New York State Comprehensive Emergency Management Plan

Hazardous Materials Annex

Disaster Preparedness Commission

Prepared by the New York State

Disaster Preparedness Commission

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List of Plan Revisions

Date of Revision	Subject Matter	Page(s)
January 2002	Functional Branch Info	Response Section
March 2003	General review	All
February 2005	SERC Review	All
March 2006	SERC Review	All
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Section I: General Considerations and Planning Guidelines

A. Introduction

Hazardous materials exist or are transported through most areas of New York State, including along the state's 4,100-mile rail network. Numerous rail yards and ports, such as the Port of Albany, have become a major hub for transshipments, storage and receipt of numerous types and quantities of chemicals. Crude oil shipments occur by rail and are transferred to ships or barges to be transported down the Hudson River. Communities in 22 counties, including Buffalo, Syracuse, Utica, Albany, Plattsburgh, and nearly all of the State's major waterways are subject to this transportation network.

New York State leadership recognizes this risk for a potential for a catastrophic accident involving these risks, including the risks to the environment, critical infrastructure sectors, the private sector, the economy, and our way of life. In recognition of the increased risk of crude oil, Governor Andrew M. Cuomo issued Executive Order 125 (EO 125) in January 2014, directing State agencies to immediately conduct a coordinated review of New York State's crude oil incident prevention and response capacity. EO 125 identified many areas where improvements in safety and preparedness could be made. These improvements are cross-cutting all levels of government, and included the development/update of local, State, and Federal emergency response plans.

This Annex outlines New York State's strategy in preparing for, responding to, and recovering from such events in a collective, multi-agency State approach.

B. Purpose

This document applies to all State agencies and authorities that may be directed to respond to an event and builds upon the process and structure of the State Comprehensive Emergency Management Plan (CEMP) by addressing unique policies, situations, operating concepts and responsibilities. Response operations to this type of event will encompass the efforts identified in this annex and utilize existing capabilities of other hazard-specific annexes to the State CEMP.
It is important to note that several other State plans, either agency-specific or multi-agency, may be utilized to support the implementation of this Annex. To avoid redundancy, such plans are not reiterated here, but referenced.

Figure 1 on the next page identifies the structural relationship between the State CEMP, its annexes, and this Hazardous Materials Annex. In reviewing, note the linkage to other documents that fall under Volume 2. Additionally, several other documents exist within the New York State Office of Emergency Management (NYSOEM or SOEM) to manage the activities of the State Emergency Operations Center (SEOC) in response to the event.

The term hazardous materials, as applied in this document, is defined as all materials listed in the Hazardous Materials Table of the Code of Federal Regulations, Title 49, Section 172.101 as well as any substance or material in a quantity or form that may pose an unreasonable risk to life, health, property or the environment if released. The term hazardous materials incident is characterized in this document as the release or potential release of a hazardous material posing a threat to the safety of citizens, property, or the environment.

The purpose of this Annex is to ensure that the State of New York can adequately prepare for, respond to and recover from a hazardous materials emergency that warrants a large-scale, multi-agency response. This Annex will ensure that the State possesses a viable, multi-agency plan that encompasses tactical, operational, and strategic response mechanisms from all levels of the State's response organization. In doing so, this plan will integrate State agency-specific activities, as well as the activities of the SEOC and the State's Emergency Support Functions (ESFs), as appropriate. Further, this document identifies the key mechanisms in coordinating with the local response and identifies the lines of coordination to interoperate with the Federal response via the Inland Area Contingency Plan (IACP) or the National Response Framework (NRF).

C. Scope

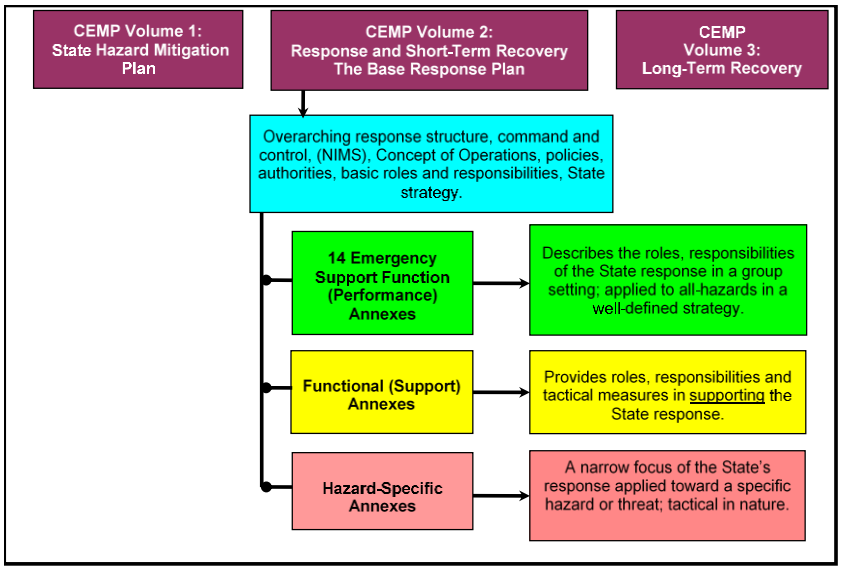

Figure 1: ***Structural Relationship of the State Comprehensive Emergency Management Plan and the NYS Hazardous Materials Annex.***

This Annex provides for a variety of actions related to the personnel and equipment for incidents that require State-level multi-agency coordination. This Annex is not intended to replace local emergency plans or local response activities; it is intended to be a supplement to outline the State level response if warranted. The activities associated with the activation of this Annex include the appropriate actions to prepare for, respond to, and recover from a threat to public health and welfare or the environment caused by the actual or potential release of a hazardous material.

This Annex applies to any hazardous material emergency that warrants a response beyond standard, day to day agency statutory obligations and conditions warrant a collective State Disaster Preparedness Commission (DPC) response.

Actions included under the scope of this document may include:

- Actions to minimize or mitigate a hazardous material release.
- Actions to protect or minimize the potential impact on an at-risk population.
- Efforts to detect and assess the extent of the environmental contamination.
- Actions taken to stabilize the release and prevent the spread of contamination.
- Analysis of options for environmental cleanup and waste disposition, including options for cleanup and disposal of contaminated debris.
- Implementation of environmental cleanup, including collection of orphaned oil and hazardous materials containers, collection of household hazardous waste, removal of contaminated soil, and decontamination of buildings and structures.
- Coordination of the storage, treatment, and disposal of oil and hazardous materials.
- Actions to protect natural resources.
- Coordination and monitoring of the disposal of contaminated debris.

D. Situation

Numerous emergencies or disasters have the potential to include a release of hazardous materials. The release of hazardous materials may be the cause for the initial response, or response may be necessary due to a cascading event when the release of a hazardous materials is discovered during the response activities. A release could potentially occur at a fixed site, or could involve a transportation incident on land or off-shore.

A hazardous materials release at a fixed site could occur at private facilities, government-owned properties, or privately-owned property and/or residences which could affect public areas. A spill may occur along a waterway or from a vessel offshore. Local and State level response may occur concurrently with response activities coordinated by the owner of a private sector facility or Responsible Party (RP).

Hazardous materials may be weaponized and used in an intentional attack against an area or a facility. Large scale natural disasters such as tornado outbreaks, floods, and hurricanes may cause the release of hazardous materials due to damage to facilities or transportation modes. The presence of a hazardous material may delay the initial response of first responders into an affected area, thereby causing delay in the provision of life-saving medical treatments and interventions.

The release of any hazardous substance has the potential for short and long-term consequences. Short-term effects could include families being displaced for several days, disruptions to normal transportation routes, and immediate health effects due to exposure. Decontamination of individuals displaced may require additional support, and short-term sheltering outside of the affected area may be required. Dependent upon the location of the release, there is the potential for sheltering to be placed outside of county or State boundaries, requiring activation of mutual aid agreements or State-to-State assistance requests. Medical facilities may require additional staffing to

assist with triage of individuals affected by the release, and there is also the potential for medical facilities to become contaminated.

Long term concerns can also arise from a release of a hazardous material. Long term monitoring of the affected area may be required. Individuals may suffer long term medical affects, including mutagenic effects or teratogenic effects that are not apparent for many years. The agricultural community may be affected by a land release, resulting in a loss of crops or livestock, affecting food supplies intended for local, State, or national distribution. These losses can cause prolonged economic hardships for the agricultural community. Water supplies or food sources may be contaminated, affecting areas near and far from the actual release site, and long-term monitoring of water, soil, and air quality may be necessary.

