



ESF #10 Oil and Hazardous Materials Response

Rev. Final

Date: March 2024

ESF Coordinating Agency:
Department of Environmental Conservation (DEC)

DPC Member Agencies:
Department of Health (DOH)
Division of Military and Naval Affairs (DMNA)
Office of Fire Prevention and Control (OFPC)

EXECUTIVE SUMMARY

Emergency Support Functions (ESFs) provide the structure for coordinating response activities for disasters or emergencies that go beyond the capability of the local resources. ESFs are a mechanism used to group the functions most often needed to respond to incidents. At the State level, ESF #10 will coordinate support in response to an actual or potential discharge and/or release of oil or hazardous materials. This Annex includes multi-agency capabilities that can be utilized to augment local and county oil and hazardous materials response activities when local and county resources have become or are expected to become overwhelmed.

SECTION I: General Considerations and Planning Guidelines

Introduction

New York State will continue to experience a variety of disasters from several causes: humans, nature, and technology. This Annex outlines ESF #10's active approach to providing State level response to oil and hazardous materials through New York State during the response and short-term recovery phases of a disaster as outlined in the State Comprehensive Emergency Management Plan (State CEMP).

Purpose

The State CEMP has been structured into three distinct, but interconnecting volumes. These are:

- Volume 1: All Hazard Mitigation Plan
- Volume 2: Response and Short-Term Recovery
- Volume 3: Long-Term Recovery Plan

The purpose of the State CEMP is to identify the State's overarching policies, authorities, and response organizational structure that will be implemented in an emergency or disaster situation which warrants a State-level response. The State CEMP serves as the foundational framework for the State's response levels and serves as the operational basis of which other ESFs and hazard-specific annexes are built upon. These ESFs and annexes address a broad range of capabilities in response to the State's highest rated hazards.

The role of ESF #10 is to coordinate the State level support and response to the control and containment of an actual or potential oil or hazardous materials release when local resources have been or are expected to become overwhelmed, and, when applicable, to coordinate with Federal resources requested to assist in the State response activities.

Critical Capability

ESF #10 will support the following Critical Capabilities in New York State: Planning, and CBRNE Response and Decontamination.

Scope

This Annex provides guidance for a variety of actions related to the personnel and equipment required for the State response to oil and hazardous material releases during emergencies and disasters when the local capabilities have been or are expected to become overwhelmed.

The activities associated with the activation of ESF #10 include the appropriate actions to prepare for and respond to a threat to public health and welfare or the environment caused by the actual or potential oil and/or hazardous materials incidents. Hazardous materials may include chemical, biological, radiological, nuclear, and/or explosive substances, whether accidentally or intentionally released.

Actions included under the scope of this document may include:

- Actions to minimize or mitigate a hazardous material release.
- Efforts to detect and assess the extent of the environmental contamination.
- Actions 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(s), and disposal of oil and hazardous materials, including contaminated debris.
- Actions to protect natural resources.
- Monitoring disposal of contaminated debris.

Linkage to other State Plans

ESF #10 will be used to support the State CEMP, Volume 2, Response and Short-Term Recovery, NYS Coastal Storm Annex, NYS Hazardous Materials Annex, NYS Radiological Emergency Preparedness (REP) Plan.

Situation

Numerous emergencies or disasters have the potential to include a release of oil or hazardous materials. The release of oil or hazardous materials may be the cause for the initial response, or response may be necessary due to a cascading event when the release of oil or hazardous materials is discovered during the response activities.

A variety of hazardous materials are transported throughout the State by road, rail, and water. Most transportation incidents will be coordinated by local authorities, however, there may be instances where a larger spill would necessitate a request for State level assistance. ESF #10 will work in conjunction with ESF #1 Transportation in scenarios where transportation is impacted by a hazardous materials or oil release.

A release of oil or hazardous materials could occur on privately owned private sector facilities which would affect public areas, State-owned properties, or privately-owned property and/or residences. Local and State level response may occur concurrently with response activities coordinated by the owner of a private sector facility and may or may not involve coordination of activities with a responsible party.

