



**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Oil Cleanup Information for Homeowners and Insurance Companies

Issue

Many residents whose homes were flooded during Hurricane Sandy also had their heating oil tanks flooded or damaged releasing oil that contaminated their home or property and have cleanup questions. Where homeowners have insurance that covers an oil spill, they are submitting claims asking their insurance company to fund or to directly undertake the cleanup of the oil contamination. Others do not have insurance that covers oil spills and are wondering what they should do.

Guidance

To prevent any delays in cleanups, NYSDEC offers the following guidance:

- If you find recoverable oil in or near your home that has not already been reported, you should contact the New York State Department of Environmental Conservation (NYSDEC) Spill Hotline at 1-800-457-7362 to report the spill.
- Insurance companies should act quickly to address oil contamination covered by their policies. Due to the thousands of spills created by Hurricane Sandy, insurers should take actions needed to restore homes to a habitable condition without waiting for written instruction from the DEC.
- Homeowners who do not have insurance that covers oil spills may seek assistance from FEMA by calling 1-800-621-FEMA and requesting Individual Assistance (IA). The IA inspector will assess the situation as part of their overall evaluation of flood damage.
- All discharged petroleum should be recovered to the greatest extent practicable. To prevent the further spread of oil contamination and as part of New York's State's efforts to aid in the recovery from the hurricane, NYSDEC has responded to thousands of spill reports and has collected hundreds of thousands of gallons of recoverable oil from basements and from flooded tanks. NYSDEC will continue to collect recoverable oil (i.e., oil that can be pumped rather than oil-soaked debris) in the coming days and weeks.
- Much of the oil spilled outside of structures onto yards and other areas was washed away after the storm or has evaporated. Although there may be some staining on grass and other surfaces from residual petroleum, these small amounts do not pose a significant environmental or public health threat and will continue to naturally degrade over the winter. However, if there is localized puddling of oil or areas with a thicker film of oil, avoid dermal (skin) contact, don't let children play in areas that are visually contaminated with oil, avoid tracking oil inside the home on shoes or on the feet of house pets, and use cat litter or other absorbent materials available at home improvement stores to absorb the oil (where practical). Many lawns were also damaged by salt water and may need to be replanted in the spring.
- When petroleum is spilled inside a structure, residual amounts that remain after recoverable oil has been collected may create indoor air/odor problems that make the structure uninhabitable. To address this problem, the structure and contents may be cleaned if practicable or contaminated items should be properly disposed. Information on how to address oil contamination within a home and about health effects can be found in the New York State

Department of Health's publication "What Do Homeowners Need to Know About Oil Spills and Flooding?" (PDF) (156 KB) .

- Under New York law, the person who owns the tank from which oil was released is considered to be the "discharger." A discharger of petroleum is strictly liable for any resulting damage even if it was caused by an event, like a natural disaster, for which they had no control (see Navigation Law § 181.1).
- If a discharger fails to cleanup significant impacts to the environment, New York State through NYSDEC may complete the cleanup and then bring an action against the discharger to recover these costs (see Navigation Law § 187).