In the late 1970's, it was discovered that a chemical waste dump in the Love Canal located near Niagara Falls, New York was leaking hazardous materials into the surrounding neighborhoods. The chemicals were released into the canal from 1952-1953, and the contents included around 21,000 tons of toxic chemicals, including known carcinogens. The President declared States of Emergency in both 1978 and 1981, which allowed for the relocation of a total of 939 families at a cost of $17 billion. As a result of this release, the 1980 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund, was created.

Fixed Site Release

Hazardous material releases occur in the State on a regular basis. In most cases, these spills are contained in a relatively short amount of time without any major disruption to business, communities, and with limited environmental impacts. In the case of oil spills, New York State Department of Environmental Conservation (DEC) manages the response to the spill in regard to containment/remediation in coordination with local government, the responsible party, and clean-up contractors to ensure proper remediation of the incident.

On December 3, 1984, an insecticide plant in Bhopal, India released about 45 tons of methyl isocyanate which affected a densely-populated area surrounding the plant. Thousands of people were killed immediately, and thousands attempted to evacuate the area. The final death toll is estimated to be between 15,000-20,000 individuals. Approximately half a million survivors suffered respiratory problems, eye irritations, blindness, and a myriad of additional affects from exposure to the gas.

On April 23, 2004, five workers were fatally injured and two others were seriously injured when an explosion occurred in a polyvinyl chloride (PVC) production unit at Formosa Plastics in Illiopolis, Illinois. A 20-mile stretch of nearby Interstate 72 was closed. Fires burned for several days, and the site was later demolished.

On December 22, 2008, an ash dyke at the Tennessee Valley Authority (TVA) Kingston Fossil Fuels Plant near Kingston, Tennessee ruptured, releasing 5.4 million cubic yards of coal ash slurry stored

in an 84-acre solid waste containment area. While only 22 residents were evacuated, damage was caused to residential properties, transportation routes, and a major gas line was ruptured as the slurry covered over 300 acres of the surrounding area. Environmental damages included ground and water contamination, and the cost of long term cleanup and monitoring activities was estimated to be over $1.5 billion.

The response to a catastrophic event in the State poses several challenges, which can be exacerbated when the product involved is burning. In some cases, a release at a fixed site accompanied by a fire would quickly overwhelm local response capability and capacity. In some events, the fire may be so intense that responders will be unable to get close enough to the ignition source to extinguish the fire, or may not be able to deliver the required volume of water for fire suppression efforts. In addition to putting the public and local responders at risk, fires can produce a plume that carries potentially hazardous chemicals downwind across county, State, and international borders. This plume may contaminate/or expose the environment and at risk-populations to the byproducts of combustion, some of which are carcinogens.

In-Transit Release

The transport of hazardous materials in New York passes through very different and distinct areas. Some of these areas are remote, making it difficult to assess, efficiently respond to, contain, and recover from. Other areas are densely populated cities, which are relatively accessible but pose a risk to a larger population. Regardless of the location, each site where an incident does occur will be accompanied by its own set of operational challenges to contend with.

In April 2003, a tractor-trailer rolled over in Rochester, New York, spilling 12,000 gallons of gasoline in a populated area. The subsequent fire ignited surrounding homes, damaging 23, homes, killing one and injuring 11 others.

On January 6, 2005, 9 people were killed and more than 260 treated for exposure when two trains crashed, derailing 16 cars and spilling approximately 60 tons of chlorine gas in Graniteville, South Carolina. Over 5,400 people were evacuated for nearly 2 weeks while cleanup and decontamination of the site ensued. Total damages exceeded $6.9 million.

On December 30, 2013, a westbound grain train derailed near Casselton, North Dakota, and collided with an eastbound train carrying crude oil. More than 400,000 gallons of crude oil was released, some of which ignited. No injuries were reported, although approximately 1,400 people voluntarily evacuated. The damage was estimated at $6.1 million.

As noted in the examples above, the release of any hazardous chemical can possess multiple cascading consequences. The risk to public health and safety is of prime concern. In addition, the environmental impacts may be significant, potentially affecting watersheds, aquifers, fish and wildlife, and agriculture. The State has a legacy of tourism and has many communities that thrive on seasonal activities along pristine lakes and rivers. The rippling effect of a catastrophic hazardous

material spill can have long-term consequences on the local or state economy, including these areas that have a high volume of tourism.

E. Planning Assumptions

- Hazardous materials incidents occur daily that do not require activation of this Annex. Not all releases of hazardous materials will require a State level response.
- The entity responsible for the release has primary legal and financial responsibility for containment, cleanup, removal, and disposal of such releases and may be held liable for the costs of any or all activities financed with public funds.
- While all disaster response activities will begin and end at the local level, some State and Federal agencies possess the statutory authority to respond on their own initiative.
- Local level responders will have notified the DEC Spill Hotline, the National Response Center, and, if applicable, the associated railroad or responsible party, at the onset of the event.
- Strategic priorities will be life, safety, health, property protection, and environmental protection.
- State assistance, including activation of the State Fire Mobilization and Mutual Aid Plan (FMMAP), may be requested when a local government recognizes that local resources have been or are expected to become overwhelmed. One or more local entities may have declared a local State of Emergency in response to a disaster and the State has been called upon to assist.
- ESF #10 Oil and Hazardous Materials Response will be activated to coordinate activities with other activated ESFs via the SEOC to ensure a cohesive, coordinated response.
- Incidents may have complex legal issues such as a RP, terroristic act, and/or other criminal/legal implications. During such incidents, ESF #10 will closely coordinate with local and county law enforcement agencies and/or ESF #13 Public Safety and Security.
- Transportation routes may become contaminated by oil or hazardous materials and be unavailable to both responders and the public.
- Incidents involving a hazardous material release and the subsequent response activities may be affected by current and anticipated weather conditions.
- Critical life-saving response activities may be delayed due to the presence of hazardous materials.
- Incidents may have long term environmental effects which may require additional short and long-term monitoring of affected sites. The environmental impacts of an event are likely to be costly, possibly taking years for the environment to fully recover.
- There will be a significant need for timely release of public information which is specific to the nature and extent of the release, the specific area(s) of release, and, if appropriate, actions to be taken by the public to lessen or prevent potential exposure.

- Multiple agencies support local, county, regional, and State planning efforts through the development of Geographic Response Plans (GRP) along crude by rail transportation corridors.
- An accident can occur with no warning in many areas of the State, including densely populated areas or remote locations.
- Incidents in densely populated areas will likely require protective actions on behalf of the public. Incidents in remote areas may be especially difficult to respond to due to logistical challenges.
- Government at all levels will need to take quick and decisive actions to protect the environment and the population at risk.
- The State will be required to deploy staff to the field to assist in a host of emergency operations and may include incident management, spill containment, fire suppression, supporting evacuations, public messaging, decontamination, mass care, family reunification, fatality management, and re-entry/return.
- The DEC and the State Department of Health (DOH) possess statutory responsibilities and authorities for such events and will become engaged in the response almost immediately.
- The State will play a role in the investigation of a transportation accident in coordination with the National Transportation Safety Board (NTSB). The NTSB is typically involved when an incident is accompanied by fatalities.
- The Division of State Police (DSP) will serve as the lead state law enforcement agency for incidents that appear to be intentional.
- The EPA possesses authority to manage the incident and may effectuate the full capabilities of Federal ESF #10 Oil and Hazardous Materials. The USCG possesses statutory authority to manage releases on coastal and inland waterways and works in cooperation with the EPA. The USCG and EPA have direct access to all Federal ESF #10 resources in absence of a Stafford Act Declaration of Emergency or Major Disaster.
- A Federal On-Scene Coordinator (FOSC) may be established to coordinate the activities of the Federal Government in coordination with the Regional Response Team (RRT). This role may be established with or without the activation of Federal Coordinating Officer (FCO) and in the absence of a major disaster declaration by the President.
- The Governor may declare a State Disaster Emergency and request full Federal support under the NRF and the remaining ESF's. In such cases, a FCO will be identified, and will serve as the lead conduit to Federal resource support.

F. Concept of Operations

A release of hazardous materials may occur in multiple scenarios. The release may occur at a fixed site, such as a chemical release from a facility, or it may involve a release during transport. Releases may occur as a singular incident, or may be a cascading event, originating from damage caused by a natural or human caused event.

