

WI Fire & EMS Legislative Leadership Coalition

September 13, 1999

Senator Rodney Moen
Chairperson Senate Health , Utilities, &
Veteran Affairs Committee
P.O. Box 7882
Madison, WI 53707-7882

PROFESSIONAL
FIRE FIGHTERS OF
WI, INC.

WI CHAPTER
INTERNATIONAL
ARSON
INVESTIGATORS
ASSOCIATION

WI FIRE CHIEFS
EDUCATION
ASSOCIATION

WI FIRE
INSPECTORS
ASSOCIATION

WI SOCIETY OF
FIRE SERVICE
INSTRUCTORS

WI STATE FIRE
CHIEFS
ASSOCIATION

WI STATE
FIRE FIGHTERS
ASSOCIATION

Dear Senator Moen:

Our organization is sending this letter regarding Senate Bill 208 related to the reimbursement of the costs of emergency response teams. The Wisconsin Fire & EMS Legislative Leadership Coalition supports Senate Bill 208.

This bill will provide for the reimbursement of the costs of the emergency response team to respond to an emergency even if no Level A release or discharge of a hazardous substance occurred. When the emergency response teams respond to an emergency it is because of the possibility that a release may have occurred, but at times it is unknown if there has been a release of a hazardous substance until the arrival of the team and a safe assessment of the incident has been conducted. A example of this would be a semi-truck accident with placards indicating chemicals are being transported. The emergency response team is activated, responds to the scene, and upon conducting an assessment it is found that the containers on the truck are still intact and no release has occurred. The emergency response team still incurs the costs to respond to the incident, and it has all been done under good faith with the assumption that a spill or release of hazardous chemicals has occurred. It is only logical that they should be reimbursed for their costs.

We request that the members of the Senate Health, Utilities, & Veteran Affairs Committee support SB 208 and vote it out of Committee so it may be acted on immediately.

Respectfully,

Mark D. Zeier, CHAIRMAN

WI Fire & EMS Legislative Leadership Coalition

Cc: Coalition Associations





State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

**SENATE COMMITTEE ON HEALTH, UTILITIES, VETERANS AND
MILITARY AFFAIRS - Public Hearing -September 15, 1999,
ROOM 300 Southeast**

RE: SENATE BILL 208, relating to the reimbursement of
the costs of emergency response teams.

STATEMENT OF SENATOR JIM BAUMGART, Author

Thank You!

Senate Bill 208 is a technical bill relating to the
response of Regional Emergency Response Teams to a
level "A" release of hazardous substances.

The Emergency Management Division of the Department of
Military Affairs, is required to reimburse the regional
team for costs incurred while responding to a level A
release to the extent that funds are available.

However, this reimbursement occurs only if a good faith
effort is made by the team to identify the person
responsible for the release and to obtain reimbursement
for their costs from that person.

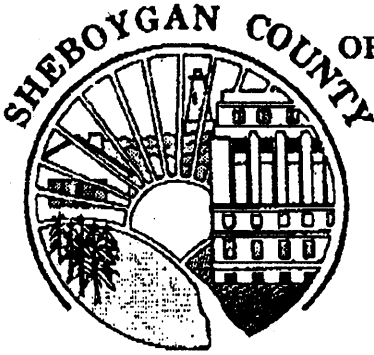
This bill allows the regional & local response Teams to
receive reimbursement from persons who possess or

- 2 -

Control a hazardous substance, if the team responded to a request, for what they, in good faith, thought was going to be a level A release or discharge of a hazardous substance, although no actual release or discharge occurred.

In Sheboygan County, the emergency team was involved in a response where there was every indication that a company had a spill even though there was none. There was a delay of payment because the company objected. If a team stops a spill from happening, that would have happened, someone could object to payment.

The bill allows payment for spills or non-spills that would have happened.

**OFFICE OF EMERGENCY MANAGEMENT****525 NORTH 6TH STREET
SHEBOYGAN, WISCONSIN 53081****(920) 459-3360****STACY A. KARBE
DIRECTOR**

September 15, 1999

MEMO TO: Pat Henderson, Senator Baumgart's Office

FROM: Stacy Karbe, Sheboygan Co. Emergency Management Director

SUBJECT: Proposed Senate Bill 208

CC: James Gilligan, Sheboygan County Board Chairman
Keith Potter, Sheboygan Co. Sheriff's Dept. Director of Administration

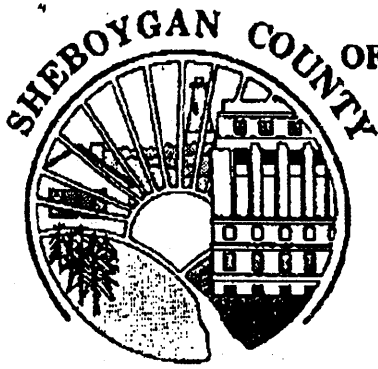
A handwritten signature in cursive script that reads "Stacy A. Karbe".

