

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel, Deputy Commissioner & General Counsel  
625 Broadway, 14th Floor, Albany, New York 12233-1010  
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www.dec.ny.gov

June 14, 2016

Jemille Charlton  
East Hampton Airport  
159 Pantigo Road  
East Hampton, NY 11937

RE: **Request for Information Pursuant to Article 27, Title 13  
of New York State Environmental Conservation Law (ECL)/  
PFOA/PFOS Facility Identification Survey**

Dear Mr. Charlton:

The New York State Department of Environmental Conservation (DEC) is conducting a survey of businesses in New York State to identify facilities at which PFOA-acid (perfluorooctanoic acid), PFOA-salt (ammonium perfluorooctanoate), PFOS-acid (perfluorooctane sulfonic acid), or PFOS-salt (perfluorooctane sulfonate) (collectively referred to within as "PFOA/PFOS") are currently or were formerly used, stored, manufactured, disposed of, or released. These substances are man-made chemicals associated with Teflon and other fluoropolymers. DEC added PFOA-acid to New York State's list of hazardous substances (6 NYCRR Section 597.3) by emergency regulation dated January 27, 2016, and added PFOA-salt, PFOS-acid, and PFOS-salt to the list by emergency regulation dated April 25, 2016, making them all hazardous wastes as defined by ECL Article 27, Title 13.

An authorized representative of your business must complete the enclosed PFOA/PFOS Facility Identification Survey. DEC has the authority to request this information pursuant to ECL Sections 27-1305, 27-1307, and 27-1309. DEC reserves the right to request supplemental and/or additional information. You are legally obligated to respond to this survey. Failure to complete the survey is a violation of the ECL and may be subject to enforcement action.

A fully completed and certified survey may be completed and submitted by e-mail to DEC on or before **July 15, 2016**. The fillable pdf form with instructions for completion and submittal is found at [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/survey1.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/survey1.pdf). The survey questions are enclosed for your review prior to completion of the survey.

It is strongly preferred that you complete the survey using the fillable pdf form and submit it by e-mail to [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov). If you are unable to do so, responses must be submitted to DEC, in writing, on or before **July 15, 2016**. Make sure you respond to each and every question, indicating the number of each question to which your response corresponds, and sign the survey form. Non-electronic responses must be mailed to the following address: Ted Bennett, NYSDEC, Division of Environmental Remediation, 625 Broadway (12<sup>th</sup> Floor), Albany, NY 12233-7012.

If you have any questions, please contact Ted Bennett at 518-402-9764 or [theodore.bennett@dec.ny.gov](mailto:theodore.bennett@dec.ny.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Berkman', with a long horizontal flourish extending to the right.

Thomas S. Berkman  
Deputy Commissioner  
and General Counsel



## Class B Fire Suppression Foam Usage Survey Questions

If possible, please complete the fillable PDF survey available at:

[http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/survey2.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/survey2.pdf)

**Instructions:** Please answer all questions with respect to the period of current ownership/operation. In the event information is available regarding prior owners or operators, include it in the responses.

Please return the completed survey (PDF file) via email to [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov) by **July 15, 2016**. Non-electronic responses must be mailed to the following address: Ted Bennett, NYSDEC, Division of Environmental Remediation, 625 Broadway (12<sup>th</sup> Floor), Albany, NY 12233-7012.

If you have any questions, contact Ted Bennett at (518) 402-9764 or by email at [theodore.bennett@dec.ny.gov](mailto:theodore.bennett@dec.ny.gov)

1. Facility Name: [redacted]
2. Facility Address: [redacted]  
City/Town: [redacted]  
State: [redacted]  
Zip Code: [redacted]
3. Period of Facility Ownership: [redacted]
4. Period of Facility Operation or Control: [redacted]
5. Identities of Prior Facility Owners and Operators (to the extent available to current Owner/Operator): [redacted]
6. Is any Class B fire suppression foam currently stored and/or used at the Facility?  Yes  No

If yes, please provide all known information about the type of Class B fire suppression foam currently stored and/or used, including:

- a. Date of purchase: [redacted]
- b. Manufacturer and type of Class B fire suppression foam stored: [redacted]
- c. Quantity of Class B fire suppression foam stored: [redacted]
- d. % PFOS/A concentrate: [redacted]
- e. Method of storage: [redacted]
- f. Other relevant information: [redacted]

7. Has any Class B fire suppression foam ever been stored and/or used at the Facility?  Yes  No  Unknown

If yes, please note:

- a. Dates of storage: [redacted]
- b. Manufacturer and type of Class B fire suppression foam stored: [redacted]
- c. Quantity of Class B fire suppression foam stored: [redacted]
- d. % PFOS/A concentrate: [redacted]
- e. Method of storage: [redacted]
- f. Other relevant information: [redacted]

8. Has Class B fire suppression foam ever been used for training purposes at the Facility?  Yes  No  Unknown

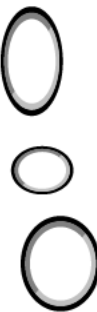
If yes, please note:

