

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY



Regular Meeting

October 15, 2024, 6:00 pm

**The Phillip Pittore Justice Center,
25 S. Union Street, Lambertville**

Minutes for Meeting Held in Person & Zoom Webinar

<https://us02web.zoom.us/j/84502112105>

The meeting was called to order at 6:03 p.m. by Mrs. MacGregor who read the statement of compliance with the Open Public Meetings Act, by adoption of Resolution 006-2024 setting forth meeting dates for 2024-2025. Notification was published on September 5, 2024, to the Hunterdon County Democrat and noticed in the Times of Trenton. A copy of the notice and agenda were posted on the web sites of the LMUA www.lambertvillemua.com and the City of Lambertville www.lambertvillenj.org.

Pledge of Allegiance.

Roll Call. Ms. Parsons called the roll as follows:

LMUA Board:

Present: Janine MacGregor-Chairwoman, Vincent Uhl-Vice Chairman, Paul Rotondi-Treasurer, Jacqueline Middleton-Secretary, Helen Pettit-Member, Holly Havens-Alternate I

Present for LMUA: Thomas F. Horn, P.E.-Executive Director, Kathy Leary, Chief Financial Officer, David Rose, Operations Supervisor, Bryan Conner, Sludge Manager, Michael Schneider Maintenance Mechanic, Diane Alexander, Esq. (Authority Attorney) of Maraziti Falcon, LLP, Katherine Hatfield (Labor Attorney) of Hatfield Schwartz Law Group

City Representatives: Mayor Nowick, Fire Chief Barlow, Police Lieutenant in Charge Brown and Corporal Bast

Hunterdon County Health Dept.: Greg Vaccarino, Hunterdon County Right to Know Coordinator, Andrew Camp, Hunterdon County Office of Emergency Management, HazMat Coordinator

Minutes.

The corrected minutes from September 3, 2024, regular meetings were approved in a motion made by Ms. Pettit and seconded by Mr. Uhl and followed by a unanimous roll call vote by all members present except for Mr. Rotondi who abstained as he was absent. MOTION CARRIED

Governing Body Member	Recorded Vote:				
	Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi			X		
Helen Pettit	X				
Jacqueline Middleton	X				
Holly Havens				X	

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 2

Police & Fire Report.

Mrs. MacGregor started by expressing her appreciation for the first responders, the community and also the Lambertville Municipal Utilities Authority (LMUA) staff who responded to the June 26th Peracetic Acid (PAA) spill at the plant. She then stated that “we want you to know how seriously we take this matter and how we are taking steps to ensure that this kind of thing doesn’t happen again.” The LMUA Board and staff members are very interested in working together with the police and fire to identify vulnerabilities and come up with a way to improve our process.

Mrs. MacGregor acknowledged the emergency services personnel at the meeting tonight that included City of Lambertville Police and Fire, Hunterdon County Hazardous Materials (Hazmat) and Health Department and Hunterdon County Office of Emergency Management.

City of Lambertville Police Lt. Brown then took the floor and introduced himself as Lambertville Police Officer in Charge and the Office of Emergency Management Coordinator (OEM) for the City of Lambertville. He then introduced the emergency responders who were present: Police Corporal Bast and Fire Chief Barlow for the City of Lambertville; Hunterdon County, Deputy County OEM Director, Andrew Camp who also heads the County Hazmat Team; and County Health Department Investigator, Greg Vaccarino. Mr. Vaccarino is the designated contact when there are any types of odor or hazardous material emergencies.

Lt. Brown summarized by saying that all the emergency responders had to deal with this incident in different ways. “We have different goals that we do.” He also utilized the City’s OEM and Community Emergency Response Team (CERT) as well as the State Park police to assist in setting up a safe perimeter around the treatment plant. “This was a multijurisdictional response.”

Lt. Brown stated that each of the attending agencies will be submitting their findings from their own investigations based on their agency’s individual goals and responsibilities for the incident, and he then turned the podium over to the Fire Department, then County Hazmat, and then the County Health Department spokesmen, before finishing up with Corporal Bast’s investigation findings of the Lambertville Police.