If the release of hazardous materials stems from a widespread disaster, such as a hurricane, the SEOC may be activated before the release is known. Agencies may already be actively responding to the existing event, and may face challenges in terms of ensuring responder safety if the release is unknown, as well as the need for additional personnel and materials to address hazardous materials.

A release from a fixed site would typically involve a known substance. Planning documents and anticipated plume modeling may be available to responders. Hazardous waste facilities and vessels are required to develop and maintain emergency response plans, to include evacuation plans and procedures, site security measures, and site topography. Materials being transported may possess a manifest of bill of lading. Dependent upon the type of release and storage, there may be some warning available. Individuals located within the general area may have already received educational materials regarding what to do in the event of a release and be more prepared to take actions up to and including evacuation.

The release of a hazardous material in-transit may involve an unknown or un-placarded substance and have a higher potential to affect public transportation routes. In-transit events are expected to have no warning and may involve the need for first responders to enter an area before the release is known, causing additional safety concerns on site as well as the potential need for longer term monitoring of response personnel.

As with all disasters, response begins and ends at the local level. Local government and its emergency services units are primarily responsible to provide initial response to the emergency event, for mitigating its effects and for protecting public health and welfare. In the event that local government capabilities become overwhelmed, mutual aid assistance may be available from neighboring municipalities and counties.

The following concept of operations is envisioned in response to a credible, no notice worst-case emergency that warrants a State multi-agency response:

- An incident occurs in the State. Local governments and emergency service organizations will continue their essential role as the first line of defense. In doing so, they implement response activities to assess, contain, and mitigate the release, as well as to implement protective actions as appropriate.
- When an incident is beyond local capabilities or warrants a statutory response, local government requests assistance through their respective county government to the State through the SOEM.
- State agencies deploy their respective regional/headquarters staff to establish and support on-scene incident management responsibilities and implement State-level mission assignments (statutory or otherwise).

- An on-scene Incident Command Post (ICP) will be established by local government and should be supported by the county emergency management office. State and Federal agencies responding to the incident will integrate tactical operations at the ICP.
- In a major event, the local/county emergency operations centers (EOCs) will likely be activated and staffed by numerous county agencies. State agencies deploying to the field will provide operational support at the local EOC to integrate into the overall county response.
- If warranted, the EPA or the USCG will respond to the event and will designate a FOSC. The FOSC will serve as the lead Federal point of contact in coordinating with the Regional Response Team in mitigating the spill.
- The DEC will serve as the lead State agency in determining the best course of action to contain the spill and protect the environment under ESF #10 Oil and Hazardous Materials Response. The DOH will serve as the lead State agency in assessing and recommending actions to lessen the impacts on public health under their roles in both ESF #8 Public Health and Medical Services and ESF #10 Oil and Hazardous Materials Response.
- If warranted, the SEOC will be activated and appropriate ESFs will be requested to staff the SEOC.
- The State Multi-Agency Coordination (MAC) group may convene in response to the event. This group will set the policy and strategy for State actions and will be comprised of DPC agencies that are actively engaged in the response.
- Once activated, the SEOC will be the sole source for request, acquisition and centralized coordination of resources for the State and Federal resource support. This coordination will be effectuated in events where ESF #10 is supporting the State on its own through the FOSC, and in cases where a Federal Coordinating Officer is identified.
- The State's response will be organized and coordinated under the National Incident Management System (NIMS) Incident Command System (ICS). As such, a variety of ICS-based components, capabilities, and structure will be considered and implemented as appropriate.
- The Governor may declare a State Disaster Emergency and may request Federal disaster assistance through Department of Homeland Security/ FEMA (DHS/FEMA) Region II.
- The NRF may be implemented upon request of the State, or upon request of the FOSC.
- In the event the NRF is implemented, a FCO will be designated by the President to implement the NRF and coordinate and direct emergency assistance. The FOSC will coordinate response activities with the FCO, through the Federal ESF #10, to ensure unity of coordination with Federal disaster response activities.
- The FCO and NRF/ Federal ESF leadership will be in place at the SEOC to ensure unity of effort.
- The incident command structure put into place for State response operations will be supportive of the transition from response operations into the short-term recovery phase of the incident. Structural response components and agencies will be demobilized based on the needs of the incident, as appropriate.

- SOEM will coordinate disaster recovery efforts with the appropriate local, State, and Federal officials. DEC will coordinate all clean up and compensation as it directly relates to the spill.

State Response

Assistance may be requested from State government during any phase of an emergency: initial response, cleanup, disposal, or restoration. A local or county entity may request OFPC to activate the FMMAP without an emergency declaration or activation of the SEOC. Although most direct response actions at the State level will occur through ESF #10 Oil and Hazardous Materials Response, it is anticipated that additional ESFs will be activated to support the response.

Some agencies have statutory requirements that designate them as a lead agency in certain types of events. This designation was given to those agencies that normally have the greatest overall State role in preventing or mitigating the adverse effects associated with that class of hazardous materials emergency. The designation of a lead agency does not supersede the State's ESF construct for response activities. All State level hazardous materials response activities will be coordinated through ESF #10. The lead agency representative will ensure that the agency's legal requirements are met within the ESF #10 structure.

The Governor could exercise the authority to declare a State Disaster Emergency. Upon the declaration of a State Disaster Emergency, the Governor may direct any and all State agencies, including non-DPC agencies, to provide assistance under the coordination of the Disaster Preparedness Commission.

Federal Response

In compliance with the NCP, all State level activities will be coordinated with the designated FOSC when/if there has been an activation of Federal assets. IACPs and GRPs are included as part of that coordination. When there is an activation of Federal assets, Federal regulations mandate that two agencies have responsibility for the oversight of incidents of oil, the EPA and the USCG. For releases on land, the EPA will be the designated FOSC and for U.S. navigable waters, the USCG will be the designated FOSC. For events involving the release of hazardous substances, dependent upon the location and source of the release, the FOSC may be provided by the EPA, USCG, Department of Energy (DOE) or the Department of Defense (DOD).

Dependent upon the extent and severity of the event, the Governor may request Federal assistance, which may result in a Presidential Declaration of Disaster. Environmental assessments and clean up may occur under the pollution removal authorities which routinely operate outside of the declaration process. The Commandant of the USCG or the Administrator of the EPA may also make the determination of if the incident qualifies as a Spill of National Significance (SONS). The National Contingency Plan (NCP) defines a spill of national significance (SONS) as "a spill that, due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary

coordination of Federal, State, local, and responsible party resources to contain and clean up the discharge."

It is important to note that the FOSC will have direct access to Federal ESF #10 assets in the absence of a Stafford Act declaration of disaster. However, during an active declaration of disaster under the Stafford Act, the FCO will work through the FOSC to assist with necessary activities.

G. Legal Authorities

The authority to develop this Annex and implement specific response actions to effectively respond can be found in a variety of New York State Laws, regulations and Federal authorities, including:

1. **State Authorities/Policies**
   - New York State Executive Law, Article 2-B (4/1/79), as amended
   - Executive Order #26.1 of 2006, as amended (NYS Adoption of the Incident Command System)
   - Executive Order #125
   - Executive Order # 95 of 1987
   - New York Codes, Rules, and Regulations (NYCRR), Chapters III and VI
   - New York State General Municipal Law
   - New York State Navigation Law
   - New York State Environmental Conservation Law (ECL)
   - New York State Public Health Law, Sections 201 and 206
   - New York State Fire Mobilization and Mutual Aid Plan (FMMAP)
   - New York State Transportation Law

2. **Federal Authorities/Plans**
   - Federal Robert T. Stafford Disaster Relief and Emergency Assistance Act
   - Homeland Security Presidential Directive 5
   - Presidential Policy Directive (PPD) 8
   - Federal Oil Pollution Act of 1990 (OPA or OPA 90)
   - National Oil and Hazardous Substance Pollution Contingency Plan (also referred to as the National Contingency Plan or NCP)
   - Environmental Conservation Act of 1990
   - Inland Area Contingency Plans (IACPs)
   - Title 29 CFR §1910.120
   - Title 40 CFR

H. Plan Maintenance, Updating, and Revision Process

The NYS OEM Planning Section has the responsibility for the development, review, and maintenance of all multi-agency response plans under the New York State CEMP. As required under New York State Executive Law Article 2-B, each ESF annex shall undergo an annual review and update on or before February 15th of each year and be posted online (if applicable) no later than March 31st of each year.