In support of the public hearing this afternoon for proposed Senate Bill 208, attached are documents which further explain difficulties that Sheboygan County encountered in collecting response costs for "hazmat" incidents where no actual release of hazardous materials occurred. As the current State Statute stands, it only supports a governmental agency from collecting response costs when an actual release has occurred.

When an initial emergency responder is faced with a potential hazardous material incident, where a lot or even some information is "unknown", it is through common sense and training that he/she stay as far away as possible from the potential hazardous material threat. The next and only thing to do is to request the properly protected hazardous material professionals to investigate. One of the first things taught in hazardous material awareness training is to treat an "unknown" situation as a worst case scenario. It is only through this type of structured response that local responders and officials can most effectively ensure the protection of the lives and property of the citizens they serve. In some cases, hazardous materials may not be found, but when they are, a structured response effort could mean the difference between life and death.

It is for these reasons that we ask the State of Wisconsin to recognize response efforts where the "potential" for a release of hazardous materials is evident. Sheboygan County strongly feels that such support will greatly strengthen the safety of our State's residents.

SAK



OFFICE OF EMERGENCY MANAGEMENT

525 NORTH 6TH STREET
SHEBOYGAN, WISCONSIN 53081

(920) 459-3360

STACY A. KARBE
DIRECTOR

May 5, 1999

(July 5)

Mr. Ron Kasperski
Hazmat Safety Transportation Coordinator
Wisconsin Emergency Management
2400 Wright Street
P.O. Box 7865
Madison, WI 53707-7865

**RE: Reimbursement Request for December, 1997 Haz-Mat Incident involving
Roadway Express, Inc.**

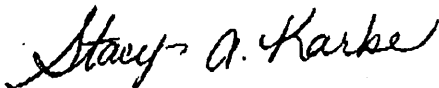
Dear Mr. Kasperski:

Sheboygan County Level A Hazardous Materials Team was involved in a response on December 7, 1997 involving a disabled vehicle hauling hazardous chemicals, owned by Roadway Express, Inc. Sheboygan County has made numerous, good faith attempts to collect all response costs from Roadway Express as the responsible party, however, they have shown no willingness to pay. As you will see by the enclosed information, this unwillingness to pay is based on the fact that there was no actual discharge of hazardous chemicals during the incident.

Although there was no actual discharge of hazardous chemicals, Sheboygan County feels strongly that the response by the Sheboygan County Hazardous Materials Team was necessary to ensure the protection of life and property of our citizens. As a result, Sheboygan County does not accept reasons given by Roadway Express representatives not to pay. As a result of the difficulties experienced in collecting response costs and in continued support of our claim, this communication is intended to serve as formal request for reimbursement of incident response expenditures from the State of Wisconsin.

Attached you will find Sheboygan County's claim for reimbursement along with all required supporting documentation. If, upon review of this documentation, you find there is additional information needed, please do not hesitate to contact me at (920) 459-3360. Sheboygan County is looking forward to hearing from you within sixty (60) days from receipt of this request. Your review and consideration of Sheboygan County's claim for reimbursement is very much appreciated. Thank you with respect to this matter.

Sincerely,



Stacy A. Karbe
Emergency Management Director
Sheboygan County

Enclosures

CC: Attorney Randi Wind Milsap, State of Wisconsin Department of Military Affairs
Mr. Don Wilmot, East Central Emergency Management Regional Director
Mr. James Gilligan, Sheboygan County Board Chairman
Director Keith Potter, Sheboygan County Sheriff's Department
Inspector Tim Grasse, Sheboygan County Sheriff's Department
Attorney John Raftery, Sheboygan County Corporation Council
Attorney Kathie Norman, Sheboygan County Corporation Council

CLAIM FOR REIMBURSEMENT FOR REGIONAL AND LOCAL EMERGENCY RESPONSE TEAMS

Wisconsin Emergency Management
 HazMat Safety/Trans. Coordinator
 P.O. Box 7865
 Madison, WI 53707-7865
 (608) 242-3228

Wisconsin Statue 188.20-22
 State Emergency Response Board

Complete in ink or type. If an item is not applicable to your claim, write N/A in the space. Attach sheets with additional information. Gray shaded areas are optional for Regional Level A teams if the information has been provided in the After-Action Report attached to this form.