New York State is home to multiple nuclear power plants. Additional facilities exist in neighboring states for which parts of New York State fall within the 50-mile ingestion pathway zone. Failure at any one of these facilities could affect the State of New York as well as have multi-state or international implications due to the geographical proximity to the Canadian border. Response activities specific to nuclear power plants emergencies are addressed in the State's Radiological Emergency Preparedness Plan.

Assessment and monitoring of the initial debris removal operations will be coordinated to ensure the absence of or appropriate disposal of debris with potential contamination. This document addresses only the initial contaminated debris removal required to neutralize an immediate threat to life, health, and safety, and/or to eliminate a threat to property and avert or lessen the threat of an emergency or disaster. General debris removal is not addressed in this document, and it should be noted that the management of non-contaminated debris during the emergency response phase is addressed in ESF #1 Transportation.

In compliance with the National Contingency Plan (NCP), all State level activities will be coordinated with the designated on-scene Federal Coordinating Officer (FOSC) when/if there has been an activation of Federal assets. Area Contingency Plans (ACPs) and Geographic Response Plans (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 involving the release of oil, the Environmental Protection Agency (EPA) and the U.S. Coast Guard (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).

As with any planning document, these situations are not to be considered all-inclusive. Requests for assistance will be dependent upon the needs of the operation and may be outside of the auspices of this document. In such cases, the needs of the operation, the capabilities of the agencies associated with ESF #10, and the availability of human and material resources will be considered to determine if the request is appropriate.

Planning Assumptions

1. All disaster response activities will begin and end at the local level.
2. Strategic priorities will be life safety, incident stabilization, and property/environmental conservation.
3. State assistance may be requested when a local government recognizes that local resources have been or are expected to become overwhelmed.
4. 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.
5. ESF #10 will coordinate activities with other activated ESFs via the State Emergency Operations Center (State EOC) to ensure a cohesive, coordinated response.
6. Incidents may have complex legal issues such as a responsible party, terrorist act, and/or other criminal/legal implications. During such incidents, ESF #10 will closely coordinate with ESF #13 Public Safety and Security.
7. Transportation infrastructure or routes may become contaminated by oil or hazardous materials and be unavailable to both responders and the general public.
8. Incidents may involve a blast or explosion associated with a chemical, biological, radiological, nuclear, or explosive (CBRNE) threat agent resulting in a contaminated debris field.
9. Incidents involving a hazardous material release may be affected by current and expected weather conditions.
10. Requests for ESF #10 response may be caused by a cascading effect from the primary event.
11. Critical life-saving response activities may be delayed due to the presence of hazardous materials.

12. Incidents may have long term environmental effects which will require additional short and long-term monitoring of affected sites.
13. Due to the public perception of hazardous materials and CBRNE events, incidents will require significant dissemination of public information and close coordination with both ESF #8 Public Health and Medical Services and ESF #15 External Affairs.
14. The USCG and EPA have direct access to all Federal ESF #10 resources. The Federal ESF #10 may be activated without a Stafford Act Declaration of Emergency or Major Disaster. These agencies are granted Federal authority to implement oil and hazardous materials response within the State.
15. The OFPC and the DEC support local, county, regional, and State planning efforts through the development of GRPs along crude by rail transportation corridors.
16. The DOH will be the lead during a radiation emergency response.

Concept of Operations

1. An incident occurs in New York State which necessitates a State-level response.
2. As conditions warrant, State Office of Emergency Management (State OEM) will determine the level of activation necessary for the State.
3. The State OEM may solicit input from the Coordinating Agency to determine which Member Agencies will be activated based upon the needs of the operation.
4. The Department of Environmental Conservation (DEC) is designated as the ESF Coordinating Agency for Oil and Hazardous Materials Response.
5. If Federal assistance is requested, ESF #10 will integrate with the Federal ESF #10 as outlined under the National Response Framework (NRF).
6. At the end of the State EOC activation, ESF #10 will begin demobilization and transition to a necessary Recovery Support Function (RSF) if needed.

