

New York State Oil Spill Fund & Oil Spill Relocation Network



**EPA – NY– NJ
REGIONAL RESPONSE TEAM
ALBANY, NY. APRIL 9, 2014**

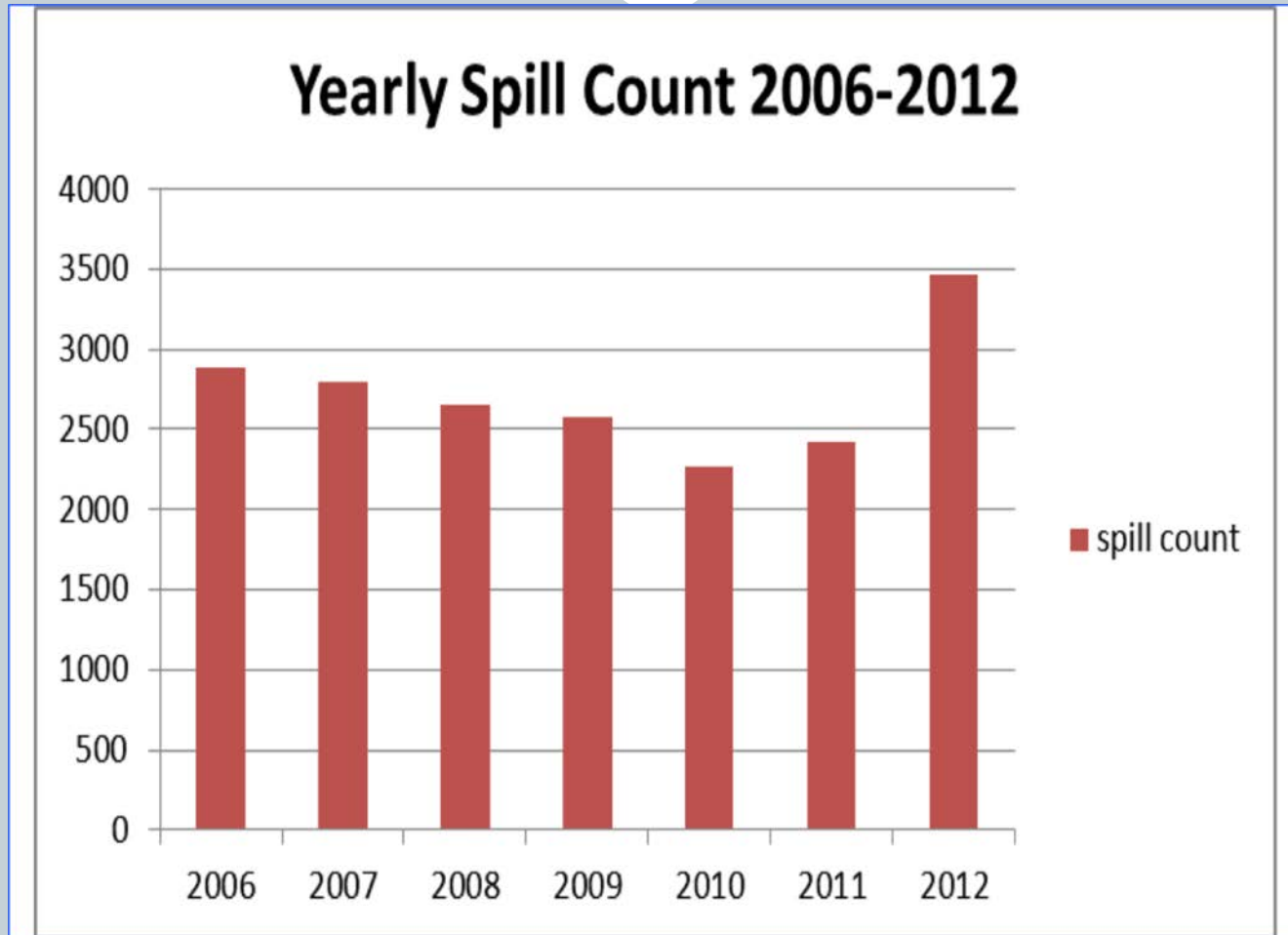


Overview



- **Oil Spills in New York**
- **The Oil Spill Fund & Oil Spill Relocation Network** [*if not already covered by DEC*]
- **Oil Spill Response**
 - NYSDOH Procedures for oil spill relocation
 - NYSDOH Procedures for ending relocation
 - Sampling, Analysis and Background VOCs
- **Discussion of Large/Multiple Spill Events**
 - Hurricanes/Storms Sandy, Irene, Lee
 - What if it's a large oil spill and a fire?

3000 Residential Oil Spills per Year



Background

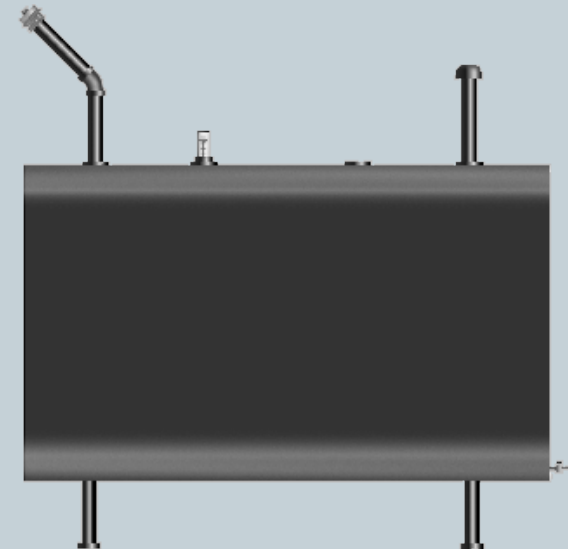


- Many spills result in spilled oil to basement
- Heating oil is very odorous
- Odors spread quickly throughout home
- Cleanup may be difficult and time consuming
- Occupants exposed to petroleum vapors





- **Spill Response Program**
 - Lead agency for petroleum spills
 - Spill Hotline (1-800-457-7362)
 - 24/7 Response
 - Direct cleanup activities
 - Identify Potentially Responsible Parties (PRP)



Oil Spill Fund



- “New York Environmental Protection and Spill Compensation Fund”
 - License fee charged on each barrel of petroleum sold in New York State
 - Reimbursement of costs, interest, and penalties from petroleum spillers
 - ✦ By requiring those responsible for spills to pay for clean up costs, the Fund is able to keep petroleum license fees very low.
<http://www.osc.state.ny.us/oilspill/>

Oil Spill Relocation Network



- 1989 Navigation Law amendments §177-a
- Headed by Commissioner of Health
- Consists of state and local health departments, NYSDEC and other agencies who:
 - Assess health risks to residents
 - Recommend relocation
 - Receive applications
 - Certify actual and necessary relocation costs
- Relocation costs are cleanup costs

Emergency Relocation



- Spill occurs, typically DEC notified first
- Department of Health (state or local) or DEC recommends relocation if indoor air is impacted
- DEC directs Responsible Party (RP) to clean up spill
- Department of Health (state or local) directs RP to pay for relocation of affected residents
- Department of Health (state or local) assesses residence after cleanup to end relocation

Oil Spill Relocation Procedure



- **Roles and Responsibilities**
 - **NYSDEC Regional Spills Offices and Engineers**
 - ✦ Spill response
 - ✦ Responsible Parties
 - **Local Health Departments**
 - ✦ Relocation
 - ✦ Re-entry
 - **NYSDOH Bureau of Toxic Substance Assessment**
 - ✦ Application and Reimbursement
 - **Office of the State Comptroller**
 - ✦ Cost certification

DEC Roles and Responsibilities



- Directs spill response
- Identifies potentially responsible party (PRP)
 - *joint and several liability*
- Notifies LHD/DOH of spill
- Certifies that relocation is associated with petroleum spill



DOH/LHD Responsibilities



- Obtain DEC spill information
- LHD Field investigations
- DOH Recommends Relocation
 - *Strong petroleum odors in living spaces*
 - Free petroleum product in home
 - 5% or greater LEL
- DOH/LHD may make relocation arrangements if residents are financially unable
- LHD coordinates response with BTSA