SECTION I: IDENTIFICATION OF CLAIMANT

(1) Name of authorized Level A or B Response Team: Sheboygan County Hazardous Materials Response Team - Level A	(2) Claim prepared by: Sheboygan County Stacy A. Karbe Emergency Management Dir.
(3) Official mailing address: 525 N. 6th Street Sheboygan, WI 53081	(4) Claimant contact name, title & telephone number: Stacy A. Karbe, Sheboygan County Emergency Management Director (920) 459-3360

SECTION II: DESCRIPTION OF RELEASE

(5) Date/Time of Release: 12 / 03 / 97 Month Date Year Time: 1:30 (am) pm	(6) Location of Release (address, county, city, village, town highway, intersection, mileage, etc.): 4019 Playbird Road (Town of Sheboygan, WI 53083 Sheboygan)	(7) Response began at: 1:38 (am) pm Response concluded at: 4:46 (am) pm	(8) Level A Team Authorization No.:
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(9) SUBSTANCE INFORMATION

Name of Substance: Various poisonous flammable	Quantity released: N/A
Name of Substance:	Quantity released: N/A
Name of Substance:	Quantity released: N/A

(10) Source of Release: <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Transportation <input type="checkbox"/> Manufacture <input type="checkbox"/> Agriculture <input type="checkbox"/> Public Property <input type="checkbox"/> Business <input type="checkbox"/> Private Property <input type="checkbox"/> OTHER:	(11) Release Destination: N/A <input type="checkbox"/> Soil <input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Ground Water <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> OTHER: <input type="checkbox"/> Contained/Recovered
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(12) Cause of Release: ^{incident} There was no actual release; however, a semi-trailer load of hazardous materials shifted after the semi-trailer's back wheels caught the ditch as it made the turn from the terminal it was leaving from causing the trailer to tilt approximately 45 degrees.

SECTION III: RESPONSIBLE PARTY INFORMATION

(13) Responsible Party Status (check one): <input checked="" type="checkbox"/> has been identified, but is unwilling to pay <input type="checkbox"/> has been identified, but is unable to pay <input type="checkbox"/> has NOT been identified (proceed to Sec. IV, #21)	(14) Name of Responsible Party: Roadway Express, Inc. 4019 Playbird Road Sheboygan, WI 53083
(15) Responsible Party Contact Name and Telephone Number: Tom Trier, (920) 565-4366	(16) Responsible Party Mailing Address: 4019 Playbird Rd., Sheboygan, WI 53083
(17) Date reimbursement request was provided to responsible party: 04/24/98	(18) Responsible Party Insurance Carrier Name & Policy number: Unknown
(19) Has a partial settlement been reached with the responsible party regarding reimbursement? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, date of settlement & amount: / / \$	(20) Is there any legal action pending regarding reimbursement & the responsible party? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

MORE ON BACK. Completion of certification section on reverse side of form, with signature, is required.

SECTION IV: ELIGIBLE RESPONSE COSTS

(21) Local Responders at incident (name of response agencies)

- Fire Town of Sheboygan Fire Dept.
- Law Enforcement Sheboygan County Sheriff
- EMS Plymouth Fire Department
- Other Sheboygan County Haz-Mat Team

(22) Incident Commander

Name Ken Gumm
 Title Chief
 Dept Town of Sheboygan Fire Dept.
 Telephone (920) 467-6670

(23) Describe the temporary emergency measures taken by the response team for which reimbursement is sought by claimant:

24 members of the Sheboygan County Haz-Mat Team responded to the location of the incident, secured perimeter of scene, staged and conducted entry into the vehicle involved, inspected and tested for discharged chemicals. Once no chemical release was found, the team retreated and took action to restore vehicle to response ready condition.

(Attach Section IV List of Eligible Response Costs) TOTAL AMOUNT OF ELIGIBLE RESPONSE COSTS: \$ 2,014.42

SECTION V: CHECK LIST FOR REQUIRED SUPPORTING DOCUMENTATION

(24) DOCUMENTATION	✓ If attached	Page number
a) Detailed list of items eligible for reimbursement that itemizes and supports the claimant's emergency response reimbursement claim	X	
b) For Level A Team, the local agency certification of compliance with the standard and customary collection procedures to collect emergency response costs	X	
c) For Level B Team, the sponsoring municipality's certification of the efforts taken to collect emergency response costs	N/A	
d) If responsible party is unable to pay or lacks other resources for reimbursement, documentation of such, including the name of the authority which made determination	N/A	
e) If responsible party is unwilling to pay, documentation of proof of service upon responsible party and documentation of attempts to resolve billing disputes	X	
f) If responsible party is unknown, a report from appropriate law enforcement agencies who completed the investigation of the site and documented attempts to identify a responsible party	N/A	
g) OTHER: <u>None</u>		

