



NASSAU COUNTY DEPARTMENT OF HEALTH

240 OLD COUNTRY ROAD, MINEOLA, N. Y., 11501

FRANCIS T. PURCELL
County Executive

JOHN J. DOWLING, M.D., M.P.H.
Commissioner

FRANCIS V. PADAR, P.E., M.C.E.
Deputy Commissioner
for Environmental Health

RECEIVED 5-13-80

May 9, 1980

Ms. Sarah Meyland
Co-Executive Director
N.Y.S. Legislative Commission
on Water Resource Needs for L.I.
43 S. Middle Neck Road
Great Neck, N.Y. 11021

Dear Sarah:

I am pleased to provide an approach to design a State law for control of toxic chemical spills.

An outline of basic provisions is contained in the enclosed memo by Stanley Juczak of my staff. Information on gallons of toxic substances used in New York State may be available from the State DEC to determine unit tax which would net \$25 M.

A copy of Article 12 State Navigation Law is also enclosed for your information.

By coincidence, an EPA release (dated April 15 - enclosed) describes the problems of the federal government in the same areas and - interestingly - suggests the same approach we have recommended to your Commission (see page 3).

A last suggestion is that any proposed legislation - overcome from the start - the problems we are experiencing with the administration of Article 12. Enclosed is a draft of a letter I prepared for the Conference of Environmental Directors which addresses the problems, as well as the solutions pertaining to the Oil Spill Protection and Compensation Fund.

I hope this information will be helpful in your undertaking.

Very truly yours,

Francis V. Padar, P.E., M.C.E.
Deputy Commissioner

FVP:no:r
Encs.

NASSAU COUNTY DEPARTMENT OF HEALTH

240 Old Country Road

Mineola, New York 11501

To : Francis V. Padar

Date: May 5, 1980

From : Stanley Juczak 

Subject : Toxic and Hazardous Substances, Control and Compensation

A recommendation was made to adopt legislation similar to that contained in Article 12 of the Navigation Law (Chapter 845) which provides a fund for oil spill cleanup and removal for toxic and hazardous substances.

The following are a few basic provisions of the recommended legislation:

1. Toxic substances would be those defined as such under the federal Toxic Substance Control Act (TSCA).
2. Hazardous substances would be those defined as such under the federal Resource Conservation and Recovery Act (RCRA).
3. A license would be required for the production or importing into the State of any hazardous or toxic substance in quantities of 10,000 gallons per year or more.
4. A fee of 0.1 cent (?) per gallon would be charged to establish a fund of 25 million (?) dollars.
5. The Department of Environmental Conservation would administer and enforce the law.

The above are just a few of the basic provisions. The existing Article 12 would be used as a framework for the proposed new legislation.

SJ:ms