Policies or Authorities

State:

- New York State Executive Law, Article 2-B
- New York State Constitution
- Executive Order 26.1 of 2006, as amended
- Executive Order 95 of 1987
- NYCRR, Chapter III and VI
- New York State General Municipal Law
- NYS Navigation Law
- NYS Environmental Conservation Law
- NYS Public Health Law, Sections 201 and 206
- NY State Fire Mobilization and Mutual Aid Plan (FMMAF)
- Geographic Response Plans developed in NYS

Federal:

- Federal Oil Pollution Act of 1990 (OPA or OPA 90)
- National Oil and Hazardous Substance Pollution Contingency Plan (Also referred to as National Contingency Plan or NCP)
- Environmental Protection Act of 1990

Plan Updates and Maintenance

The State 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. 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: Preparedness

Mitigation

Volume 1 of the State CEMP is the *State Multi-Hazard Mitigation Plan*. Pursuant to the requirements of 44 CFR 201.4, the *State Multi-Hazard Mitigation Plan* is required to focus on natural hazards that are likely to cause a substantial impact on the State. Mitigation planning efforts for technological and human-caused hazards are also recognized and are being implemented throughout the State as well. New York State participates in Federal, State, and local mitigation programs and identifies ongoing mitigation opportunities. The State takes maximum advantage of available Federal funding to implement mitigation measures at the State and local levels. Throughout the past several years, a substantial amount of funding has been invested in mitigating the impacts of various disasters in all parts of the State. Volume 1 addresses the overall State hazard mitigation planning process, risk assessment, strategy development, and plan maintenance. The *State Multi-Hazard Mitigation Plan* was federally approved by the DHS/FEMA in December 2023.

Risk Assessment

A variety of mechanisms are used to understand the various risks and associated threats and hazards facing the State. As required by the Homeland Security Grant Program (HSGP) and the National Preparedness Goal, the State must complete an annual Threat Hazard Identification Risk Assessment (THIRA). The process involves the identification of scenarios that will most stress the State's capabilities and an assessment of those capabilities. Those capabilities are mapped to the core capabilities in each of these ESF annexes created under the State CEMP. Further, New York State has developed additional programs and methodologies to better understand risk at the local level. This includes a County Emergency Preparedness Assessment (CEPA), which the State has conducted in each of the 57 counties of New York, and New York City. The CEPA provides great insight as to the State's risk profile from a local level perspective.

Training, Exercising, and Testing

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 Incident Command System (ICS), the Professional Development Series (PDS) curriculum, and EOC trainings. 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 State of New York has incorporated the Homeland Security Exercise and Evaluation Program (HSEEP) into its emergency management program. HSEEP consists of both doctrine and policy for designing, developing, conducting, and evaluating exercises. The State has instituted HSEEP into a host of exercise activities, including those that involve tests and activations of the State EOC. Further, some exercises are often linked to a specific grant requirement, while others are conducted as part of ongoing or existing programs, such as those for the Radiological Emergency Preparedness Program.

The State also utilizes an exercise component as part of the planning process to test the effectiveness of an emergency management plan. These exercises vary in scope and cross several State-level plans or annexes. As a point of reference, the planning process that resulted in the creation of all of the State's ESF annexes included an exercise component.

The 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.

New York State participates in six to eight nuclear power plant exercises per year. The DOH and DEC staff routinely attend training courses on health physics, monitoring, sampling, and other topics of relevance to radiation response. The DOH staff have ICS training and multiple staff are Hazardous Waste Operations and Emergency Response (HAZWOPER) certified.

Capability Assessment

As part of the THIRA process, the State was required to assess its capabilities under Presidential Policy Directive (PPD-8). In doing so, the State assessed its critical capabilities using the construct outlined in the CEPA program. The assessment provided the State with information regarding statewide capability trends and potential gaps that can then be planned for and addressed. Those capabilities have been mapped or linked to each one of the ESF annexes under Volume 2 of the State CEMP.