Chief Barlow took the podium at 6:10 p.m.: Chief Barlow explained that his findings are based on his review of the Lambertville MUA’s Emergency Response Plan (ERP). Chief Barlow pulled out a printed copy of the ERP that contained information detailing the LMUA’s operations and events before and during the PAA spill on 6/26. He had highlighted several topics in the ERP that need to be addressed by the Board and the LMUA employees to prevent future incidents. He asserted his professional opinion, that the events of June 26th reflected a culmination of errors including: failure to report the emergency in a timely fashion; improper training; improper handling of a toxic chemical; and failure to report the

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 3

chemical under New Jersey's Right to Know Act. Chief Barlow reviewed the mistakes that were made when the chemical was transferred from its original shipping tote to the holding tank used to distribute the chemical through the plant. The mistake of inserting a soft metal pipe into the tote which caused a chemical reaction between the chemical and the pipe. After the chemical reaction was initiated, Lambertville MUA's ERP should have been implemented immediately. It is unclear why the Lambertville MUA personnel failed to report the incident.

Chief Barlow reviewed the sections within the ERP he had marked for improvement with the Board. He further stated that in an emergency situation the following requirements must be met: "the primary goals driving all decisions should be safety and health of the LMUA's employees, the public and surrounding environment;" each employee must maintain a safe working environment, recognize potential hazards and report them to their supervisor or Executive Director; and when an incident occurs, the LMUA must notify law enforcement which will then notify the proper agencies equipped to handle the emergency. He explained that these guidelines are all highlighted within the LMUA's ERP. Chief Barlow continued his review of the ERP deficiencies with the Board stating that he would leave a copy of his recommendations with the Board for their review and action. Chief Barlow stated that had the ERP been followed by the Lambertville MUA staff, the chemical reaction would not have escalated into the potentially harmful emergency situation that went on over 20 hours. Chief Barlow advised that the ERP policy needs to be updated to include specific direction on how incidents are to be managed in strict accordance with all local, State and Federal laws.

Chief Barlow further stated that training is a big portion of the failures that caused the June 26th PAA incident. Specifically the LMUA's operations personnel need to be trained in how to handle dangerous chemicals properly; they need to know what proper Personal Protective Equipment (PPE) to wear when handling chemicals; and the LMUA needs to make sure their personnel have access to the proper PPE as well.

At 6:31 p.m. Andrew Camp, Deputy Coordinator of Hunterdon County's Office of Emergency Management (OEM) took the podium. Mr. Camp explained that his agency is tasked with prevention, protection, mitigation, response and recovery aspects for Hunterdon County. That includes overseeing 26 municipalities, working with outside organizations and with both nonprofit and for profit healthcare. Hunterdon OEM oversees the Hazardous Materials (HazMat) Team and the HazMat Response Unit.

Mr. Camp explained that he was in attendance to give the Board an overview from the Hazmat perspective. He provided some technical information on the chemicals that were involved in PAA spill.

On June 25th the County Health Department received an odor complaint from the City of Lambertville Police Department. Mr. Vaccarino from Hunterdon County Health Department is the On Call Community Officer who responded to the odor complaint but nothing definitive was found. The

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 4

following day, at approximately 4:30 p.m., they are sent back to the LMUA again for a similar odor and when the Lambertville Police arrived on scene they confirmed the cause of the odor. The smell was an acute smell that pushes you back. Once the cause was identified, the Hazmat team was called and arrived quickly on site. Once Mr. Camp arrived on scene, he assumed command and took protective measures. The black tank was clearly off gassing with, at that time, an unknown chemical. The Safety Data Sheet (SDS) was not made available right away and Mr. Camp had very little information to work on. This is a major concern because any type of fixed facility like the LMUA, should have all the paperwork on file and readily available for when Hazmat arrives on scene. Hazmat was unable to get in touch with someone at the plant right away that could provide them with the chemical information they needed. The black storage container had no markings on it which is a requirement of New Jersey Right to Know (RTK). Hazmat found the two totes that appeared to be empty in the general area of the black tank that was reacting. They were then able to determine based on the labeling on the side of the totes that organic peroxide was most likely the chemical in the tank reacting. The labeling also indicated the health hazardous associated with the organic peroxide which includes reactive, volatile and flammable. Knowing this information, the most important thing was public safety and setting up a safe perimeter.

Eventually the LMUA Staff arrived and were able to access the RTK Central File and provide the Safety Data Sheet for the PAA chemical. Mr. Camp was then able to set up a plan of action and engaged the fire department to start cooling the exterior part of the tank down with a firehose. A contractor was brought in later in the evening that deals specifically with hazardous material spills and cleanups. They were eventually able to safely dispose of the PAA back into the sewer treatment plant.

Mr. Camp then explained that in his profession when a hazmat incident occurs like this one it is never just a simple error at the root cause. There is always a lead up to it with several contributing factors. One factor it always starts with is lack of proper training and proper knowledge of safe product handling. In closing, Mr. Camp said that he is here to support and hopefully help prevent any future incidents.