During the annual review by the Planning Section for its material, this plan is examined for both content and format. OEM Planning will work through the State Emergency Response Commission (SERC) working group agencies for updates as required. For updates that do not impact operational mechanisms or processes, the appropriate edits are initiated within the Planning Section and do not warrant external involvement. Plan updates will also be conducted based upon experiences and lessons learned from exercises or real-world events, or through administrative changes in government. Planning Section updates and/or edits affecting operational capabilities, responsibilities, or otherwise impacting operations will engage stakeholders in a variety of ways, such as verbally, by document review, meetings, webinars, or any combination thereof. Final drafts will be socialized to all appropriate agencies/personnel upon completion.

Section II: Risk Reduction

To some extent, preparedness measures are on-going through the existence of local, State, and Federal level partnerships. These measures include risk reduction through awareness and surveillance, planning efforts, and training and exercising.

The reduction of risk and prevention of spills is accomplished through the implementation and enforcement of local, State and Federal regulations and the compliance of facilities and transporters involved in oil or hazardous materials storage or transportation.

A. Awareness and Surveillance

Section 312(a) of the Emergency Planning and Community Right-to-Know Act (EPCRA) requires the owner or operator of facilities subject to Section 311 of EPCRA to submit an emergency and hazardous chemical inventory form by March 1 of each calendar year to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the local fire department. As of May 2018, 7,024 facilities had filed inventory reports under the reporting requirements. This data is available to support planning and response activities.

The New York State Department of Environmental Conservation has programs to enforce the requirements for petroleum bulk storage, chemical bulk storage, storage of liquefied natural gas (LNG), and major oil storage facilities. Storage tanks larger than 110 gallons must be registered through the DEC to maintain compliance with applicable regulations.

In accordance with Title 40 CFR, part 263, each transport company is required to obtain an EPA ID number. The United States Department of Transportation (USDOT) regulates the transport of hazardous materials and enforces requirements for labeling, marking, placarding, and containers, and reporting of discharge. NYSDOT provides oversight and enforcement over rail inspections in crude oil corridors. The DSP oversees truck inspections regularly along major transportation routes.

B. Planning

The NYS Hazardous Materials Annex supports the State role under the National Oil and Hazardous Contingency Plan, and the Regional Area Spill Contingency Plans.

Local Plans

The Superfund Amendments and Reauthorization Act (SARA) of 1986 included the EPCRA, or SARA Title III. This statute (Public Law 99-499) was designed to improve community access to information about hazardous chemicals and to facilitate the development of emergency response plans by State and local governments. The major components of EPCRA require local government to establish a Local Emergency Planning Committee (LEPC), and for the development of comprehensive

emergency response plans. These local plans are scoped to fixed-site hazardous materials preparedness but do include the linkage to the in-transit hazard.

New York State maintains 58 LEPCs, which serve as the focal point for county-level preparedness in regards to hazardous materials. In doing so, the LEPCs work collaboratively with local and State agencies on plan amendments and operational discussions.

State Plans

Each county in the State possess a comprehensive emergency management plan, or CEMP. The CEMP is the overarching plan in each jurisdiction in preparing for, responding to, and recovering from any emergency in the jurisdiction. Local SARA Title III plans or 204(f) plans fall under the purview of a county CEMP during a large-scale disaster.

Since the promulgation of EO 125, the State has engaged with local government partners to develop tactical-level actions for crude oil incidents. The State has identified 25 high risk/high volume transit shipping areas that could experience a crude oil mishap.

Each GRP identifies high-risk areas for transportation and crude oil shipments and includes the environmentally sensitive issues associated with an event in that location. Response actions include locations where booming or diking should be undertaken to prevent impacts on the environment, water supply systems, and drainage. The GRPs also include insight as to what is needed in support of the local response.

Federal Plans

The Federal government possesses multiple plans to address oil and hazardous materials spills in coastal and inland areas. The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the Federal government's plan for responding to both oil spills and hazardous substance releases. Federal planning also includes Area Contingency Plans (ACPs), which are scoped to address releases on waterways and give broad responsibilities to the USCG.

Both the ACP and NCP have been updated to address the recent risk of crude oil incidents and include an IACP for Oil and Hazardous Substance Spills in New York State. The purpose of the IACP is to provide an action plan within the State of New York for response to a release of oil and to promote timely and effective coordination among the entire spill community, including Federal, State, tribal, local, and private entities in response to a discharge or substantial threat of discharge.

C. Training and Exercise

The State of New York sponsors and conducts a variety of training to improve knowledge and response capability. This includes varying levels of training in the ICS and the Professional Development Series (PDS) curriculum. The State also participates in a wide variety of specialized

training, including training to meet Federal program and grant requirements, such as the Emergency Management Performance Grant (EMPG). Further, many State agencies identify training requirements within their own organization to meet the needs of the agency for that specific discipline.

The NYS Office of Fire Prevention and Control (OFPC), provides hazardous materials training to the fire service and other emergency response personnel Statewide, pursuant to Section 156 of the NYS Executive Law, and maintains a hazardous materials response capability to provide technical assistance to local, county, and State agencies at any hazardous materials incident including oil spills.

In some cases, the rail industry provides specialized training as well. These offerings include rail car simulations, use of different spill kits, and often provide for hands-on training for local and State responders, such as tank car fires and chlorine kit usage. Under the United States Department of Transportation Hazardous Materials Emergency Preparedness (USDOT HMEP) grants, many offices have coordinated regional powers for hazardous materials incidents.

D. Supplies, Equipment, and Resources

Each individual agency maintains stockpiles and supplies for their own internal use to support the needs of their agency and personnel during a response operation. The list below summarizes the specialized equipment owned and operated by various agencies in support of response capabilities. This list is not intended to provide an agency-specific inventory but is meant to provide basic information of the specialized equipment that may be utilized as part of the response to a hazardous materials release.

- Radio-equipped vehicles
- 4 x 4 vehicles
- Interoperable communications vehicles available to respond Statewide
- Personal watercraft
- Mobile command and control unit
- ATVs
- Marine patrol vessels
- Analytical laboratory system
- HF Statewide network
- Aviation response-fixed and rotary wing
- Unmanned aerial vehicles (UAVs)
- Foam trailers

The DEC has 24 emergency response trailers situated throughout the State with the capability of responding to petroleum releases. The trailers contain items such as absorbent material, harbor boom, hand tools, and other supplies that may be utilized during a petroleum response.

OFPC administers the New York State Foam Task Force, which includes 19 Class B foam trailers pre-positioned along major transportation corridors, including those used to transport crude oil by rail and water across the State. Each foam trailer is stationed with a local or county agency which has agreed to participate in the Task Force and deploy the trailer upon activation by New York State for any incident involving crude oil or other ignitable liquids.

Section III: Response

A. Overview

The State of New York endorses the use of one response organizational structure that will include all responding agencies: local, State, and Federal. State agency protocols will be organized under the framework of the National Incident Management System (NIMS) Incident Command System (ICS), as required by Executive Order 26.1 of 2006, and the overall NIMS components, as required by Homeland Security Presidential Directive (HSPD) #5.

The fourteen ESF annexes to the State CEMP Volume 2 identify multi-agency activities in coordinating a collective State response in support of a specific function or activity. Each ESF is comprised of various agencies that are assembled to coordinate the activities of their own agency in support of the ESF's activities.

B. Alert, Notification, and Activation

Alert and Notification

As a part of day to day agency activities, the DEC maintains the Spill Response Hotline, a reporting portal for petroleum and other hazardous materials releases throughout the State. While Federal laws require that the responsible party contain, clean up, and dispose of any spilled/contaminated materials, the DEC can provide resources to local agencies and will remain involved if continued cleanup is required. The DEC oversees the cleanup process to ensure that the actions taken are protective of public safety, health, and the environment.

The Spill Response Program of the DEC is responsible for protecting the public and the environment from emergencies resulting from a release or discharge. The program reviews oil spill contingency plans for emergency situations, maintains a 24-hour State-wide emergency response capability, and supervises cleanup mitigation activities and contracts.

Several other State agencies continuously operate their own warning points, operational centers, dispatch centers, or reporting systems. Included in these notification systems is the notification to the National Response Center (NRC) from the rail industry that an emergency exists on the rail system.