Collectively, the agencies named in ESF #10 have the resources and training to provide a variety of capabilities related to hazardous materials and oil incident response. The list below outlines the combined capabilities of the agencies:

- SWAT-trained members
- Certified field radiological sampling
- CBRNE response
- K-9 members (accelerant detection)
- Access to contractors with HAZMAT Sampling capabilities
- Ability to hire spill response contractors
- Subject matter expertise and knowledge

Stockpiles, Supplies, and Specialized Equipment

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.

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 at an agency level 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 during ESF #10 activities.

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

Memorandums of Understanding (MOUs)/Letters of Agreement (LOAs)

The DEC has a variety of standby contracts and contractors in place that have the ability to supply the DEC with the equipment and personnel necessary to address the problem at hand. While the DEC does not stockpile assets in the traditional sense, the various contracts allow for rapid acquisition of necessary assets, engineering and remedial design, construction, and project management. The DEC manages and utilizes response, remediation, engineering, and laboratory contracts.

SECTION III: Response

Alert and Notification

The State Watch Center (SWC) 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 State EOC is activating.

Activation

State OEM will assess the potential needs and demands of an incident, and then determine if the situation can be remedied through maintaining steady state posture or increasing posture to enhanced monitoring. If formal activation of the State EOC is necessary to effectively manage the response to the incident, the capabilities that are needed to support that activation will be identified, and agencies are notified to staff the State EOC using the ESF construct.

Flexibility will be key in activating this ESF. Not all incidents are the same, and not all activations of this ESF 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 may vary from incident to incident. The State CEMP identifies three activation levels of the State EOC. This ESF will activate to one of those levels as conditions warrant, with the NYS DEC serving as the ESF Coordinating Agency. These are:

Level 3 Limited Activation:

- This level may be initiated to meet multi-agency coordination requirements deemed necessary for information, resources, and consequence management support efforts.

NYS EOC Activation Levels

Level 3 – Limited
Activation

Level 2 – Partial
Activation

Level 1 – Full
Activation

- Staffing may include several State EOC command and general staff positions, a select number of State ESFs, and initial representation from federal partners.

Level 2 Partial Activation:

- This level may be initiated to meet increasing multi-agency coordination requirements deemed necessary for information, resources, and consequence management support efforts.
- Staffing may include all State EOC command and general staff positions, multiple State ESFs, and additional representation from federal partners.

Level 1 Full Activation:

- This level is initiated when it is necessary to meet significant multi-agency coordination requirements for information, resources, and consequence management support efforts.
- Staffing may include all State EOC command and general staff positions, most or all of the State's ESFs, and a federal/State Unified Command element.

Direction and Control

The State endorses the development of one response organizational structure that will include all responding agencies. State agencies and ESFs 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 Homeland Security Presidential Directive (HSPD) - 5. As such, a variety of direction and control components may be utilized to manage and coordinate the State's resources in an efficient and effective manner and to provide the interoperability between the local and Federal response organizations.

The organizational structure of the State's ESFs is inherently different than the Federal construct under the NRF. With the exception of ESF #5 Planning, ESF #7 Logistics, and ESF #15 External Affairs, the State ESFs will be situated organizationally in the Operations Section, and report directly to the Operations Section Chief (OSC), or Branch Chiefs, if established. ESF #5 is assumed by the Planning Section in the State EOC; ESF #7 is assumed by the Logistics Section in the State EOC; and ESF #15 is situated in the command element.

ESF #10 will provide incident management support and coordination under the ESF Coordinating Agency. The ESF Coordinating Agency will ensure the activities of the ESF are consistent with this Annex, and that Member agencies are operating in unison to achieve the common goal or mission of the ESF.

ESF #10 is assigned under the Operations Section. The ESF Coordinating Agency will be the primary interface between the OSC and the Member Agencies of the ESF. All requests for assistance will be managed through the OSC to the ESF Coordinating Agency for availability of resources/missions. The ESF Coordinating Agency will be given latitude to facilitate the best resource or solution set in response to the request that the State has received. Confirmation of a solution will be communicated to the OSC to ensure the State maintains a centralized coordination of resources and direction of requests for assistance.

