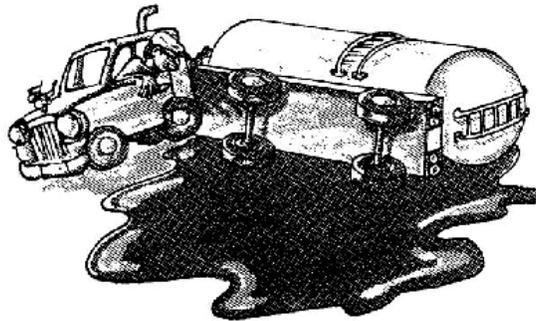


New York State
Department of
Environmental Conservation



New York State's Spill Response Program for Petroleum and Hazardous Materials



George E. Pataki, *Governor*
Erin M. Crotty, *Commissioner*

The “Spill” Problem

Accidental releases of toxic gases, petroleum, and hazardous materials occur frequently throughout New York State. Every year there are approximately 16,000 suspected and/or confirmed releases reported. Even a small release can endanger public health and contaminate groundwater, surface water and soil. Vapors may make the air unsafe to breathe or create explosion hazards. Dissolved chemicals in the groundwater may make the water unsafe to drink and create other health hazards. Spilled materials may kill or injure plants, fish and wildlife, and can also damage their habitats.

Spill Response Program Organization

The New York State Department of Environmental Conservation (DEC) maintains a Spill Response Program which has its headquarters in Albany, with trained response personnel assigned to regional offices throughout New York State. The program operates a Spill Hotline for receiving notification of incidents. The program staff promptly respond to known and suspected releases, and ensure that containment, cleanup and disposal are completed to minimize environmental damage.

Regional spill response staff will respond to releases of petroleum and other hazardous materials 7 days-a-week, 24 hours-a-day. Spill responders carry pagers and cellular phones so they can be reached when they are away from the office. Their vehicles are equipped with radios, reference materials, and safety and protective equipment. Emergency communications are maintained through a radio system operated by DEC.

Spill Response Activities

After receiving notification of actual or suspected releases, DEC spill responders will evaluate the situation to determine what actions are required to protect public health and the environment, and to identify the spiller, or responsible party (RP). When DEC spill responders arrive at the site of an incident, they have the authority to:

- L Enter property to investigate actual and suspected releases.
- L Give RPs direction on actions to be taken and the type of environmental cleanup contractors they will need.
- L Tell RPs what type of information they will have to provide.
- L Answer questions concerning notification requirements.
- L Provide information on technical questions.
- L Advise RPs when cleanup goals are being properly met.
- L Secure cleanup and laboratory contractors.
- L Direct contractors hired by DEC.

DEC spill responders will **not**:

- L Recommend specific cleanup or laboratory contractors to RPs.
- L Direct contractors hired by the RP.

DEC spill responders respond to both petroleum and hazardous material releases. However, after an emergency containment and cleanup is completed, spill response personnel remain responsible for oversight of long-term cleanup on only petroleum releases. Information about hazardous material releases is given to hazardous waste remediation personnel to ensure that long-term cleanup of the site is completed.

DEC spill responders may require the RP to determine the extent of contamination, select a cleanup technology, and complete containment and cleanup activities. Cleanups, particularly those in which spills have contaminated groundwater, take time. Extensive drilling and laboratory sampling may be required, and remediating the groundwater may take several years. RP requirements will vary with type of release, site characteristics, disposal requirements, and cleanup goals for soil and water. The Navigation Law and the Environmental Conservation Law and associated regulations require at least the following actions at a site:

- L Removal of all free product from the surface and underground.
- L Remediation of the affected surface environment.
- L Treatment of drinking water or provision of alternative water supplies during groundwater remediation.
- L Remediation of contaminated soil.
- L Treatment of contaminated groundwater.
- L Rescue and rehabilitation of affected wildlife.
- L Restoration/replacement of affected natural resources.

DEC is **not** responsible for cleaning up releases. DEC spill responders will arrange for containment and cleanup by a contractor only when the RP is unknown, unable, unwilling or doing inadequate clean up, or if local public safety agencies need emergency assistance.