Pursuant to Federal, State, Executive, and agency protocols, these systems are routinely utilized for notifications of significant or reportable events and/or make emergency notifications to State personnel. Among these systems is the NYS State Watch Center (SWC), which serves as the focal point for receiving or providing notification of incidents in the State. In response to an incident that warrants an increase in State response posture, the SWC will be used to notify agencies that the SEOC is activating.

1. Hazardous materials spills are to be reported to the DEC Spill Hotline at (800) 457-7362, which will initiate an appropriate DEC regional response.
2. Major hazardous materials incidents are also to be reported to the SWC at (518) 292-2200.
3. SOEM will immediately notify the appropriate ESFs, designated Coordinating Agencies, the DPC Chairperson, and the Governor's Office.
4. SOEM Headquarters will notify its Regional Office(s) to contact and regularly communicate with the County Office(s) of Emergency Management.
5. SOEM will notify appropriate Federal agencies.
6. SOEM will make other notifications based upon developing situations at the scene, consistent with its coordination role.

Activation

Upon receipt of notification of any emergency in the State, a determination will be made to activate the SEOC. If warranted, the appropriate ESFs will be identified and requested to send a representative to SEOC.

The SEOC will assess the potential needs and demands of the incident, and then determine the level of activation necessary to effectively manage the response to the incident. The capabilities that are needed to support that activation are also identified, and agencies are notified to staff the State EOC using the ESF construct.

Flexibility will be key in activating the EOC and associated ESFs. Not all incidents are the same, and not all activations will require the full list of agencies to support the demands of the incident. Therefore, the representation of agencies that will be necessary to support the ESF construct may vary from incident to incident. The State CEMP identifies four activation levels of the SEOC. These are:

- Level 4 Enhanced Monitoring: A small, isolated or a potential event that has some indicators that warrant extra attention, enhanced monitoring, or external communication.
- Level 3 Partial Activation: An incident or event requiring a partial activation of the State EOC with agency/ESF lead activation.
- Level 2 Full Activation: An incident requiring full activation of the State EOC with ESF activation.
- Level 1 Full State/Federal Response: An incident requiring full activation of the State EOC with ESF activation, and Federal ESF integration and coordination.

C. Response Organization/Direction and Control

The over-arching structure of State command and control will be organized as stated in the Volume 2 of the State Comprehensive Emergency Management Plan, *Response and Short-Term Recovery.* NYS will also be represented at the Joint Field Office (JFO), when established, to assist in the local/State/Federal coordination of Federal assets.

NIMS, as defined in this Annex, will be utilized to identify and prioritize response objectives that are of concern to the State. As such, the State Coordinating Officer will utilize NIMS to identify and support State On-Scene and/or DPC Coordinators who will be responsible to interface with the local incident management system Unified Command (UC) and coordinate the accomplishment of State objectives with local, area, or regional Incident Management Systems, as appropriate.

State Coordinating Officer (SCO)

In accordance with 44 CFR § 206.41, the Governor of the State shall designate a State Coordinating Officer (SCO) to coordinate State and local disaster assistance efforts with those of the Federal government. The SCO, who will have the overall responsibility for the coordination of State resources and Federal assistance in support of the State and local response to the incident, will typically be the director of SOEM; however, the Governor may designate another individual with statutory responsibility based on the type of incident.

Pursuant to pre-existing plans or statutory missions, agency or Commission on-scene Coordinators will also be integrating into local, area, and regional incident management systems. They are responsible for coordinating the accomplishments of State agency or DPC-specific objectives. Prioritization of multiple State agency objectives shall happen in close coordination with the local, area, or State On-Scene Coordinator(s) as identified by the State Coordinating Officer and the MAC. When necessary, prioritization and/or identification of State response objectives or resource allocations will be strategically coordinated by the State Coordinating Officer, MAC Group(s), and/or supporting structures utilizing the NIMS framework as indicated in this plan.

The State Coordinating Officer and identified local, area, or State On-Scene response structure will utilize the NIMS response system as defined in this plan to provide identified State On-Scene Coordinators with the necessary strategic planning, incident specific organizational structure(s), logistical, technical, financial, and operational support to accomplish identified objectives.

Joint Information Center/Public Information

The State recognizes the need to consistently disseminate critical public information. To meet this challenge, the State will establish a JIC at or near the disaster site. The JIC will serve as the sole source of official information regarding all incident activities and will provide a forum for the coordinated release of all information. The representation will include local government officials, State officials (as the lead), and will include representation from Federal ESF #15 External Affairs. JIC operations will be coordinated as stated in the ESF #15 External Affairs Annex to the State CEMP. The release of information may include public service advisories regarding:

- Dissemination of event facts, data and hazards.
- Locations of food, shelters, supplies, and commodities.
- Locations of disaster recovery centers.
- Public health concerns, epidemic information, and food storage.
- Safety messages for traveling, fire safety, and public inquiry numbers.

D. Roles and Responsibilities

This section reviews existing roles, responsibilities, and capabilities of State agencies and Emergency Support Functions (ESFs), and also provides an overview of the local, State, and Federal response. It should be clearly stated and understood that Federal regulations mandate that in the event of a hazardous material release, the party responsible for the release has the legal and financial obligation for containment, cleanup activities, and removal/disposal of contaminated materials.

Local Government

Local government will be actively involved in the response and should be utilized to the fullest extent possible. Each county, and many local governments, has a comprehensive emergency management plan (CEMP) which provides the framework for the jurisdiction's response to emergencies and disasters.

Each locally-developed plan will differ in its implementation, including in response capabilities, surge capacities, and in the ability to exercise authorities. Therefore, it is prudent for the State to conduct timely situational reporting to identify any gaps in the protective measures or response activities that are generated at the local, State, or Federal levels of the response. Local government may provide the initial response to an incident as required to protect public health and welfare, the environment, and livestock, however, the responsible party may be held liable for the costs associated with the response and cleanup activities financed by publicly funded entities/agencies.

State Government

State level assistance may be requested during any phase of the operations associated with a hazardous materials spill. State response efforts are not dependent upon a local, State, or Federal declaration of emergency, and should be requested through the county office of emergency management.

An element of this plan includes the designation of lead State agencies. This term is based on specific statutory authority, or general functional responsibility of the agency. The assignment of lead agency status does not preclude an interaction and cooperative effort between the lead agency and all other involved State agencies or the activation of the ESF construct at the State level. Within the ESF, the standard designations of Coordinating and Member Agency will still apply as outlined in the ESF #10 Annex. Examples include DOH's concern for public health impact subsequent to a spill or release of a hazardous material or OFPC's expertise with the fire hazard associated with gasoline spills.

Specific statutory authority dictates that lead agency designation be assigned to:

- New York State Department of Health (NYSDOH) for:
    - Emergencies involving radioactive substances.

    - Emergencies involving infectious substances.
- New York State Department of Environmental Conservation (NYSDEC) for:
    - Emergencies involving hazardous wastes.
    - Clean up and disposal of spilled hazardous materials, including petroleum products and pesticides.
    - Emergencies resulting in contamination of the atmosphere and the resultant impact to receptors due to the spills or releases of hazardous material.
    - Emergencies resulting in contamination of surface or groundwater from spills or releases of hazardous materials.

General functional responsibilities dictate that lead agency designation be assigned to:

- Office of Fire Prevention and Control (OFPC) when fire or the threat of fire is the primary concern.
- Division of State Police (DSP) when perimeter control or ordinance (explosive) disposal is the primary concern.

The State response includes many components and capabilities, both SEOC-based and field-level. Under the State CEMP, the State possesses 14 Emergency Support Functions (ESFs) that provide the utility for a host of capability, and full integration with each of the Federal ESFs. The information below outlines the expectation of responsibilities under each State ESF.

ESF #1 Transportation

- Inspect railroad and trackage.
- Investigate railroad accidents as soon as safe access is available to determine cause evidence and indicators have been destroyed.
- Inspection of commercial and other motor vehicles involved in the transportation of hazardous materials to ensure compliance with HAZMAT transportation regulations.
- Development of routing recommendations for responders and access to affected areas.
- Restoration of affected transportation systems.
- Provide infrastructure status reports for all modes of transportation.
- Facilitate traffic movement during an evacuation or re-entry.
- Management of aviation and air space within the affected area(s), if required.

ESF #2 Communications

- Support interoperable and emergency communications.
- Maintain fixed land mobile radio sites.
- Provide coordination with private carriers for access of temporary cellular sites.