Assignments of Responsibilities

The responsibilities for each agency identified in this ESF are listed below. It should be noted that in some cases, the application of the resources below may have application in other ESFs. Therefore, the capacities for the resources that are identified below include what the agency has in totality and should not be interpreted as additional resources if identified in other ESF annexes.

1. Coordinating Agency - NYS Department of Environmental Conservation (DEC)

The DEC will serve as the ESF Coordinating Agency of ESF #10 activities at the State EOC level. The DEC's mission is to conserve, improve, and protect New York's natural resources and environment and to prevent, abate, and control water, land, and air pollution, in order to enhance the health, safety, and welfare of the people of the State and their overall economic and social well-being. The DEC has emergency response

personnel within the Division of Environmental Remediation (DER) that are on call for oil spill and hazardous material response, available 24/7, and can be dispatched rapidly to any situation. Spill response staff throughout the State investigate such spill reports and take action based on the type of material spilled, potential environmental damage, and safety risks to the public. The DEC staff are currently trained to quickly assess a situation and develop and implement a solution to the problem, using available DEC contractors.

The DEC's Division of Materials Management (DMM) will work with EPA to coordinate and authorize household hazardous waste (HHW) management events, such as authorized curbside collection or local drop-offs. DMM will coordinate with localities, waste transporters, and solid waste management facilities as needed on these efforts.

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 statewide emergency response capability, and supervises cleanup mitigation activities and contracts.

The DEC spill response authority and jurisdiction is derived from the State Environmental Conservation Law (ECL) and Navigation Law. Article 12 of the Navigation Law is the primary statute for the Oil Spill Program. Section 176 of the Navigation Law, as well as ECL 17-1941, authorizes the DEC to respond to and clean up discharges of petroleum, including the hiring of contractors to assist in spill response activities.

Section 181 of the Navigation Law establishes the authority for the DEC to hold spillers responsible for cleanup and to seek reimbursement of project costs when a spiller is unable or unwilling to do so. It is the responsibility of the DEC to respond, remove, and dispose of unpermitted discharges when not performed by the spiller, pursuant to Section 176 of the Navigation Law. Under 17-1941 of the ECL, the State has enforcement and removal authority for spills which cause or contribute to a condition in contravention of water quality standards, including liability for actual costs incurred by the State for the removal or neutralization and reasonable remediation measures. In addition, ECL 71-0301 confers summary abatement power in situations where a person is causing or maintaining a condition or activity that presents an imminent danger to the public health or welfare or may result in irreversible or irreparable damage to natural resources.

The major objectives for the Spill Response Program are:

- To coordinate and direct the notification of, response to, and cleanup of spills and accidental releases of petroleum and hazardous materials.
- To develop policies designed to prevent spills of petroleum and other hazardous substances and to establish emergency preparedness and response plans.
- To provide geotechnical support services for groundwater investigations which track petroleum and hazardous substances in and for water resource protection and development.
- To provide standby contracting services for the investigation, containment, and cleanup of oil spills, hazardous material spill response, and sampling and laboratory analyses of spill products.

The DEC Division of Law Enforcement has the ability to supply off road and marine operations to support this ESF. They also have hazardous substance sampling capabilities and expertise available for spill related criminal investigations. The DEC Division of Law Enforcement ECOs has the ability to supply off road and marine operations. The ECOs are all 24-hour HAZWOPER certified and some are 40-hour HAZWOPER certified. All have basic CBRN response training. The majority of ECOs are primary radiation screener level trained, with a smaller group having secondary screener level training, and have Federal reach back

capabilities statewide. They have significant training and experience in ICS during emergency responses. They also have hazardous substance sampling capabilities and expertise available for spill related criminal investigations.

2. ESF Member Agencies

NYS Department of Health (DOH)

The DOH is responsible for public health within New York State and derives public health authority through State Public Health Law. In the event of an oil or hazardous materials incident, the DOH will provide subject matter experts to present health and safety advice to workers and members of the public who are potentially exposed to those materials. The DOH is the lead agency for response to radiation emergencies.