SECTION VI: CERTIFICATION

I, as the claimant or claimant's authorized representative, have reviewed this claim for reimbursement, the supporting documentation, and other attachments, and certify that: (a) all costs are accurate, and were incurred specifically for the response for which reimbursement is being requested; and (b) that notice requirements to the Board have been met, if applicable; and (c) that the reimbursement for costs incurred for response activities does not supplant local funds normally provided for response; and (d) good faith efforts have been made to recover costs from the responsible party and from any other available source; and (e) that response actions were not inconsistent with applicable safety regulations, which include, but are not limited to, 29 CFR 1910.120 and Wisconsin Administrative Code Chapter ILHR 30; and (f) that the information submitted herein is true, accurate and complete.

Stacy A. Karbe
 Name of claimant's authorized representative (please print)
Stacy A. Karbe
 Signature of claimant's authorized representative

(920) 459-3360
 Telephone Number
May 5, 1999
 Date

 Name of reviewing entity authorized representative (please print)

 Signature of reviewing entity authorized representative

 Telephone Number

 Date

LIST OF ELIGIBLE RESPONSE COSTS

SECTION IV ATTACHMENT

Eligible costs include, but are not limited to: vehicle, apparatus, personnel, disposable items, and any other necessary and reasonable emergency expenses.

(A) Description of Item	(B) Cost per Item or rate	(C) Quantity	(D) Total cost
Diesel Fuel Oil (1) Sheb. Co. Haz-Mat Team (2) Town of Sheb. Fire	(1) \$.95 gallon (2) \$1.23 gallon	(1) 20 gallons (2) 10 gallons	(1) \$19.00 (2) \$12.30
Oil Absorbent	\$ 4.75	1 bag	\$ 4.75
Fire Fighter Lost Wages	\$ 7.00/hour	6 hours	\$42.00
Haz-Mat Team Response Members	\$20.64/hour	24 members for 3.25 hours each	\$1,609.92
Response Clean-up	\$12.00/hour	3 members for 1.25 hours each	\$45.00
Latex Outer Booties	\$ 4.95/pair	7 pair	\$34.65
Nitrile Gloves	\$ 2.15/pair	3 pair	\$ 6.45
Latex Gloves	\$ 9.50/box	1 box	\$ 9.50
XXL Level "B" Suit	\$80.00 each	2 suits	\$160.00
XL Level "B" Suit	\$70.85 each	1 suit	\$70.85
TOTAL AMOUNT			\$2,014.42

To: Rod

From: TET

Re: Attached letter and SB-208 substitute amendment.

Date: November 1, 1999

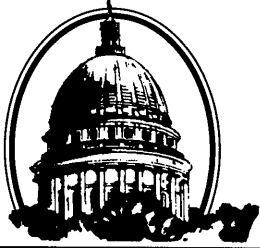
David Lovell, Leg. Council and Bob Nelson, LRB, have completed their work on a substitute amendment of Senator Baumgart's Senate Bill 208, reimbursements for emergency response teams. They worked with the Division of Emergency Management on this draft. A more thorough memo from David Lovell should arrive Tuesday.

This draft looks good, especially page 2, Sec. 5, starting at line 14, requiring the division to promulgate rules that establish the procedures that a regional emergency response team shall follow to determine if an emergency that requires the team's response exists as the result of a level A release, or potential level A release.

Also see line 19, which requires the same for local emergency response teams and level B releases.

This requirement was drafted to alleviate the concerns of "false alarms" at the local or county level (Level B) by making sure there is a clear procedure that must be followed before one of these teams are called out.

I will be checking with the offices of committee members on Tuesday to see if they have any concerns or questions about this sub.



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

M E M O

October 29, 1999

TO: Senate Committee on Health, Utilities, Veterans and
Military Affairs Members.

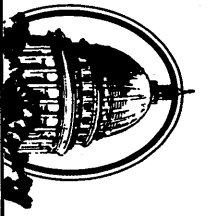
FROM: Senator Jim Baumgart

RE: Substitute Amendment for SB 208, relating to reimbursement for
Hazardous Waste Response Team.

.....