ESF #3 Public Works and Engineering

- Assist in removal of non-hazardous material.

- Assist in containment (defined as action taken to limit or prevent the spread of a hazardous material) only at the request and direction of the official in charge on scene.
- Provide support for water contamination issues.
- Issuance of temporary emergency waste transporter permits.

ESF #4 Firefighting

- Administer the State Fire Mobilization and Mutual Aid Plan (FMMAP) for incidents whose scope or duration exceeds capacity of local and contiguous county resources, or which require the response of specialized equipment not provided for under existing local and county mutual aid agreements.
- Provide support to local responders through resource tracking and technical assistance.
- Provide assistance with investigations.
- Provide aerial firefighting assets, as required.

ESF #5 Information and Planning

- Operate and maintain the SEOC Planning Section, integrating with State and Federal stakeholders, preparing situational information, data collection, and event status.
- Develop and maintain an Incident Action Plan (IAP) for the SEOC for each operational period.
- Provide technical analysis and review of current and projected weather forecast models.
- Provide for radiological assessment and evaluation through the use of multi-agency technical specialists and subject matter experts.

ESF #6 Mass Care, Emergency Assistance, Housing and Human Services

- Provision of temporary emergency shelter for those affected and for emergency workers.
- Assist affected jurisdiction with domestic animal/pet sheltering needs.
- Provide mental health assistance for survivors and workers in disaster impacted areas.
- Provide feeding and hydration services.
- Provide family reunification services.
- Provide for language and translation services.
- Bulk distribution of necessary support items.

ESF #7 Logistics

- Coordinate State and Federal resource support, manage requests for assistance, and provide logistical support to emergency operations from other State agencies, multiple warehouse locations, and/or contracted vendors.
- Request and coordinate Federal assistance, and integration with a Federal Incident Management Team, Federal Coordinating Officer, and Federal ESFs, as applicable.
- Procurement and financial tracking of resources.
- Assist with transportation of available resources, as necessary.

ESF #8 Public Health and Medical Services

- Assist the local health units in assessing potential or actual public health hazards arising from the incident via toxicological, radiological, biological hazard assessments, and/or epidemiological studies as appropriate.
- In consultation with local health units, assess the potential or actual contamination of public and private water systems and provide guidance to the owners/operators of these water systems.
- In consultation with local health commissioner or director, advise the responsible public safety officials of health protective recommendation for the public based on available toxicological/radiological or biological hazards information sheets.
- Coordinate the management and distribution of medical countermeasures in conjunction with State response partners.
- Provide subject matter expertise, guidance, coordination, assessment and support in food related safety concerns.
- Provide support for medical shelters and coordinates with local, regional, and State partners to provide support for access and functional needs in a shelter environment.
- Provide behavioral health support to families of victims during the victim identification and mortuary process.
- Coordinate State-wide emergency medical services (EMS) assets during a declared disaster through the Statewide EMS plan.

ESF #9 Search and Rescue

- Assist in rescue efforts.
- Coordinate technical support for specialized responder safety issues.
- Support local responders through resource tracking and technical assistance on scene, as requested.

ESF #10 Oil and Hazardous Materials Response

- Assist with assessment of actual or potential environmental damage.
- Provide advice on environmental protective measures and remedial actions.
- Monitor the containment, cleanup, and disposal of released chemicals and hazardous wastes.
- Ensure the proper disposal of hazardous waste materials.
- Ensure geo-technical support services for ground water investigations of oil and hazardous substances, track downs, and water resource protection.
- Provide technical expertise to assist with product identification, hazard evaluation, and development and implementation of incident site safety and operational plans.
- Provide standby contracting services for the investigation, containment, and cleanup of hazardous materials.
- Provide hazardous substance sampling and analysis capabilities.

- Perform exposure assessments, risk assessments, and provide recommendations for decreasing potential exposure to hazardous materials.

ESF #11 Agriculture and Natural Resources

- Determine extent of contamination of agricultural products and processing plants, and collection and lab testing of air, water, and agriculture samples.
- Assess damage to croplands and farm animals.
- Seize and destroy contamination agricultural products.
- Regulate farm-to-table pathways.
- Maintain geographic information systems to include data on facilities with animals and businesses that support animals.
- Coordinate with local and State entities as needed on carcass management issues.
- Identification of archeological and historical sites.
- Facilitate the capture of domestic animals at large and the return of owned animals.
- Coordinate emergency animal shelter staffing assistance.

ESF #12 Energy

- Provide status monitoring and estimated restoration time of utility services.
- Monitor and ensure compliance with requirements related to customers with life support equipment.

ESF #13 Public Safety and Security

- Investigate and gather evidence needed for possible legal proceedings.
- Secure crime scenes, preserve evidence, and conduct investigations to determine responsible parties and if violations to the State Environmental Conservation Law have occurred.
- Investigate deaths and assist the local coroner/medical examiner in establishing a morgue, if necessary.
- Take enforcement action, if required, on violations of obstructing government administration.
- Conduct investigations regarding hazardous materials/ hazardous waste activities, which may involve criminal activity.
- Investigate railroad accidents as soon as safe access is available to determine cause before evidence and indicators have been destroyed.
- Provide evacuation assistance by supporting traffic and access control points.
- Provide fixed and rotary wing aircraft in support of law enforcement missions and for other missions as authorized in support of State objectives.
- Provide perimeter security and authorized entry control.
- Provide limited CBRNE detection and interdiction capability to support other State-wide CBRNE resources.

ESF #15 External Affairs

- Responsible for all public information related to an incident.
- Provide staff and manage any activated JIC.

Federal Government

When an incident is anticipated to exceed state resources or when the Federal Government has unique capabilities needed by states, the governor may request Federal assistance. In such cases, the affected local jurisdiction and the State, tribal, territorial, insular area, and Federal governments coordinate to provide the necessary assistance. The Federal Government may provide assistance in the form of funding, resources, and/or services. Federal departments and agencies respect the sovereignty and responsibilities of local, State, tribal, territorial, and insular area governments while rendering assistance that supports the affected local or State governments.

If the amount of a hazardous substance release or oil spill exceeds the established reporting trigger, the organization responsible for the release or spill is required by law to notify the NRC. Once a report is made, the NRC immediately notifies a pre-designated EPA or USCG On-Scene Coordinator (OSC), based on the location of the spill. The OSC determines the status of the local response and monitors the situation to determine whether, or how much, Federal involvement is necessary. It is the OSC's job to ensure that the cleanup, whether accomplished by industry, local, State, or Federal officials, is appropriate, timely, and minimizes human and environmental damage.

The Federal OSC will take command of the response in the following situations:

- If the party responsible for the chemical release or oil spill is unknown or not cooperative;
- If the OSC determines that the spill or release is beyond the capacity of the company, local, or State responders to manage; or
- For oil spills, if the incident is determined to present a substantial threat to public health or welfare due to the size or character of the spill.

The Federal OSC may request additional support to respond to a release or spill, such as additional contractors, technical support from EPA's Special Teams, or Scientific Support Coordinators from EPA or the National Oceanic and Atmospheric Administration (NOAA). The OSC also may seek support from the RRT to access special expertise or to provide additional logistical support. In addition, the National Response Team stands ready to provide backup policy and logistical support to the OSC and the RRT during an incident.

The State response organization, to include the SCO, SEOC, and identified local, area, or SOC(s), will need to work in unison in coordinating with the Federal response. Generally, Federal resource support and assistance is not instantaneous. As such, multiple evolving lines of coordination may become active as the Federal response begins to organize and deploy. Initially, the primary State/Federal interface and response coordination will include collaborating

with the DHS/FEMA representative in the SEOC (if present) or the DHS/FEMA Regional Office. As the response organization evolves and other Federal mechanisms become active, the State incident management structure, at the field-level and SEOC-level, will need to increase its level of coordination and communication to ensure that the State can maintain a centralized coordination of resources and ensure that the request, acquisition and deployment of State and Federal resources are used in an effective and efficient manner.

