

APPENDIX D
NEW YORK SARA TITLE III
AND THE CHEMICAL EMERGENCY PREPAREDNESS
PROGRAMS STATE IMPLEMENTATION
MEMORANDUM

NEW YORK STATE
Disaster Preparedness Commission

Public Security Building
State Campus
Albany, New York 12226-5000

David Axelrod, M.D.
Chairman

MG Lawrence P. Flynn
Secretariat

State Emergency Management Office

June 9, 1989

John Ulshoefer
On-Scene Coordinator
U.S. Environmental Protection Agency
Region II
Woodbridge Avenue
Edison, New Jersey 08837

Dear Mr. Ulshoefer:

Enclosed is the recently approved revised State Implementation Memorandum on Title III of the Superfund Amendments and Reauthorization Act for emergency response coordination between New York State and the U.S. Environmental Protection Agency.

Please let me know if you require any additional information in this matter.

Sincerely,

Anthony Germano
Deputy Director
Plans and Programs

Copy furnished:
Mr. Miner

Enclosure

NEW YORK SARA TITLE III AND
THE CHEMICAL EMERGENCY PREPAREDNESS
PROGRAMS
STATE IMPLEMENTATION MEMORANDUM

This document attests to the fact that the New York State Emergency Response Commission (SERC) and the United States Environmental Protection Agency, Region II (EPA) agree on the importance of developing and implementing a viable program of contingency planning and preparedness for releases of extremely hazardous chemicals and will cooperate and coordinate in activities necessary to maximize the effectiveness of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, The Chemical Emergency Preparedness Program (CEPP) and actual responses to environmental episodes. Specifically, we agree to the following:

I. Identification of Priority Areas

Special attention will be given by EPA, State agencies and local officials for targeting Title III resources in areas of high population and industrial concentrations. Primary attention will be given to enhance the readiness of State and local response forces to deal with chemical releases in these areas. Technical assistance will be provided by EPA and the New York/New Jersey Regional Response Team to facilitate this effort.

II. Communication and Coordination of Activities

New York State Department of Environmental Conservation (NYSDEC) will continue to be the principal representative to the Regional Response Team on behalf of the State of New York.

The SERC will have the primary responsibility for the State of New York in implementing SARA Title III. The State Emergency Management Office (SEMO) will act as the Commission's agent for planning coordination and the NYSDEC will serve as the Commission's agent for data management aspects of SARA Title III.

EPA Region II's Response and Prevention Branch will be the coordination link between the SERC and the EPA on all relevant program information relative to SARA Title III and other CEPP activities.

SEMO, on behalf of the SERC, will promptly advise EPA of the State approval of the Local Emergency Planning Committees plans in New York State's Emergency Planning Districts, pursuant to SARA Title III. SEMO will also invite EPA to attend SERC meetings.

NYSDEC, on behalf of the SERC, will provide EPA with updates of the listing of all facilities (and their location) in New York State which identify themselves as exceeding the "threshold planning quantities" designated by EPA, pursuant to SARA Title III.

NYSDEC and EPA will develop an understanding as to which Agency will take the lead for enforcement with respect to releases of hazardous or extremely hazardous substances.

NYSDEC and EPA will continue the system of data base transfer of select fields of incident notification information reported to each agency. EPA and NYSDEC will provide appropriate reports to each other analyzing data concerning releases in New York, as appropriate.

NYSDEC and EPA will maximize their coordination during environmental emergencies as detailed in Attachment I.

III. Training and Technical Assistance

EPA will provide training to enhance New York's first responder's capability to properly deal with chemical emergencies.

EPA will provide the following EPA training courses at locations in New York State, in the following time periods:

165.15	HazMat Response for First Responders	7/10-7/14/89	Suffolk County
165.2	Personal Protection and Safety	7/24-7/28/89	Albany
165.2	Personal Protection and Safety	8/28-9/1/89	Broome County HazMat

SEMO, on behalf of the SERC, will invite EPA to assist and participate in appropriate exercises and training sessions in New York State. SEMO will also invite EPA to attend SERC meetings.