At 6:45 p.m. Greg Vaccarino, who is the Senior Public Health Investigator under the County Department of Health, took the podium. He was one of the first to respond to the emergency. He summarized the takeaways from the event he wanted everyone to understand: It would have been a lot easier handling this event if the black storage container had been labeled, if important information were shared from the staff; and had the PAA chemical been reported to RTK and put on the facilities' survey. He explained that by law, if a new chemical is brought to a site, it must be added to the RTK survey as soon as possible. That way, if there is an event like this, one can look up the chemical easily online. He also noted that, from his joint inspection with the RTK inspector on July 9th, there were very few deficiencies with the exception the one most important chemical, PAA.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 5

At 6:56 p.m. Corporal Bast spoke on his findings from the civil investigation he was assigned to: Cpl. Bast was one of the first to arrive, and he contacted the LMUA's duty phone to get in touch with the on-call operator, Bryan Conner, Sludge Manager. Cpl. Bast explained that when he spoke with Mr. Connor about the odor complaint, he was not surprised and since he had a 45-minute response time, he contacted Mr. Horn, the LMUA's Executive Director and provided Dave Rose, the LMUA's Supervisor's phone number. Mr. Connor stated that he was told not to respond, and that Mr. Rose would be in to handle the emergency. Mr. Rose did provide the chemical information and how it was used in the treatment plant process. However, he did not provide critical information as to why the chemical was reacting. Mr. Horn was also unavailable by phone that entire evening.

Cpl. Bast did find through his investigation that there were two other undocumented events that occurred. There was a break in the PAA chemical feed line in the basement of the control building that resulted in a chemical spill. The other incident was when a portion of the chemical was dropped on an employee's boot which burned a hole through the boot. These incidents should have been indicators that more safety training and personal protection equipment were needed.

Cpl. Bast learned that there were two, 275-gallon totes of the PAA chemical that had expanded and split during the night before, which also resulted in a chemical spill that was not reported. The cause of the chemical reaction was from a copper pipe that was used during the transfer from the 275-gallon totes to the black storage tank. The costs of the incident were then reviewed and as well as the fact that the upper management was aware of the incident and did not report it.

He reviewed the first page of the PAA material data safety sheet with everyone in attendance. It states the main hazards and what to do and not to do with the chemical. It specifies that it is to be stored out of direct sunlight, never use with metal or transfer from original container. These were all neglected by the LMUA.

Lt. Brown, concluded the reports of the emergency responders. He stated that his main goal is to protect and keep the public safer going forward. "As public employees we want to see that we do a better job and review where the deficiencies were."

Mrs. MacGregor thanked the emergency personnel for their reports on the emergency at tonight's meeting. She then stated that the LMUA is "committed to the protection of public health and the environment." "We know there is work to do and we are committed to running a high performing sewage treatment plant." There will be corrective action taken to mitigate this issue moving forward.

Chairperson's Report.

1. PAA Tank Emergency E.D. Report Review Peracetic Acid Solution, (PPA): This was discussed during the Police and Fire Report.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 6

2. NJ Department of Environmental Protection (DEP) Notice of Violation (NOV) Status Update: The Board reviewed the prepared spreadsheet summarizing the status of each violation within the NOV. Mr. Horn explained that determining the cause of the NOV violations would be difficult due to the time that had passed since January and March of this year. He suggested that the high flows due to the significant rainfall could have impacted on the testing results.

Mr. Horn had also prepared a spreadsheet reporting the current Biochemical Oxygen Demand (BOD), Suspended Solids (SS) and fecal coliform test results. The sampling methods were then explained to the Board. On a daily schedule an operator collects influent and effluent samples and tests them for temperature and potential of hydrogen (pH). The effluent is also tested for residual chlorine. On the weekly schedule a composite sample of the influent and effluent are collected early in the week and analyzed by our contracted laboratory for BOD, suspended solids, ammonia, and fecal coliform. On a monthly basis, effluent samples are collected and tested by our contract laboratory for total nitrogen, nitrate nitrogen, phosphorus, oil and grease, and dissolved oxygen. On a biannual basis, samples of the effluent are scanned, and a bioassay is conducted once a year.

Mr. Horn is currently working on a Standard Operating Procedure for the laboratory data collection and data entry.

Executive Director's Report.

1. Operations Report:

Treatment Plant & Collections System: Mr. Horn reported that the belt filter press had broken, shutting down sludge dewatering operations.

Regulatory Issues: The NJ DEP has issued the pre-draft of the NJ DES permit which Mr. Horn has begun reviewing with Ms. Alexander. They recommend that the Board approve a consultant from One Water who is an expert that can make recommendations in the best interest of the LMUA.