The Department of Health will:

- Coordinate with local responders and authorities to provide guidance and support for public health response, triage, and treatment of victims of a hazardous materials event.
- Provide coordination, guidance, and support to local health and healthcare partners regarding appropriate countermeasures.
- Perform exposure assessments, risk assessments, and provide recommendations for decreasing potential exposure to hazardous materials.
- Provide health and safety advice to members of the public, emergency workers, local responders, and healthcare partners.
- The DOH investigates and manages the Emergency Oil Spill Relocation Network which provides site investigation, environmental sampling and risk assessment, indoor air quality assessment, site cleanup recommendations, and cleanup monitoring and evaluation of cleanup effectiveness for residents of New York State affected by petroleum discharges.
- The State Commissioner of Health may deploy State resources and may coordinate deployment of local resources as they are made available, to assess possible health risks to persons residing at or near the sites of petroleum spills, releases, or discharges.
- The DOH provides health-based interpretation of environmental sampling data, particularly to assess potential impacts to drinking water supplies, recreational water resources, and indoor air quality in residences, schools, businesses, and DOH regulated facilities.

In addition to the general responsibilities for all hazardous materials events, the department has the following additional responsibilities during a radiation event:

- Assess potential for releases to the environment and estimate the magnitude of likely release.
- Estimate projected radiation dose to public and emergency workers.
- Issue protective action recommendations to prevent or reduce radiation dose to the public and emergency workers.
- Prepare a sampling program and initiate sampling activities as appropriate.
- Determine need for and/or request Federal radiological assistance.
- Develop risk communication messages.

NYS Division of Military and Naval Affairs (DMNA)

Per the National Response Framework and FEMA, military forces are not first responders, but the National Guard is the first level of military response. National Guard response is generally able to deploy from armories with a minimum of 24-hour notice. The DMNA can provide Civil Support Teams (CSTs) and the Homeland Response Force (HRF) in response to a chemical, biological, radiological, or nuclear event. The CSTs can assist with HAZMAT identification of agents and materials, plume modeling, projected consequences, and recommended response measures. The HRF can assist with technical and mass decontamination, as well as triage of those injured after decontamination. The DMNA does not have any spill containment or large spill cleanup capability.

NYS Office of Fire Prevention and Control (OFPC)

The OFPC Special Operations Branch provides technical assistance and response to Oil and Hazardous Materials events. The OFPC can provide WMD equipment calibration and maintenance, provide on scene technical hazardous materials assistance, and maintains fully equipped hazardous materials teams available to assist/deploy in large scale incidents involving hazardous materials release.

The OFPC's primary roles and responsibilities at an oil spill or other hazardous substance release include:

- Provide technical expertise to assist with product identification, hazard evaluation, and development and implementation of incident site safety and operational plans.
- Provide hazardous materials response capabilities, including Class B foam assets, as needed to support or supplement local resources.
- Provide or assist with personnel accountability and resource tracking functions.

The OFPC administers the FMMAP for incidents whose scope or duration exceeds capacity of local and contiguous county resources, or which requires the response of specialized equipment not provided for under existing local and county mutual aid agreements, pursuant to NYS General Municipal Law (GML) 209-e.

The OFPC maintains a response capability with full-time and part-time staff, including that of New York Task Force-2 (NY-TF2) to support hazardous materials and other technical rescue response disciplines. The OFPC has the appropriate technical rescue equipment to support the special operations personnel with hazardous materials response trailers, meters, and associated hand tools. Through the activation of the FMMAP, the OFPC has the responsibility to coordinate any locally owned fire service asset in response to an emergency. Additionally, the OFPC supports local responders through resource tracking, technical assistance at the scene as relates to hazardous materials incident response.