This Memorandum represents a framework for, and statement of our mutual intent to cooperate. It in no way incurs any legal obligation on the part of its signatories, nor the agencies which the signatories represent.

DATE
Donald A. Devito, Chairman
State Emergency Response
Commission Work Group
Director, SEMO

DATE
Stephen D. Luftig, Director
Emergency and Remedial Response
Division
U.S. Environmental Protection
Agency, Region II

DATE
Daniel M. Barolo, Director
NYS Department of Environmental
Conservation
Division of Water

Revision Date 4/89

ATTACHMENT I

THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION II AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ROLES DURING AN ENVIRONMENTAL EMERGENCY

The State of New York will ensure that an appropriate response is made to all significant environmental episodes in New York. EPA Region II will: (A) Alert New York State, through its 24-hour hotline (518-457-7362) of incidents reported to the National Response Center (NRC), or EPA directly; (B) Respond to incidents where the State cannot respond or where a Federal (EPA) response is authorized under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Clean Water Act (CWA); (C) Support State response efforts to the extent possible and appropriate (i.e., augment on-scene staff, confer on cleanup direction and alternatives, support the State's posture relative to a responsible party, provide unique capabilities or Federal funding through EPA resources or through RRT); (D) Improve state capabilities through training of State staff; and (E) Document violations of Federal statutes and regulations associated with environmental episodes; and (F) Take lead agency responsibility at the request of the State.

The State of New York will ensure that the affected local government is advised of all significant environmental incidents reported to it by the EPA. The State of New York will also ensure that the National Response Center (800-424-8802), is notified promptly of environmental incidents as described in the attached criteria.

Upon responding to an incident where the other agency is expected to be on scene, personnel will make special efforts to meet with, otherwise contact, and coordinate activities. Wherever possible this will be done through the designation of a command center or meeting location near the scene, where full exchange of information and coordination of activities will take place.

EPA and New York State will mutually agree on those incidents that warrant a Federal lead. Local officials will be notified as to whether the State or EPA is the lead agency. EPA will ordinarily defer to the State in managing an environmental emergency. The State recognizes that the EPA has a proper oversight role, and has a primary role in documenting violations of Federal environmental laws and regulations-and response, mitigation, and cleanup under CERCLA or the CWA. EPA would accept, as per Sections 300.52 and 300.65 of the National Contingency Plan, the lead agency status of a major hazardous materials release cleanup request from New York State when New York State has determined that the release cleanup is beyond its emergency procurement capabilities or its technical resources. The State also recognizes that if the EPA expends Federal monies to hire a cleanup/mitigation firm, EPA will have the lead in managing the incident, although state input will be fully considered.

GUIDELINES ON WHEN TO NOTIFY THE U.S. EPA
REGION II. RESPONSE & PREVENTION BRAN
OF AN ENVIRONMENTAL INCIDENT

REG. II. 24-HOUR HOTLINE (201) 548-8730 OR
NRC 800-424-8802*

1. Releases/discharges of hazardous materials in excess of the Federal Reportable Quantities (40 CFR Parts 117 and 302).
2. Explosions or fires where hazardous materials are involved or potentially could be involved.
3. Release/discharges of hazardous materials *which* result in a public evacuation or threaten a potable water supply or the environment.
4. Release/discharges of hazardous materials which threaten or impact other states.
5. Release of floatables, medical wastes, or hazardous materials which could impact shore beaches.
6. Oil releases in excess of 1000 gallons which have reached surface waters or have the potential for *reaching surface* waters.
7. Releases/discharges of other EPA regulated substances eg., PCBs, asbestos and pesticides.
8. Hazardous material releases generating unusual public interest or press coverage.

* NRC - National Response Center