Administrative Issues: Carroll Engineering has prepared a draft revision of the Operations and Maintenance Plant Manual, and the Emergency Response Plan as required by the NJ DEP NOV. Mr. Horn will submit both to the DEP for review and comments after he has completed his own review. The Board discussed the need for a more comprehensive review of the Emergency Response Plan and felt that it would be best to work with the Lambertville Fire Department and Chief Barlow based upon his comments on the ERP.

Annual Inspection Report: Carroll Engineering had conducted the annual inspection in September and has provided a draft report. Mr. Horn will forward a copy to the Board after he has finished his review.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 7

2. Memo: Belt Press Repair: A letter Dated October 1, 2024, was submitted to the NJ DEP notifying them that the Belt Filter Press was down for repairs. Repairs have started today and are expected to be completed by the end of the week. Since our dewatering system is down, Mr. Horn had contracted with United Site Services to haul the liquid sludge for treatment at Stony Brook Regional Sewerage Authority treatment plant. Due to the unexpected expenses for repairs and alternate hauling, an insurance claim was opened.

Mr. Horn explained that this equipment was on the list for replacement in our Asset Management Plan. Once the costs have been finalized, we will need to adopt a resolution authorizing the emergency repair costs.

3. Memo: Capital Improvements Update.

Coryell Street Pumping Station Rehabilitation- Carroll Engineering had submitted a proposal for the design and permitting work for the station. The proposal dated September 6, 2024, included the scope of services and costs associated with each. Mr. Horn recommends that the Board approve the start of the Coryell station before the other Capital Projects due to the time needed for permitting. There was a discussion on the spread sheet of Carroll's estimated costs in the engineering proposal. The Board would like more time to review their proposal, and a larger printout of the Engineering estimate would make it easier to review.

Resolution 040-2024 was tabled for the November 5th regular meeting.

Notice to Vacate: In a letter dated October 1, 2024, Mr. Horn notified the owner of 2 Coryell Street that they had (10) ten days to remove all materials located on the LMUA's property. A copy of a recent survey was attached to the letter showing the boundaries of the LMUA's property and the highlighted area that contained materials that needed to be removed. Mr. Horn did receive an acknowledgement from the owner that the materials should be removed shortly.

The consultant with Environmental Policy Innovation Center has finished the project report and has uploaded it to the NJ Infrastructure Bank. More information will be provided at the November's meeting.

Chief Financial Officer's Report.

1. Memo: Bills over \$5,000 were reviewed by the Board, and there was one comment one question on the bills list where it was indicated to be under Legal Matters, Fund 10 in the budget and should be instead recorded under Engineering, Fund 16. Ms. Leary indicated she would review the item and determine if it was properly accounted.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 8

2. Mr. Rotondi made a motion to memorialize the pre-payment of the bills list for September when funds become available. Mr. Uhl seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED

Governing Body Member	<u>Recorded Vote:</u>			Abstain	Not Voting	Not Present
	Aye	Nay				
Janine MacGregor	X					
Vincent Uhl	X					
Paul Rotondi	X					
Helen Pettit	X					
Jacqueline Middleton	X					
Holly Havens					X	

Attorney’s Report.

Ms. Alexander and Ms. Hatfield did not have anything additional to report to the Board at this time.

Public Comment.

Ms. Parsons confirmed that there was no public comment at this time.

Closed Session.

Resolution 044-2024

Approving a Closed Session to Discuss Attorney/ Client Privileged Information

WHEREAS, the Board of the Lambertville Municipal Utilities Authority is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A. 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED that the Board of the Lambertville Municipal Utilities Authority hereby moves to go into closed session on Tuesday, October 15, 2024, at The Phillip Pittore Justice Center located at 25 S. Union Street, Lambertville for the purpose of discussing issues under Attorney/ Client Privilege.

BE IT FURTHER RESOLVED that the matters discussed in the minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

The Resolution was adopted by a call of ayes and nays as follows:

Moved: Ms. Middleton

Seconded: Mr. Uhl

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

October 15, 6:00 pm

Held In Person/ Zoom

Minutes, Page 9

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

Entered Closed Session: 7:48 p.m.

Reentered Open Session: 8:14 p.m.

The Board re-entered the open session and agreed there was no further action to be taken at this time and confirmed that there was no public in attendance.

Adjournment.

The meeting adjourned at 8:15 p.m. with a motion made by Mr. Uhl seconded by Ms. Middleton and followed by a unanimous voice vote taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Melissa S. Parsons

Melissa S. Parsons, Administrative Assistant

Approved at the regularly scheduled Lambertville MUA Board meeting held on December 2, 2024.