The Federal response system that will be used to support the State will take place at a Federal Regional Response Coordination Center (RRCC). The RRCC is a standing facility operated by DHS/FEMA that coordinates Federal regional response efforts and implements local Federal program support until a Joint Field Office (JFO) is established in the field and/or other key DHS incident management officials can assume their NRF coordination responsibilities. The RRCC will establish communications with the SEOC and the National Operations Center (NOC) and will coordinate the deployment of the Emergency Response Team–Advance Element (ERT-A) to field locations. Upon deployment, the ERT-A will assess damage information and issue initial Federal mission assignments, including the operation orders to activate Federal (ESFs. Based upon the nature of the incident, the Federal Incident Response Support Team (FIRST) may deploy to the scene to support State operations. The FIRST provides technical assistance to assess the situation, identify critical and unmet needs, provide protective action recommendations, and establish incident support facilities. The FIRST coordinates with the ERT-A and integrates into the Operations Section of the JFO when established.

State/Federal coordination will be facilitated by the activation of a JFO, once established. The State Coordinating Officer (or designee) and the Governor's Authorized Representative (GAR) will be represented at the JFO to facilitate the coordination of Federal resource support to the State. The JFO is a temporary Federal facility established locally to provide a central point for Federal, State, local, and tribal executives with responsibility for incident oversight, direction, and/or assistance to effectively coordinate protection, prevention, preparedness, response, and recovery actions. The JFO utilizes a scalable, ICS-based organizational structure, but does not manage on-scene operations. Instead, the JFO focuses on providing support to on-scene efforts and conducting broader support operations that may extend beyond the incident site.

The Principal Federal Official (PFO) facilitates Federal support to coordinate overall Federal incident management and assistance activities from preparedness to recovery. An initial PFO may be identified until the primary PFO is in place. In certain scenarios, a PFO may be pre-designated by the Secretary of Homeland Security to facilitate Federal domestic incident planning and coordination at the local level outside the context of a specific threat or incident. A PFO also may be designated in a pre-incident mode for a specific geographic area based on threat and other considerations. In the event of a single incident with national implications or in the case of multiple incidents, a national-level PFO may be designated to coordinate Federal response activities. The PFO may delegate duties to a Deputy PFO, the FCO, or other

designated Federal official, as appropriate, after an event transitions to long-term recovery and/or cleanup operations.

The FCO manages and coordinates Federal resource support activities related to Stafford Act disasters and emergencies. The FCO assists the Unified Command and/or the Area Command and works in coordination with the PFO. In Stafford Act situations where a PFO has not been assigned, the FCO provides overall coordination for the Federal components of the JFO and works in partnership with the SCO to determine and satisfy State and local assistance requirements. During national or geographically widespread incidents, the roles of the PFO and FCO may be combined to help ensure synchronized Federal coordination. In instances where the PFO has also been assigned the role of the FCO, deputy FCOs for the affected States will support the PFO/FCO.

ESFs are the primary means through which the Federal government provides assistance to the State and serve as the coordination mechanism to provide assistance to State, local, and tribal governments or to Federal departments and agencies conducting missions of primary Federal responsibility. ESFs were first established in the Federal Response Plan and carried forward to the NRF as the mechanism to group Federal capabilities and resources into the functions that are most likely needed during actual or potential incidents where a Federal response is required (i.e., Transportation, Firefighting, Public Health, etc.). Each ESF is composed of primary and support agencies. The NRF identifies primary agencies on the basis of authorities, resources, and capabilities. Support agencies are assigned based on resources and capabilities in a given functional area. Additional discussion on roles and responsibilities of ESF coordinators, primary agencies, and support agencies can be found in the introduction to each of the ESF Annexes to the NRF.

ESFs may be selectively activated for both Stafford Act and non-Stafford Act incidents where Federal departments or agencies request DHS assistance or under other circumstances as defined in HSPD-5. ESFs may also be activated by the ESF Coordinators. The ESF structure provides a modular structure to identify the precise components that can best address the requirements of the incident.

Not all Incidents of National Significance result in the activation of ESFs. It is possible that an Incident of National Significance can be adequately addressed by DHS and other Federal agencies through activation of certain NRF elements (i.e., Principal Federal Official) without the activation of ESFs. Similarly, operational security considerations may dictate that activation of NRF elements be kept to a minimum, particularly in the context of certain terrorism prevention activities. The Federal response to actual or potential Incidents of National Significance will likely be provided through the partial or full activation of the ESF structure as necessary. The ESFs provide staffing for the National Response Coordination Center (NRCC), Regional Response Coordination Center (RRCC), JFO, and ICP as required by the situation at hand.

Section IV: Recovery

A. Overview

Dependent on the type of destruction and damage caused to the communities and individuals, the response may be short-lived or could extend for a prolonged period of time, perhaps even years. Emergency response activities may include control measures that have been rapidly employed and may result in a slow demobilization of response agencies and activities.

A variety of forces may influence the direction of the recovery process. Considerations that must be analyzed for an effective response and prompt recovery include the safety of responders, repair and re-opening of critical transportation routes, remoteness of areas, and the needs and requirements for the restoration of utility systems.

Regardless of the extent of damage, the State of New York will strive to assist local governments, businesses, and citizens in recovering from the impacts of any emergency. Where possible, hazard mitigation measures will be incorporated into recovery activities in order to lessen the impact of or eliminate future reoccurrence.

Following the initial response, cleanup and restoration work must be undertaken. During this phase of the event, the following activities may occur:

- Monitoring of hazard levels.
- Dissemination of public information.
- Investigation required for potential legal proceedings.
- Monitoring traffic flow on detour routes, as applicable.
- Engagement of qualified cleanup contractor, as required.
- Oversight of contractor work and maintenance of related financial records.
- Approval of disposal site(s).
- Restoration of damaged transportation facilities.
- Removal of detours and restoration of affected travel routes.
- Return of evacuees, as applicable.

After the cleanup and disposal phase of the operations, permanent restoration efforts begin. Such permanent efforts may include:

- Development of supervision of contracts to permanently restore environmental and infrastructure damage.
- Compilation and documentation of loss and damage estimates.
- Administration of funding assistance for the restoration of private and commercial losses, as applicable.
- Administration of finding assistance for the restoration of environmental damage and damage to public facilities, as applicable.

- Initiation of legal proceedings to recover financial losses, as applicable.

The scope of the State's involvement with disaster recovery activities will expand with the level of severity of the disaster. It is understood that a disaster that did not warrant a State or Federal disaster declaration could most likely be handled at the local level, using existing local and State programs and resources. As the scope of the disaster increases, and as the financial impact grows beyond the ability of local government to absorb within existing resources, the level of active participation by State and Federal programs and personnel will increase.

A variety of forces may influence the direction of the recovery process. The State of New York will endeavor to assist local governments, businesses, and citizens in recovering from the impacts of any emergency. Where possible, hazard mitigation measures will be incorporated into recovery activities to lessen the impact of reoccurrence, or eliminate it entirely.

Emergency response operations include a variety of measures that are taken to protect public health and safety. As the response begins to transition from the response phase to the recovery phase, the focus begins to shift to rebuilding a community and demobilizing State response activities and resources. The recovery process typically includes both short-term and long-term actions that can be taken restore a community to a state of self-sustainment. Short-term recovery activities include those actions that can be taken to restore essential services and sectors that are vital to a community. Long-term recovery actions include rebuilding and capital programming efforts while incorporating mitigation measures into the recovery process. The following identifies the actions the State will take in managing short-term recovery efforts. Long-term recovery efforts can be found in Volume 3 of the State Comprehensive Emergency Management Plan, *Long-Term Recovery Planning*.

B. Demobilization of the State Response

When a multi-agency, centralized State coordination focus is no longer required, the SEOC will develop and implement a demobilization plan to transfer responsibilities and suspend unnecessary field and agency operations. SEOC and field-level Planning Sections will respectively develop a scalable demobilization plan for the release of appropriate components. As the need for full-time interagency coordination at the SEOC ceases, plans for selective release of State resources, demobilization, deactivation, and closeout are developed. The SEOC may remain operational at reduced staffing levels to ensure longer term missions are completed and to maintain situational awareness to support additional response operations.

When the State response effort is deactivated, specific procedures for deactivation will be followed to ensure proper record keeping and handling of contracts as well as recovery of deployed equipment and materials. Demobilization and deactivation activities are planned, coordinated and executed to ensure that all levels of government, tribal, and private sector response and recovery

personnel are maintained at a state of readiness commensurate to operational field response and recovery operations.

