



County of Erie

DENNIS T. GORSKI
COUNTY EXECUTIVE

DEPARTMENT OF LAW

July 19, 1994



KENNETH A. SCHOETZ
COUNTY ATTORNEY

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FIRST ASST. COUNTY ATTORNEY

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Mr. Christopher Eckert
U. S. Dept. of Energy
West Valley Project Office
P.O. Box 191
West Valley, New York 14171

Re: Fire Mobilization and Mutual Aid
For Erie County and Cattaraugus County

Dear Mr. Eckert:

This letter is intended to set forth authority which enables Erie County and Cattaraugus County to operate under a mutual aid plan for handling releases of non-radiological hazardous materials in those counties.

Enclosed is a copy of Erie County's September 21, 1989 Resolution which, pursuant to General Municipal Law Sec. 209-y, authorized the Erie County Department of Emergency Services to establish a hazardous materials emergency response team to respond to emergencies which involve or may involve hazardous materials in accordance with the Erie County Hazardous Materials Incidents Response Plan developed pursuant to GML Sec. 204-f.

Pursuant to GML Sec. 204-f, in accordance with Rules and Regulations promulgated pursuant to GML Sec. 209-e(8), the governing body of a county shall develop a plan for fire service response to hazardous materials incidents and shall submit said plan for approval to the New York State Office of Fire Prevention and Control. I understand the County has obtained such approval.

Under said Section GML 209-e(8), entitled "Hazardous Materials Incidents Plan:

The State Fire Administrator shall prepare a Hazardous Materials Incident Plan which shall complement and become a part of a plan required by (GML Sec. 209-e(1)).

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ERIE AND CATTARAUGUS COUNTIES

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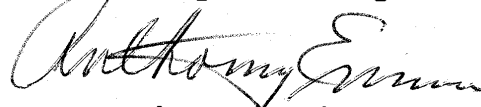
The plan shall provide for the mobilization and coordination of fire service resources in response to emergencies which involve or may involve hazardous materials and shall establish hazardous materials incidents response zones and criteria for recognized regional hazardous materials incidents response teams. .

Erie County Commissioner of Emergency Services, James Keane, has informed me that Erie County and Cattaraugus County, are contained within the same hazardous materials incidents response zones pursuant to GML Sec. 209-e(8), largely due to the fact that these counties are contiguous. Thus, these two counties form a part of a recognized regional hazardous materials incidents response team pursuant to GML Sec. 209-e(8). Accordingly, the proposed Memorandum of Understanding is not necessary.

If you have any questions, do not hesitate to contact me at 858-2235.

Very truly yours,

KENNETH A. SCHOETZ
Erie County Attorney



By: Anthony Emmi
Assistant County Attorney

AE:lh

cc: Maurice Gentner

West Valley Volunteer Fire Department
Francis McGarry, NYS Fire Administrator
Cattaraugus County Office Disaster Preparedness & Civil
Defense
James Keane, Erie County Commissioner of Emergency Services

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N. Y., September 21 19 89

TO WHOM IT MAY CONCERN:

J Herrby Certify. That at the 18TH Session of the Legislature of Erie County, held in the County Hall, in the City of Buffalo, on the TWENTY-FIRST day of September A.D., 19 89 a Resolution was adopted, of which the following is a true copy:

WHEREAS, the County of Erie has great exposure to hazardous materials releases due to the number of fixed site chemical facilities in the area and the volume of chemicals being transported through the County by highway and railroad; and

WHEREAS, Erie County is required to establish and implement an emergency response plan for hazardous materials incidents under the Super Fund Amendments Reauthorization Act of 1986 and the New York State General Municipal Law; and

WHEREAS, the General Municipal Law further requires Erie County, through its Department of Emergency Services, to coordinate fire service response to hazardous materials incidents and authorizes county governments to establish hazardous materials emergency response teams; and

WHEREAS, a county-wide hazardous materials emergency response team will provide Erie County with a comprehensive and coordinated system for containing, controlling and mitigating hazardous materials incidents in order to better protect our citizens from the effects of such incidents.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 209-Y of the General Municipal Law, the Erie County Department of Emergency Services is authorized to establish a hazardous materials emergency response team to response to emergencies which involve or may involve hazardous materials in accordance with the Erie County Hazardous Materials Incidents Response Plan developed pursuant to Section 204-F of the General Municipal Law, and be it further

RESOLVED, that all volunteers who serve without compensation for services as members of said team other than reimbursement for out-of-pocket expenses, and who are duly enrolled members of the Erie County hazardous material emergency response team shall be included within the coverage provided by the Worker's Compensation Law when engaged in rendering services at the direction of the Commissioner of the Erie County Department of Emergency Services, or his designee, which are incident to the operation of said team, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Emergency Services.

REFERENCE: Comm. 17E-31

RECEIVED

SEP 25 1989

E.C. EMERGENCY SERVICES

ATTEST


Clerk of the Legislature of Erie County

REFERENCE: