

ANDREW M. CUOMO
GOVERNOR



JOE MARTENS
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

March 24, 2014

Gina McCarthy, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Ms. McCarthy:

I write to ask that the Environmental Protection Agency ("EPA") partner with the State of New York to protect public safety, public health and the environment from the risks posed by the transport of crude oil in New York. This would expand upon our existing successful partnerships with other federal agencies in this area of growing concern. While the State licenses Major Oil Storage Facilities handling crude oil in New York, EPA also has extensive and specific responsibilities under federal law.

Under Governor Cuomo's Executive Order 125, the State is reviewing efforts at all levels of government to prevent and respond to crude oil spills. In that review, we have determined that immediate action by EPA is needed to (1) update and expand the existing Inland Area Contingency Plan (IACP) for New York to reflect current conditions in sensitive environmental areas and (2) assist in the development of General Response Plans (GRPs) in critical locations across the State.

Under the Oil Pollution Act of 1990 and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, EPA is responsible for creating and maintaining IACPs to enhance preparedness for oil spills in inland areas throughout the United States. EPA is also required to take the lead in developing GRPs for resources which may be especially sensitive to the risk of oil spills. In these identified areas, GRPs expand upon IACPs by outlining specific action plans and strategies to protect these resources.

EPA needs to expedite its efforts to update the comprehensive New York IACP, which is long overdue. The most recent version is decades old. Likewise, Area Contingency Plans that exist for the coastal areas of New York need to be revised to account for the increased risks associated with the rise in crude oil transported through the State. Environmental Sensitivity Index (ESI) maps need to be updated for the Hudson River Estuary as well as the areas of the Eastern Great Lakes potentially affected by the transportation of crude oil. EPA should also partner with New York to create GRPs throughout the state to address risks to specific critical areas.

In addition, we call upon EPA to work to obtain the maximum effort from its sister federal agencies with responsibility over the transport of crude oil, including the U.S. Department of Transportation, the Federal Railway Administration, the National Oceanographic and Atmospheric Administration, the U.S. Coast Guard, and all other federal agencies that can assist in this endeavor.

DEC looks forward to working cooperatively with EPA on these important issues and addressing these vital areas.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph J. Martens". The signature is fluid and cursive, with the first name "Joseph" and last name "Martens" clearly legible.

Joseph J. Martens