

From: [Zhang, Frank \(DEC\)](#)
To: [Davis, Hugh R](#)
Cc: [Lynn Winterberger](#); [Krentz, Martin](#); [Smith, James](#); [Pakosz, Erik](#); [Chandler, Gregory \(HQ\)](#); [Delwiche, David A. \(NR\)](#); [Martinez, Tiana \(NR\)](#); [Klink, Jon](#)
Subject: RE: RCRA Contingency Plan--Request for Interpretation on Address Requirement
Date: Monday, December 16, 2024 10:56:39 AM
Attachments: [image002.png](#)
[image003.png](#)

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Hugh,

That is unfortunately not the correct interpretation. The address required as part of the contingency plan is the home address of each designated Emergency Coordinator.

I apologize for the delayed response, I was doing some digging to try to find an explicit statement from EPA on an interpretation. While I wasn't able to find anything quite to that effect, it's very heavily implied in the Hazardous Waste Generator Improvements Rule, in which the contingency plan requirements for LQGs were changed from the old language in question to remove addresses to "eliminate unnecessary employee personal information".

In the final rulemaking and the responses to comments, EPA did state: "Although EPA is not extending these requirements to other generator categories or to TSDFs, the Agency would encourage facilities to adopt these changes as a best management practice". I am currently in the process of inquiring about the intent of this statement, if EPA intends to allow contingency plans of TSDFs to omit addresses despite the written regulation, or if the statement only refers to other changes such as listing continuously staffed EC positions. Either way, the HWGIR has not yet been adopted by New York State.

In short, for now we still require home addresses in the contingency plan.

Frank Zhang

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From: Davis, Hugh R <HughR.Davis@emcbc.doe.gov>
Sent: Tuesday, December 3, 2024 1:56 PM
To: Zhang, Frank (DEC) <Frank.Zhang@dec.ny.gov>
Cc: Winterberger, Lynn (DEC) <lynn.winterberger@dec.ny.gov>; Krentz, Martin <martin.krentz@emcbc.doe.gov>; Smith, James <James.Smith@emcbc.doe.gov>; Pakosz, Erik <Erik.Pakosz@emcbc.doe.gov>; gregory.chandler@nypd.doe.gov; Delwiche, David A. (NR) <David.Delwiche@unnpp.gov>; Martinez, Tiana (NR) <Tiana.Martinez@unnpp.gov>; Klink, Jon <Jon.Klink@emcbc.doe.gov>
Subject: RCRA Contingency Plan--Request for Interpretation on Address Requirement

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Frank,

We are updating the North Wind Site Services RCRA Contingency Plan, which includes the SPRU waste storage area. When these changes are final, we will provide the revised Plan to NYSDEC and emergency responders. We would like your response to a question relating to address information.

The NYSDEC 373-3.4(c) requirement for RCRA contingency plans is shown in the snip below. We are asking whether the requirement for providing an address for the emergency coordinator(s) includes home addresses in addition to the work address. We generally consider home addresses to be personally identifiable information (PII) and would prefer not to include them in public documents. The way the sentence is written, the phrase "(office and home)" may be interpreted to apply only to phone numbers. Is this a correct interpretation?

Thank you,
Hugh

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(c) Content of contingency plan.

(1) The contingency plan must describe the actions facility personnel must take to comply with subdivisions (b) and (g) of this section in response to fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility.

(2) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasure (SPCC) plan as defined in section 610.2(j) of this Title and 40 CFR part 300 (see section 370.1[e] of this Title), or some other emergency or contingency plan, that plan need only be amended to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Subpart. The owner or operator may develop one contingency plan which meets all regulatory requirements. When modifications are made to the non-Part 370 through 374 and Part 376 provisions in an integrated contingency plan, the changes do not trigger the need for a Part 373 permit modification.

(3) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to section 373-3.3(g) of this Subpart.

(4) The plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subdivision [f] of this section), and this list must be kept up-to-date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

(5) The plan must include a list of all emergency equipment at the facility (such as fire-extinguishing systems, spill control equipment, communications and alarm systems [internal and external] and decontamination equipment), where this equipment is required. This list must be kept up-to-date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(6) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).