Agencies Associated with DEC's Spill Program

For petroleum releases, Article 12 of the Navigation Law establishes the New York State Environmental Protection and Spill Compensation Fund (Fund) as a non-lapsing, revolving fund administered by the Office of the State Comptroller. The Comptroller: disburses Fund money for administrative, cleanup and removal expenses incurred by DEC; arranges for settlement of damage claims from releases; collects reimbursement and penalties from dischargers, and establishes the license fees. The State Attorney General's Office also supports the program through legal actions to obtain reimbursement from responsible parties.

Agencies that Participate in Spill Response

Other public agencies may respond if a release creates immediate hazards to life and health. The first trained personnel to arrive at a release site are usually from local emergency service agencies such as the police or fire department. Local agencies will lead the response to protect the public from fires, explosions, or toxic gases, and sometimes to divert traffic or evacuate residents. Other state and federal agencies, such as the New York State Department of Health, the U.S. Environmental Protection Agency and the U.S. Coast Guard, may also respond.

Responsible Parties

Under New York State's Navigation and Environmental Conservation Laws, the RP (usually the owner or operator of equipment or a facility that has a release) is responsible for notification of appropriate agencies, and for containment, cleanup and removal of spilled and contaminated materials. The RP is liable for all costs associated with a release, including relocation costs and third party damages. If DEC conducts a cleanup, the RP must pay not only for the direct cleanup costs, but also for DEC's administrative costs and for any interest and penalty charges. Reimbursement is sought either by DEC, the Spill Fund Administrator or the Attorney General's Office.

Notification Requirements

Federal and state laws require RPs to notify government agencies of certain releases of pollutants, petroleum and other hazardous materials. The DEC Spill Response Program operates the New York State Spill Hotline for this purpose.

Most releases should be reported immediately to DEC. No release should be reported later than two hours after it occurs. If you store or handle significant quantities of petroleum or other hazardous materials, or work for someone who does, you should be familiar with the specific legal release notification requirements associated with the materials.

If you are involved in a release and you are not sure what the notification requirements are, telephone DEC's Spill Hotline. This protects you from a non-notification violation and ensures a quick response by responsible public agencies. It may also be necessary to notify the federal government, if required by federal law, at the National Response Center. Some releases also require written confirmation within a specific time period. (The telephones are answered 24 hours-a-day.)

Act safely. Begin containment as soon as possible if it is safe to do so. If you cannot identify the contaminant or do not know the dangers involved, stay upwind and upgrade of the release.

NYSDEC Spill Hotline:

1-800-457-7362 (within NYS)
(518) 457-7362 (outside NYS)

National Response Center:

1-800-424-8802

For further information, contact:

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Spill Prevention & Response
625 Broadway – 11th Floor
Albany, NY 12233-7020
(518) 402-9546

Regional Spill Offices and Counties Served

Region 1 - (631) 444-0320

SUNY Campus

Building 40

Stony Brook, NY 11790-2356

(Nassau, Suffolk)

Region 2 - (718) 482-4900

1 Hunters Point Plaza

47-40 21st Street

Long Island City, NY 11101-5407

(Bronx, Kings, Queens, Richmond, New York [New York City])

Region 3 - (845) 256-3121

21 South Putt Corners Road

New Paltz, NY 12561-1696

(Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester)

Region 4 - (518) 357-2045

1150 N. Westcott Road

Schenectady, NY 12306

(Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schoharie, Schenectady)

Region 5 - (518) 897-1243

Route 86 - PO Box 296

Ray Brook, NY 12977-0296

(Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, Washington)

Region 6 - (315) 785-2513

State Office Building

317 Washington Street

Watertown, NY 13601-3787

(Herkimer, Jefferson, Lewis, Oneida, St. Lawrence)

Region 7 - (315) 426-7519

615 Erie Blvd. West

Syracuse, NY 13204-2400

(Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, Tompkins)

Region 8 - (716) 226-2466

6274 E. Avon-Lima Road

Avon, NY 14414-8519

(Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Yates)

Region 9 - (716) 851-7220

270 Michigan Avenue

Buffalo, NY 14203-2999

(Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming)