

## **Division of Emergency Response & Technical Assessment**

The New York City Department of Environmental Protection, Bureau of Environmental Compliance, Division of Emergency Response and Technical Assessment (DERTA) consist of the Hazardous Materials Emergency Response Unit, Weapons of Mass Destruction Unit, Technical Operations Support, Right-To-Know Program, Office of Emergency Management and Hazardous Materials Laboratory.

### **New York City Community Right-To-Know Program**

Title 24, Chapter 7, of the New York City Administrative Code, known as the *New York City Right-To-Know Law (Local Law 26/88)* was passed by the New York City Council in 1988. The intent of the law is to protect the environment, health and safety of community members, emergency response personnel, the general public and private/public property against exposure to hazardous substances as a result of fire, spill or accidental release, whether actual or threatened. In addition, information gathered under the Right-To-Know (RTK) Program is used to assist emergency response personnel in the mitigation of such fire, spill or accidental release from industrial, commercial or public facilities, which handle these substances. Certain information, such as chemical names, amounts stored, characteristics of the substances, methods of safe treatment and potential health effects, is provided to the New York City Department of Environmental Protection.

The *New York City Local Law No. 26/Regulations* requires facilities and local government agencies that use, store or otherwise handle any hazardous substances at or above certain *Threshold Reportable Quantity (TRQ)*, to report the quantity and location within the facility where the hazardous chemicals are present. The responsible party shall file the following on or before March 1<sup>st</sup> each year and make copies of all information filed with DEP available at the facility for emergency response personnel:

- (1) Facility Inventory Form/Tier II  
Facility Inventory 'Update' for previously unreported hazardous substances is added at a facility or an already reported quantity of a hazardous substance increases by 25% or more within 30 days of the occurrence.
- (2) Material Safety Data Sheets
- (3) Filing Fee/Fee Invoices
- (4) Risk Management Plans (if required)

Facilities where *Extremely Hazardous Substances (EHS)* or regulated toxic substances are stored in quantities exceeding the *Threshold Planning Quantity (TPQ)* are required to file Risk Management Plans (RMPs) with DEP, pursuant to *Local Law 92 of 1993*. The RMP consists of three parts: a hazard assessment, a risk reduction program, and an emergency response program.

The RTK program consists of Chemical Audit Specialists. The Chemical Audit Specialists conduct the following tasks during an inspection at a facility: 1) compare reported substances on the FIF to the present substances in the facility 2) check the adequacy of container labeling 3) observe the MSDSs at a central location 4) observe all chemicals segregated based on categories of incompatibility 5) observe diking systems to contain potential spillage 6) observe current FDNY permit and NYCDEP air permit 7) provide recommendations on safe storage and handling 8) make referrals to applicable agencies. Violations are issued to facilities for failure to submit FIF and/or RMP, failure to file a completed Material Safety Data Sheet, failure to meet filing deadline, failure to grant access to DEP personnel, failure to label containers properly, and failure to submit FIF Update.

### **Citywide Facility Inventory Database**

Annually, the Program receives thousands of inventory reports from facilities and government agencies that detail the amounts and locations of a variety of chemicals present in various facilities throughout the City.

This data is maintained in DEP's Citywide Facility Inventory Database (CFID). The information collected by the program consists of:

- Facility Inventory Forms (FIF)
- Material Safety Data Sheets (MSDS) for each reportable chemical
- Risk Management Plans (RMP) if required
- Site Plans indicating storage locations
- Notice of accidental spills and releases
- Extremely Hazardous Substance/Regulated Toxic Substance Reports
- Name(s) of emergency coordinators at extremely hazardous substance (EHS) facilities

### **Emergency Response**

The RTK Program provides valuable information to the City's Emergency Response personnel. In the event of a facility accidentally releases a hazardous substance, information on the types, quantities, location within a facility, and toxicity characteristics of hazardous substances can be obtained from the RTK CFID. The DEP Hazardous Materials Response Team (HazMat "Team") will obtain and disseminate this data as needed and provide technical and regulatory expertise during the incident.

DERTA's Hazardous Materials Response Unit (HMRU) is comprised of a unique group of individuals who possess the technical and regulatory expertise and the formal education necessary to remediate spills and other hazardous materials emergencies. The unit consists of over 30 Hazmat Team members with a level of training that exceeds the HazMat Specialist level. DEP has fully qualified analytical chemists and engineers 24/7 to respond to incident sites.

DERTA is responsible for ensuring that hazardous materials are handled, used, produced and disposed of properly so that they do not endanger the citizens and the environment of New York City. Under the Citywide Incident Management Systems, DEP HazMat's first response role is to respond to the hazardous materials incident and to provide technical assessment of the scientific and technical aspects of the hazardous materials incident. The Team will identify the material involved and determine strategies for material containment, cleanup and mitigation.

Under the New York City Hazardous Substances Emergency Response Law (L.L 42/87) or "Spill Bill" DEP DERTA is charged with responding to emergencies caused by releases or threatened releases of a hazardous substances in the environment. DERTA respond to numerous types of incidents including abandoned materials, petroleum spills, explosive chemicals, and WMD chemicals, and chemical spills. Typical hazardous substances incidents range from improper chemical storage to explosions, and include overturned tank trucks, illegal dumping, chemical fires and releases. DEP's Hazardous Materials Team responds to chemical and biological threats or attacks. DERTA first responders use their chemical expertise and specialty analytical instrumentation, which will quickly and accurately identify these agents, delineate zones of contamination and determine mitigation and decontamination strategies.

DERTA has the capabilities of performing on-site sampling and analysis for air, water, and soil. Responders may utilize basic first responder survey equipment similar to what is used by NYPD and FDNY hazardous materials teams along with high-tech analytical equipment during emergencies. DERTA also utilizes high-tech monitoring and analytical equipment during special events in New York City. During these events, DERTA works with federal, State and local law enforcement agencies to quickly assess any potential chemical hazard if it develops. In addition, DERTA uses several air plume dispersion models in performing risk assessments at facilities containing extremely hazardous substances (EHS) and at chemical, biological, radiological, nuclear and explosive (CBRNE) incidents. DERTA uses complex hazardous air release models that provide a quick and accurate method of assessing the potential impact of airborne chemical releases.

DERTA reviews and evaluates Risk Management Plans (RMPs) for facilities storing Extremely Hazardous Substances (EHS). These plans identify worst case scenarios, contingency plans and pertinent emergency response information for facilities that store EHS substances at certain thresholds.