When the State response effort is deactivated, specific procedures for demobilization will be followed to ensure proper record keeping and handling of contracts as well as recovery of deployed equipment and materials. Demobilization is planned, coordinated, and executed to ensure that all level of government, tribal, and private sector response and recovery personnel are maintained at a state of readiness commensurate to operational field response and recovery operations. Actions may include:

- Relaxing traffic and access control points.
- Follow-up water supply analyses, remediation of hazardous materials, and monitoring of hazardous waste sites.
- Conducting ongoing debris removal and environmental remediation activities.
- Additional food safety messages, handling practices, inspections, and monitoring.
- Estimating the overall impact on the State, including mortality, financial impacts, and the disaster recovery mechanisms that can support the general public.
- Continued risk communications for mental health support, recovery programs, individual and family preparedness, and safety messages regarding exposure levels.

C. The Recovery Process

State Government

The State has recently updated Volume 3 of the State Comprehensive Emergency Management Plan, Long-Term Recovery. Volume 3 outlines the State Recovery Support Function (RSF) construct and lays the foundation for the implementation of the State RSF Annexes. bring together the core recovery capabilities of Federal, State and Local governments to focus on community recovery needs. The objective of an RSF is to facilitate coordination and delivery of Federal assistance needed to supplement recovery efforts. Not all RSFs are activated for every incident; activation is based on disaster assessment and needs. The State RSFs match the Federal RSFs as identified in the National Disaster Recovery Framework (NDRF) and are organized in six manageable, multi-agency components:

- **Community Planning and Capacity Building:** The core recovery capability for community planning is the ability to effectively plan and implement disaster recovery activities, engaging the whole community to achieve their objectives and increase resilience.
- **Economic:** The core recovery capability for economic recovery is the ability to return economic and business activities (including agricultural) to a state of health and develop new economic opportunities that result in a sustainable and economically viable community.
- **Health and Social Services:** The core recovery capability for health and social services is the ability to restore and improve health and social service networks to promote the resilience, health, independence and well-being of the whole community.

- **Housing:** The core recovery capability for housing is the ability to implement housing solutions that effectively support the needs of the whole community and contribute to its sustainability and resilience. Like infrastructure and safety services, housing is a critical and often challenging component of disaster recovery.
- **Infrastructure Systems:** The core recovery capability for infrastructure systems is the ability to efficiently restore the infrastructure systems and services to support a viable, sustainable community and improve resilience to and protection from future hazards. The Infrastructure Systems RSF promotes a holistic approach to disaster recovery coordination, support, planning and implementation for infrastructure systems that serve the community.
- **Natural and Cultural Resources:** The core recovery capability for natural and cultural resources is the ability to protect natural and cultural resources and historic properties through appropriate response and recovery actions to preserve, conserve, rehabilitate, and restore them consistent with post-disaster community priorities and in compliance with appropriate environmental and cultural resources laws.

Each ESF Annex includes the RSF assignments and mission areas for each of the agencies listed in the ESFs.

Federal Government

The Federal government will remain involved at the site following response actions to undertake a number of activities, including damage assessment, support of restoration efforts, recovering response costs from the parties responsible for the spill, and, if necessary, enforcing the liability and penalty provisions of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990.

As the Federal ESFs transition to RSFs, the State's ESF posture will be required to transition into the RSF construct. As such, State agencies will transition from their assigned ESF role to the appropriate RSF, if warranted. It is important to note that not all Federally declared disasters will require full RSF activation; and not all RSF activations will require full participation from each agency.

As the SEOC activation ceases, and the JFO activates, the Federal government will transition out the ESFs and implement the RSFs. Although the RSF structure builds upon the ESF structure, RSFs are different from ESFs in that they have a different set of mission objectives, time spans and skill sets. RSFs bring together the core recovery capabilities of State and Federal departments and agencies to focus on community recovery needs. The objective of the RSF is to facilitate coordination and delivery of Federal assistance needed to supplement recovery efforts. RSFs are designed to operate within a timeframe of months to years. The RSFs are Community Planning and Capacity Building, Economic, Health and Social Services, Housing, Infrastructure Systems, and Natural and Cultural Resources. The RSFs facilitate coordination and delivery of Federal assistance in these areas to supplement recovery efforts.

If a disaster escalates to the point of a Federal declaration, there are a wide range of Federal assistance programs which are made available to help affected municipalities; public and private organizations and individuals recover from a disaster. The three main assistance programs, Individual Assistance (IA), Public Assistance (PA) and the Hazard Mitigation Grant Program (HMGP), are administered by the State and coordinated with FEMA. The IA program is administered by the FEMA, IA Disaster Unemployment Assistance is administered by the State's Department of Labor (DOL), and IA Disaster Case Management is administered by SOEM. Other key Federal programs, which originate from various other Federal agencies, are administered directly by the Federal agencies or by their counterparts at the State level. There are also numerous Federal regulations that support short-term recovery efforts in regard to IA and PA. It is beyond the scope of this document to reference each program and each implementing regulation.

The primary Federal mechanisms for IA and PA are identified in ESF #3 Public Works and Engineering. ESF #3 is structured to provide public works and engineering-related support for domestic incident management to include 36 preparedness, prevention, response, recovery and mitigation actions. Activities within the scope of this function include pre- and post-incident assessments of public works and infrastructure, executing emergency contract support for life saving and life-sustaining services, providing technical assistance to include engineering expertise, construction management, contracting, and real estate services, providing emergency repair of damaged infrastructure and critical facilities and the implementation and management of the DHS/FEMA Public Assistance program and other recovery programs. Implementation and management of DHS/FEMA Public Assistance program and other recovery programs between and among Federal, State, and Tribal officials, to include efforts to permanently repair, replace, or relocate damaged or destroyed public facilities and infrastructure, are coordinated as part of the long-term recovery planning effort of ESF #14 Long-term Community Recovery.

Following a Presidential Disaster Declaration, Federal assistance will be provided in accordance with applicable laws, regulations and the FEMA-State agreement. In this agreement, the Governor will designate a GAR, who shall administer Federal disaster assistance programs on behalf of the State and local disaster assistance efforts with those of the Federal government. The GAR will be an executive staff member of SOEM.

Section V

Attachments

Attachment 1

Acronyms

ACP	Area Contingency Plan
CEMP	Comprehensive Emergency Management Plan
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEC	Department of Environmental Conservation
DHSES	Department of Homeland Security and Emergency Services
DHS	Department of Homeland Security
DOD	Department of Defense
DOE	Department of Energy
DOH	Department of Health
DOL	Department of Labor
DPC	(New York State) Disaster Preparedness Commission
DSP	Division of State Police
ECL	Environmental Conservation Law
EOC	Emergency Operations Center
EMPG	Emergency Management Performance Grant
EPA	Environmental Protection Agency
EPCRA	Environmental Planning and Community Right-to-Know Act
ERT-A	Emergency Response Team–Advance Element
ESF	Emergency Support Function
EO	Executive Order
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FIRST	Federal Incident Response Support Team
FMMAP	State Fire Mobilization and Mutual Aid Plan
FOSC	Federal On-site Coordinating Officer
GAR	Governor's Authorized Representative
HMGP	Hazard Mitigation Grant Program
HSPD	Homeland Security Presidential Directive
IA	Individual Assistance
IACP	Inland Area Contingency Plan
IC	Incident Commander
ICP	Incident Command Post
IMT	Incident Management Team
JFO	Joint Field Office
JIC	Joint Information Center
LNG	Liquefied Natural Gas
LEPC	Local Emergency Planning Committee
MAC	Multi-agency Coordination

NCP	National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan)
NDRF	National Disaster Recovery Framework
NIMS	National Incident Management System
NRC	National Response Center
NRF	National Response Framework
NYCRR	New York Codes, Rules, and Regulations
SEOC	State Emergency Operations Center
NYSOEM, SOEM	New York State Office of Emergency Management
DSP	New York State Police
OFPC	Office of Fire Prevention and Control
OPA	Oil Protection Act
OSC	On-Scene Coordinator
PA	Public Assistance
PDS	Professional Development Series
PFO	Principal Federal Official
PVC	Polyvinyl Chloride
RRT	Regional Response Team
RP	Responsible Party
RRCC	Regional Response Coordination Center
RSF	Recovery Support Function
SARA	Superfund Amendments and Reauthorization Act of 1986
SCO	State Coordinating Officer
SEOC	NYS Emergency Response Center
SERC	State Emergency Response Commission
SONS	Spill of National Significance
TVA	Tennessee Valley Authority
UC	Unified Command
USCG	United States Coast Guard
USDOT HMEP	United States Department of Transportation Hazardous Materials Emergency Preparedness