Integration of Federal ESFs

The Federal government organizes its response resources and capabilities under an ESF construct. Similar to New York State's ESF construct, Federal ESFs are multi-agency operational components that serve as the primary means for coordinating Federal resources and capabilities into New York State. The Federal ESFs bring together a wealth of capabilities of Federal departments and agencies and other national-level assets. In doing so, they are organized to provide the operating structure for building, sustaining, and delivering Federal response core capabilities in support of the State's critical capabilities. Integration and coordination are key to leveraging the resources of each Federal ESF. As such, New York State ESF #10 will serve at the primary integration point for Federal ESF #10. The table below summarizes Federal ESF #10 and indicates the response core capabilities that the ESF most directly supports. Detailed response capabilities and activities are listed in each federal ESF Annex.

ESF # 10 – Oil and Hazardous Materials
ESF Coordinating Agency: Environmental Protection Agency
Key Response Core Capabilities: Environmental Response/Health and Safety, Critical Transportation, Infrastructure Systems, Public Information and Warning.
Coordinates support in response to an actual or potential discharge and/or release of oil or hazardous materials. Functions include but are not limited to: <ul style="list-style-type: none">• Environmental assessment of the nature and extent of oil and hazardous materials contamination.• Environmental decontamination and cleanup, including buildings/structures and management of contaminated waste.

SECTION IV: Recovery

Short-Term Recovery

There is no clear delineation of when disaster response activities transition into short-term recovery activities. As with all disaster and emergency-related activities, any transition to a new phase will be dependent upon the needs of the response, and the identified needs of the individuals/communities affected. In general, disaster response addresses the immediate aftermath and life safety issues of a disaster or emergency, while short-term recovery activities begin as such requests for assistance diminish. At times, these phases often overlap with one another.

Demobilization

Demobilization of agencies and ESFs from the State EOC will occur based upon operational needs and will be jointly determined by State OEM and ESF leadership. Demobilization is situationally dependent. ESFs may begin to demobilize during the response/short-term recovery, based upon the needs of the operation. However, it should be noted that agencies may be subject to a rapid recall for re-activation of the ESF if needed based upon operational needs.

In most cases, demobilization of an ESF will include the release of the Coordinating Agency and all Member Agencies. However, there may be instances where the ESFs can be partially demobilized, allowing Member Agencies to be released as the need for their representation and capability in that ESF is no longer necessary.

In the process of demobilizing an ESF, all Member Agencies must ensure that any open or ongoing activities that require cross-coordination with other ESFs are closed out prior to demobilizing. This must be done in a manner to ensure that any dependencies or interdependencies of that ESF are properly and effectively communicated across the response organization. In addition, each agency must ensure that they coordinate their demobilization with their agency-specific counterparts that are represented on other ESFs.

Transition to Long Term Recovery

As the urgency of a response lessens, and communities focus their efforts on implementing recovery programs, the State's focus will shift to long-term recovery. In Presidential Disaster Declarations, this will likely include the activation of a federally established Joint Field Office (JFO). JFOs are established, operated, and maintained by the DHS/FEMA, and will include the temporary recovery organization structure put in place to support recovery. Federal disaster recovery efforts are organized as indicated in the National Disaster Recovery Framework. This structure warrants the State to organize in a similar fashion to integrate recovery activities properly and effectively.

Implement Recovery Support Functions (RSFs)

As JFO activation is evident, the Federal government will transition out of the ESF construct and implement the Recovery Support Functions (RSFs). RSFs bring together the core recovery capabilities of Federal departments and agencies to focus on community recovery needs. 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. RSFs are designed to operate within a timeframe of months to years and work closely with local and State government.

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. The transition from an agency to the RSF construct is situation-based, and dependent upon the agency's role(s) within the State response framework.

For planning purposes, it is assumed that in a credible worst-case event, the situation may warrant full participation from agencies that comprise this ESF. In such cases, the following agencies that comprise this ESF will transition to RSF as shown below:

Agency	RSF Assignment					
	Community Planning and Capacity Building	Economic	Health/Social Services	Infrastructure Systems	Natural & Cultural Resources	Housing
DEC	X	X	X	X	X	
DOH	X	X	X	X	X	
DMNA				X		
OFPC	No RSF Assignment					

Attachments

- Standard Operating Guidelines (SOG) for ESF #10: Oil and Hazardous Materials Response