BTSA Roles and Responsibilities



- Notifies LHD (if not already notified)
- Makes preliminary approval of relocation recommendation
- Sends letter to residents confirming relocation approval
- Contacts PRP or their insurance to request that they provide relocation
 - Confirm in writing PRP agreement or refusal
- Prepares relocation package for Commissioner's approval
- Prepares relocation cost voucher(s) and submits to OSC through DEC central office
- Evaluates indoor air sampling data and spill status
- Extends or ends relocation

OSC Roles and Responsibilities



- Audits vouchers and makes payments as appropriate



DOH Oil Spill Relocation Criteria



DOH *Recommends* relocation:

- Petroleum Spill
- Indoor Petroleum Odors
- Free Petroleum Product in home
- 5% or greater LEL
- Affecting the indoor living space(s)
 - Not crawlspace, storerooms, or areas not intended for human occupation (closets, cupboards, etc.)

Not DOH Relocation Criteria



- **Building Evacuation**
 - Usually Fire Chief or IC order
 - Executive order, e.g. Superstorm Sandy
- **Residence Uninhabitable**
 - Usually local Code Enforcement decision
 - Lacking heat, power, water
- **Petroleum odors on clothing, furnishings**
- **Oil stains on surfaces**



Ending Relocation



- Expires after 30 days, unless renewed by DOH
- Free product removed
- No petroleum odors in living spaces
- Habitable condition
- Indoor air sampling may be performed



Indoor Air Sampling



- **NYSDOH Indoor Air Sampling and Analysis Guidance**

<http://www.health.ny.gov/environmental/indoors/air/guidance.htm>

- Pre-Sampling Inspection
- Preparation of Building
- Collection of Samples
 - ✦ Quality Assurance/Quality Control
 - ✦ Sampling Information
 - ✦ Sample Analysis

Background VOCs



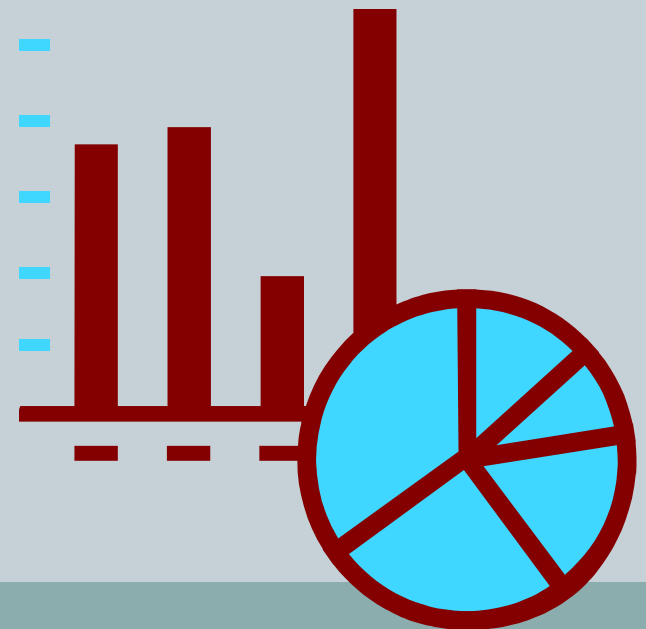
- **Study of Volatile Organic Chemicals in Air of Fuel Oil Heated Homes**

http://www.health.ny.gov/environmental/indoors/air/fuel_oil.htm

- Indicator compounds for particular petroleum products
- BTEX, n-alkanes, C3-benzenes, naphthalene, etc.

- **Comparing Results**

- Mean
- Median, Percentiles
- Upper Fence values



Flood Events



- Sandy, Irene, Lee and others
- Impacts from multiple PRPs
- DEC coordinated free product containment and removal
- Property owners performed cleanup directly or through contractors
- Minimal relocation by DOH
 - Lack of alternative locations!

Catastrophic Oil Spill



- Who is PRP?
- Critical Decisions:
 - Evacuate
 - Shelter in Place
 - Relocation
 - Reoccupancy Criteria
- What if the oil catches fire...?



Questions ?

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