- a. Dates and frequency of training: [redacted]
  - i. If exact information is not available, please provide an estimate:
    - 1. 1-10 times over 10 years
    - 2. 11-50 times over 10 years
    - 3. 50 or more times over 10 years
- b. Manufacturer and type of Class B fire suppression foam used in training: [redacted]
- c. Quantity of Class B fire suppression foam used in training: [redacted]
- d. Other relevant information: [redacted]

9. Has Class B fire suppression foam ever been used for firefighting or other emergency response purposes at the Facility?  Yes  No  Unknown

If yes, please note:

- a. Date of emergency response: [redacted]
  - i. If exact information is not available, please provide an estimate:
    - 1. 1-10 times over 10 years
    - 2. 11-50 times over 10 years
    - 3. 50 or more times over 10 years
- b. Manufacturer and type of Class B fire suppression foam used in firefighting or emergency response: [redacted]
- c. Quantity of Class B fire suppression foam used in firefighting and emergency response: [redacted]
- d. Other relevant information: [redacted]



10. Has the Facility ever experienced a spill or leak of Class B fire suppression foam?  Yes  No  Unknown

If yes, please note:

- a. Date of spill/leak: [redacted]
  - i. If exact information is not available, please provide an estimate:
    - 1. 1-10 times over 10 years
    - 2. 11-50 times over 10 years
    - 3. 50 or more times over 10 years
- b. Manufacturer and type of Class B fire suppression foam spilled/leaked: [redacted]
- c. Quantity of Class B fire suppression foam spilled/leaked: [redacted]
- d. Other relevant information: [redacted]

11. Has your Facility ever been responsible for the use of Class B fire suppression foam at a location other than the Facility (i.e. offsite training, emergency response, or spill)?  Yes  No  Unknown

If yes, please note:

- a. Date of each offsite use: [redacted]
  - i. If exact information is not available, please provide an estimate:
    - 1. 1-10 times over 10 years
    - 2. 11-50 times over 10 years
    - 3. 50 or more times over 10 years
- b. Manufacturer and type of Class B fire suppression foam used: [redacted]
- c. Quantity of Class B fire suppression foam: [redacted]
- d. Other relevant information: [redacted]

Upon completing the survey you must place an "✓" in this box to certify the following:

**Certification.** I certify that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

[redacted]  
Name of person who completed and submitted responses to Survey (the legal owner, operator, or their representative authorized to complete and submit Survey)

[redacted]  
Name and Official Title

Address

Telephone Number

E-mail Address

Date Certified or Signed

Clear Form

## Information Bulletin

### Guidance to Fire Departments Regarding Class B Firefighting Foam Concentrates Which May Contain Hazardous Substances

The New York State Office of Fire Prevention and Control (OFPC), based upon current regulatory requirements promulgated by the New York State Department of Environmental Conservation (DEC) and related guidance developed by DEC, offers the following recommendations:

1. Discontinue use of any Class B foam concentrate for training purposes due to potential environmental and public health concerns. Class B foams include aqueous film forming foam (AFFF), alcohol resistant aqueous film-forming foam (AR-AFFF), film-forming fluoroprotein foam (FFFP), alcohol resistant film-forming fluoroprotein foam (AR-FFFP), and fluoroprotein foam (FP, FPAR).
  - OFPC recommends use of training foam, Class A wetting agents, or a mild dish detergent verified not to contain materials listed as hazardous substances for the purpose of conducting Class B foam training.
2. Review the fact sheet **“Storage and Use of Fire Fighting Foams Under New Hazardous Substance Regulations”** provided by DEC regarding changes to **6 NYCRR Part 597 Hazardous Substances Identification, Release Prohibition, and Release Reporting** in its entirety.
3. Work with the manufacturer of any foam concentrate currently in inventory to determine if it contains material classified as a hazardous substance or represents other environmental hazards.
4. Based upon that determination, comply as necessary with DEC rules and regulations regarding registration, storage, and any potential use or spill of a hazardous substance, including notification if applied at an actual incident, as well as disposal.
  - Note that use of foam concentrates containing the indicated hazardous substances is permitted for firefighting (not training) until April 25, 2017, to enable users to identify and replace those concentrates while maintaining foam capabilities necessary to provide for public safety in the interim.
5. Properly dispose of foam concentrate containing a hazardous substance, as required by DEC regulation and as indicated in the DEC fact sheet.
  - OFPC recommends properly disposing of any foam concentrate for which the manufacturer, type, or age cannot be determined.
6. Appropriate measures should be taken to confine any Class B foam applied at an incident for vapor suppression or fire control purposes, in addition to those steps taken to confine any hazardous material the foam was applied to (often these measures will be mutually supportive). Finished foam applied to a spill should be cleaned up along with the spill itself by an appropriate party (i.e., approved clean up contractor).

Additional information regarding **6 NYCRR Part 597 Hazardous Substances Identification, Release Prohibition, and Release Reporting** is available here:

<http://www.dec.ny.gov/regulations/104968.html>. Questions regarding that regulation or the **“Storage and Use of Fire Fighting Foams Under New Hazardous Substance Regulations”** fact sheet should be directed to the NYS Department of Environmental Conservation’s Bureau of Technical Support, Division of Environmental Remediation at 518-402-9543 or by email at [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov).