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 Sent: Thursday, February 07, 2002 6:20 PM
 Attach: EPA-anthrax-NatlRespnsSys-authority.pdf
 Subject: Addressing WTC cleanup through the National Contingency Plan, as EPA is doing for Anthrax cleanups

2/7/02

NOTE from Cate Jenkins

USE OF THE NATIONAL CONTINGENCY PLAN
 FOR CLEANUP OF WTC FALLOUT

- NO SUPERFUND DESIGNATION
- NO PUBLIC HEALTH EMERGENCY
- EPA NOW USING FOR ANTHRAX CLEANUPS

Attached is a PDF file of one of EPA's web pages describing the use of the National Contingency Plan (NCP) as the statutory authority for EPA to cleanup anthrax contamination in the Hart Senate Office Building, which may also be found at:

www.epa.gov/epahome/hi-anthrax.htm

This is very interesting, because it states that EPA has the authority to take over a cleanup if it is too costly or otherwise exceeds the capacity of private parties. And of course, this is interesting because EPA is using the NCP as the authority for taking over the cleanup of the Hart Senate Office Building at government expense.

There is no stigmatization by the use of the words "Superfund site" or "public emergency," but the job is still being done at government expense and with EPA's expertise!!

I believe that this warrants discussion, review, and comparison with the actions of EPA's Region 2, where landlords in Manhattan bear all expenses and determine what methods will result in a safe

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environment, etc. I personally believe that the capacity of New York City landlords has been exceeded, and that EPA could well use the NPL as it has done for anthrax.

www.epa.gov/epahome/hi-anthrax.htm

Anthrax contamination was detected in U. S. Senate office buildings and at several other locations across the United States. The EPA has been working closely with the Capitol Hill Police, the U.S. Postal Service, the Centers for Disease Control, the FBI, and other agencies to ensure that existing anthrax contamination is quickly identified and thoroughly cleaned up, and also to prevent future exposures.

...
While anthrax cleanup is a new challenge, EPA and its partners have assembled an effective toolbox for tackling it.

...
Private building owners are responsible for hiring qualified contractors to conduct this sampling and perform whatever decontamination is necessary. Due to the extreme hazards potentially associated with exposure to anthrax, it is absolutely essential to work closely with EPA and other federal agencies with expertise in sampling, decontamination and protection of workers. EPA is notified through the National Response Center and provides an On Scene Coordinator to ensure that work proceeds appropriately. Under the National Contingency Plan, EPA has the authority to take over this work if the situation exceeds the capabilities of the owner or state and local responders.

...
EPA's response to recent anthrax incidents is part of a larger National Response System that has effectively dealt with a wide range of environmental emergencies for almost 30 years. It is a multi-layered system of individuals and teams from local, state, and federal agencies, industry, and other organizations that share expertise and resources to ensure that oil spill control and cleanup activities are timely and efficient, and that they minimize threats to human health and the environment.

The following description of the NCP is given below at the EPA website:

www.epa.gov/oilspill/ncpover.htm

02/08/200

The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to both oil spills and hazardous substance releases. The National Contingency Plan is the result of our country's efforts to develop a national response capability and promote overall coordination among the hierarchy of responders and contingency plans.

The first National Contingency Plan was developed and published in 1968 in response to a massive oil spill from the oil tanker Torrey Canyon off the coast of England the year before. More than 37 million gallons of crude oil spilled into the water, causing massive environmental damage. To avoid the problems faced by response officials involved in this incident, U.S. officials developed a coordinated approach to cope with potential spills in U.S. waters. The 1968 plan provided the first comprehensive system of accident reporting, spill containment, and cleanup, and established a response headquarters, a national reaction team, and regional reaction teams (precursors to the current National Response Team and Regional Response Teams).

Congress has broadened the scope of the National Contingency Plan over the years. As required by the Clean Water Act of 1972, the NCP was revised the following year to include a framework for responding to hazardous substance spills as well as oil discharges. Following the passage of Superfund legislation in 1980, the NCP was broadened to cover releases at hazardous waste sites requiring emergency removal actions. Over the years, additional revisions have been made to the NCP to keep pace with the enactment of legislation. The latest revisions to the NCP were finalized in 1994 to reflect the oil spill provisions of the Oil Pollution Act of 1990.

See attached file: EPA-anthrax-NatlRespnsSys-authority.pdf)