are on file as of June 3, 2019.
  - An additional 41 facilities are required to submit RMPs.
  - 88 facilities reported updated to their plans.
  - 105 affidavits have been received indicating that no changes have been made to their plans.
- Inspections:
  - 8,934 inspections were performed during fiscal year 2019.
  - 495 facilities went out of business.
  - 303 facilities were in violation of the law.

### **Update on Emergency Responses**

- From fiscal year 2019 to date, DERTA responded to 3,184 incidents (an average of 265 responses per month). Two thirds of the responses occurred during normal business hours; the remainder occurred during evening hours and weekends. The various complaint responses can be broken down as follows:
  - 45% - Chemical Odors
  - 15% - Large Petroleum Spills
  - 11% - Chemical Spills
  - 11% - Natural Gas
  - 6% - Abandoned Chemicals
  - 5% - Small Petroleum Spills
  - 3% - Unsafe Chemical Storage
  - 2% - Carbon Monoxide
  - 1% - Explosives/WMDs
  - 1% - Steam Pipe/Manhole/Special Investigations
- Special Events/Deployments:
  - St. Patrick's Day Parade
  - Yankee's Opening Day
  - Met's Opening Day
  - United Airlines Half Marathon
  - 9/11 Memorial Walk
  - Five Borough Bike Tour
  - Brooklyn Half Marathon
  - Salute to Israel Parade
- Upcoming details:
  - National Puerto Rican Day Parade
  - Heritage Pride Parade/International Days

### **Local Law 143**

- Local Law 143 requires the proper siting and storage of hazardous substances.
- In January 2019, Local Law 143 went into effect.
- DEP RTK inspectors have begun to incorporate the compliance requirements set forth in the law in their inspections.
- DEP has created a brochure to aid facility owners.
- The penalty codes were adopted by OATH.
- The penalties can range from \$500.00 for a first time offense to \$7,500.00 for the third offense.
- As this is the first year, no fines have been issued by DEP. However, warnings and recommendations have been issued to facilities.
- As of next year, DEP will begin to issue fines if necessary.

### **Notable Responses - DEP**

- On January 31, 2019, DEP received a complaint of a mercury spill in the amount of one (1) liter. DEP performed an investigation and found that a spill had occurred and the individual responsible for the spill, a chemistry teacher, attempted to clean-up the spill. However, the clean-up was not conducted properly and resulted in the contamination of a two-story building and storefront. As a result, DOHMH evacuated the building and DEP issued a Commissioner's Order to the building manager for proper remediation and the removal of the mercury and the contaminated surfaces. The building manager did not obtain a proper licensed contractor to perform the clean-up. Therefore, defaulting on the Commissioner's Order and resulting in major contamination of the building and exuberant costs. The clean-up is still ongoing with a licensed contractor.
- Once clean-up is complete, DEP will perform a joint inspection with DOHMH to see if the building is safe for re-occupancy. If the levels are deemed safe, DOHMH will lift the Evacuation Order.
- Mercury must be cleaned-up using a special mercury vacuum. In addition, all items (collection jar, carpets, flooring, etc.) that have come in contact with the mercury must be removed. Clean-up must be performed by a certified/licensed contractor.
- If you own a device that contains mercury it should not be disposed of in the trash. The Department of Sanitation ("DSNY") has information as to how to properly dispose of it. This information can be found on DSNY's website.
- Kits can be purchased for the clean-up of small mercury spills.
- Mercury is the only metal that remains that remains in a liquid state at room temperature. The droplets are shiny silver/white with a high surface tension, which is why it appears rounded on flat surfaces. With temperature changes mercury can change into a gas and can dissipate into surrounding areas.