In order to address questions about language in Senate Bill 208, I met with Senator Moen, Legislative Council, Legislative Reference Bureau and a representative from Emergency Management. This substitute amendment is the result of the meeting and clarifies the language of the bill.

A Legislative Council memo will be provided for review by the Committee early next week. This memo will provide details about what changes are being made by this Legislation. If you have any questions, please feel free to contact me.



9th Senate District

State Senator

James R. Baumgart

Wisconsin State Capitol

P. O. Box 7882, Madison, WI 53707-7882

Senator Rodney Moen
State Capitol, 8 South



State of Wisconsin

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Government

2400 WRIGHT STREET
P.O. BOX 7865
MADISON, WISCONSIN
TELEPHONE: (608) 242-32
FACSIMILE: (608) 242-3247
24-HOUR EMERGENCY HOTL.
1-800-943-0003

INFORMATION AND GUIDANCE MEMO
05-02-95

DATE: May 19, 1995

TO: County Emergency Government Directors, Local Emergency Planning Committee Chairs, County Executives, County Administrators, County Board Chairs

FROM: Leroy E. Conner, Jr., Administrator
Division of Emergency Government *L. E. Conner*

SUBJECT: **STANDARD OPERATING GUIDELINES FOR REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS (RHMRT)**

Attached are copies of the Standard Operating Guidelines (SOG) that were developed in coordination with the regional response teams. These guidelines are intended to provide guidance and assistance to regional response team officials in making response decisions relative to hazardous material incidents that are potentially Level A responses.

These SOGs are being provided to you for informational purposes so that you and your local response agencies will have a better idea of how the regional hazardous materials response system will work, along with the type of information that is needed by the regional teams for decision making purposes. Copies of this I&G should be disseminated to all fire departments and response organizations throughout your county.

Typically, a Level A team will physically respond, either partially or fully, to only Level II and higher incidents. In determining whether or not a Level A regional team should respond, team officials will be considering, among other things, the "Level" of the incident. This guideline is included in the packet, and should give you a better understanding of the type of response suitable for the different incident levels.

Please keep in mind that the Regional Response Teams are authorized through the Division to respond to Level A incidents only. Responses to Level B, or lesser incidents, are separate issues that do not involve DEG authorization, and is dealt with locally. At times, one of the local Level B teams, or one of the regional response teams may be willing to respond to a local Level B incident, but arrangements for such responses need to be made directly between the county/jurisdiction that is requesting the Level B response and the responding team. In particular, the arrangements should address what compensation would be required, as well as who would be responsible for the response costs incurred by the responding team.

Standard Operating Guidelines
Page 2

If you should have any questions regarding these Standard Operating Guidelines (SOG), please feel free to contact your Regional Directors, or Ron Kasperski, the DEG HazMat Safety/Transportation Coordinator, at (608) 242-3228.

Attachments: Standard Operating Guidelines for Regional Hazardous Materials Response Teams (RHMRT)

Distribution:

MG Jerald D. Slack, TAG
DEG Staff
DMA Attorney
County Level A Teams
County Level B Teams
Counties Developing Level B Teams

*Previous Information and Guidance Memo 05-01-95 to County Emergency Government Directors

RE: Flash Flood Awareness Week June 5-11, 1995

REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS (RHMRT)
STANDARD OPERATING GUIDELINE

SUBJECT: Decision guidelines for responding to emergency hazardous incidents.

OBJECTIVE: Provide guidance and directions for making decisions to respond to a level hazardous materials incident.

I. SCOPE

These guidelines apply to those response decisions made by designated and authorized Regional Response Team Leaders pursuant to s. 166.215, Stats. Decisions on responses may be made only by designated and authorized Regional Response Team Leaders, based upon the guidelines and the Decision Matrix attached hereto.

II. DEFINITIONS

Duty Officer - The individual(s) designated by the State of Wisconsin, Division of Emergency Government (hereafter DEG), to authorize a response to hazardous materials incidents, and to provide assistance to the designated and authorized Regional Hazardous Materials Response Teams.

Regional Response Team Leaders - The persons designated and authorized by the contracting agency, who, based upon their experience, training and authority, have the ability to evaluate and direct response team activities. The Regional Response Team Leader will function as the Group Supervisor, or the Hazardous Materials Commander, when operating within the Incident Command System.

III. GENERAL

Before responding to a hazardous materials incident, a decision will be made as to whether the situation warrants a regional team response. Response decisions shall be based upon the procedures outlined in these guidelines and the Decision Matrix.

- A. If the team leader is contacted directly concerning a regional team response, he/she shall immediately notify the DEG Duty Officer at 1-800-943-0003.
- B. When the team leader contacts DEG's Duty Officer, and receives prior authorization for a response, the State of Wisconsin shall provide reimbursement for the emergency response costs pursuant to the terms of the contract.
- C. Failure of the team leader to follow these guidelines, or to receive authorization for a response from the DEG Duty Officer before making initial response decisions, may result in the denial by the SERB of reimbursement of the team emergency response costs.
- D. Incidents for which reimbursement by the SERB are denied, may be reviewed and appealed to the SERB; however, the SERB's decision with regard to the appeal shall be final.

IV. STANDING ORDERS FOR RESPONSES

Regional Hazardous Materials Emergency Response Teams may respond to any incident involving a hazardous materials spill, leak, explosion, or injury (or potential, thereof) with an immediate threat to life, the environment or property, in accordance with the Decision Matrix. **In all cases, the DEG's Duty Officer must be notified immediately to authorize the response.**

Specific instances of regional hazardous material responses include, but are not limited to:

- A. A transportation incident involving a release or potential release of an identifiable hazardous material that indicates a level A response is needed;
- B. A hazardous materials incident at a "fixed site" (e.g., manufacturing facility with known hazards) indicating a level A response.
- C. An incident with multiple incapacitated victim(s) of unknown etiology;
- D. A spill or release with known visible environmental impact (e.g., dead fish, vegetation, etc.);
- E. A request for assistance or aid by another designated and authorized Regional Hazardous Materials Response Team (e.g., for back up).

V. DECISION MATRIX

The Decision Matrix and guidelines for its use can be found in **Attachment 2** of this document.

VI. INTERIM AFTER ACTION REPORT

The Regional Hazardous Materials Response Team shall submit, after any authorized response, an interim after action report to the Division of Emergency Government, to be filed with the Hazardous Materials Safety/Transportation Coordinator, within 30 days. This interim after action report shall be a response scenario, including the items listed on attachment 3-a (Hazardous Materials Information Form), along with a list of team members responding, a list of equipment used both expendable and non-expendable, time departed and returned to the station house, type and amount of hazardous materials, full name and address of responsible party, and the DEG authorization number.

LIST OF ATTACHMENTS

1. REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS

*1-a MAP OF REGIONS

*1-b CONTACT NAMES AND TELEPHONE NUMBERS

2. HAZARDOUS MATERIALS TEAMS, "LEVELS OF RESPONSE"

*2-a LEVELS OF RESPONSE, STANDARD OPERATING GUIDELINES

*2-b DECISION MATRIX

3. REGIONAL RESPONSE DISPATCH APPROVAL PROCESS

*3-a HAZARDOUS MATERIALS INFORMATION FORM

*3-b DISPATCH APPROVAL AND REIMBURSEMENT PROCESS

4. GUIDELINES FOR TIERED RESPONSE

5. SYSTEM SCENARIO

ATTACHMENT 1

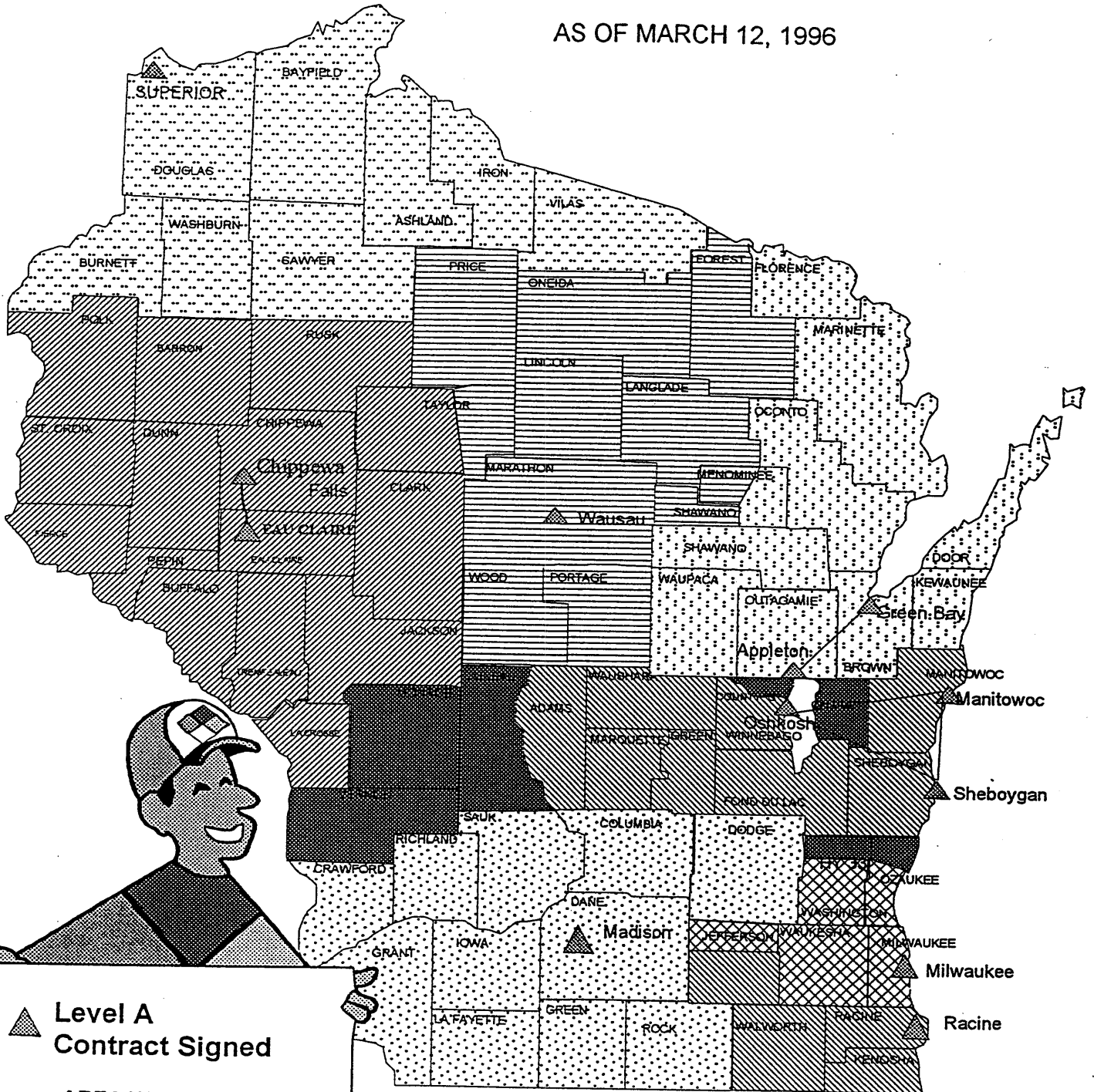
REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS

1-a MAP OF REGIONS

1-b CONTACT NAMES AND TELEPHONE NUMBERS

REGIONAL LEVEL A TEAMS

AS OF MARCH 12, 1996



▲ Level A
Contract Signed

■ AREA WITH MULTIPLE
TEAM COVERAGE

DRAFT



ATTACHMENT 2

**REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS
"LEVELS OF RESPONSE"**

**2-a LEVELS OF RESPONSE
STANDARD OPERATING GUIDELINES**

2-b DECISION MATRIX

REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS LEVELS OF RESPONSE STANDARD OPERATING GUIDELINES

SUBJECT: Levels of Response to Hazardous Material Incidents

OBJECTIVE: Provide guidance for determining when an incident is a level A incident, and to aid a regional response team in deciding whether or not to respond to the incident.

I. SCOPE

As part of the decision-making process in determining whether or not to respond to a hazardous materials incident, the Regional Hazardous Materials Response Team needs to consider the level of the incident. This guideline is to be used to help identify the appropriate incident level.

II. DEFINITIONS - GENERAL

RHMRT - Regional Hazardous Materials Response Team(s).

Container - Any vessel of 60 U.S. gallons, or less capacity, that is used for either transporting or storing flammable or combustible liquids.

Drums - Containers that will accommodate less than 60 gallons of material.

Portable Containers - Containers that will hold 60 to 660 gallons of material.

Product Identification - Identification words, symbols, etc., that are used to identify the particular product. If the particular identification does not apply to the considered incident level, the contractor needs to review the next incident level criteria.

Guidelines for Tiered Response - (See Attachment 6).

III. LEVEL I INCIDENTS

LEVEL I: Telephone Advisory - Team personnel provide telephone assistance to local responders.

- A. **Definition** - Level I incidents are those incidents that can be readily controlled/stabilized by trained and equipped first responders. Hazardous materials team members could be contacted for technical assistance; however, a team response would not be required.
- B. **Product Identification** - At this level, a placard is not required; the material is 0 or 1 in all NFPA categories, and all Class 9 or ORM D.
- C. **Container Size** - The containers are small (e.g., pail, drums, cylinders, except for one-ton, packages, or bags).
- D. **Fire/Explosion Potential** - This potential is low.
- E. **Leak Severity** - There is no release, or a small release (less than 5 gallons liquid, or less than 20 pounds solid of a known hazardous material) that can be contained or confined with readily available resources.
- F. **Life Safety** - A life threatening situation is not expected from the materials involved, and these incidents do not require evacuations.
- G. **Environmental Impact Potential** - Minimal.
- H. **Container Integrity** - The container is not damaged.

IV. LEVEL II INCIDENTS

- LEVEL II - A** On-Site Advisory - Team personnel respond to provide on-site assistance to local responders.
- LEVEL II - B** On-Site Analysis - Team personnel respond for on-site reconnaissance at the scene.
- LEVEL II - C** Hazcatting/Product Identification - Team personnel to sample and provide product identification.
- LEVEL II - D** Hazcatting/Product Identification - Team personnel respond to mitigate medium/moderate incidents. This can be either level A, and/or local level B, trained and equipped personnel.

IV. LEVEL II INCIDENTS - Continued

- A. Definition - Level II incidents are those incidents that require special resources (Regional Hazardous Materials Response Team) for control/stabilization.
- B. Product Identification - At this level, the material is Department of Transportation (DOT) placarded, the material is NFPA 2 for any categories, PCBs without fire, and EPA regulated waste.
- C. Container Size - The containers are of medium size (i.e., one-ton cylinder, portable containers, nurse tanks, or multiple small packages).
- D. Fire/Explosion Potential - This potential is medium.
- E. Leak Severity - There is a release of more than 5 gallons of liquid, or 20 pounds of solid, known hazardous material. There may be a release of any quantity of toxic or unknown materials in a critical public area. Release may not be controllable without special resources (i.e., RHMRT).
- F. Life Safety - It is limited to a localized area, and the evacuation area is limited.
- G. Environmental Impact Potential - Moderate.
- H. Container Integrity - The container is damaged, but able to contain the contents, to allow handling or transferring of the product.

V. LEVEL III INCIDENTS

LEVEL III - A Expanded response personnel, plus any additional resources required to mitigate large/severe incidents.

LEVEL III - B Multiple Regional Team Response - Multiple regional response teams, plus any additional personnel or resources required mitigate large/severe incidents.

- A. Definition - Level III incidents are those incidents that require special resources (one or more RHMRT), and other outside agencies for support.

V. LEVEL III INCIDENTS - Continued

- B. Product Identification - These are identified as Class 2, Division 2.3 poisonous gases; Class 1, Division 1.1 and 1.2 - explosives, organic peroxide, flammable solid materials that are dangerous when wet, chlorine, fluorine, anhydrous ammonia, radioactive materials, NFPA 3 or 4 for any category, including special hazards, PCBs with fire, DOT inhalation hazard, EPA extremely hazardous substances, and cryogenics.
- C. Container Size - The containers are large (e.g., tanks, hopper cars/trucks, multiple medium containers).
- D. Fire/Explosion Potential - This potential is high.
- E. Leak Severity - There is a release which may not be controllable, even with special resources, or there is a release which has escalated beyond the capabilities of local resources.
- F. Life Safety - A large area is affected, mass evacuation may be required, and support may be needed from other agencies such as the National Guard, the Red Cross, and the Federal Emergency Response Agency (FEMA).
- G. Environmental Impact Potential - Severe.
- H. Container Integrity - The container is damaged to such an extent that product containment is not possible, or catastrophic rupture is possible.

Attachment 2-a

**REGIONAL HAZARDOUS MATERIALS RESPONSE TEAMS
INC. INCIDENT RESPONSE DECISION MATRIX**

SITUATION STATUS	Risks	Rank
<p><i>What is the size, severity and immediacy of the threat?</i> Release in progress Container/vehicle has been damaged or failure likely Conditions are stable Minimal, or no threat detected Unknown (assign a rank of 3)</p>	<p>L-M-H</p>	<p>1-2-3 = 1.</p>
<p>PHYSICAL AND CHEMICAL/TOXICOLOGICAL HAZARDS</p> <p><i>What dangers does the incident represent?</i> Health hazards (acute/chronic) Cryogenic/hyperthermal Flammable Explosive Reactive/unstable Radioactive Other (environment, property, equipment) Gas, liquid, or solid Unknown (assign a rank of 3)</p>	<p>L-M-H</p>	<p>= 2.</p>
<p>QUANTITY AT RISK</p> <p><i>To what degree is the quantity of material a threat?</i> ≥ 50 gallons, 500 lbs., 200 cubic ft. < 50 gallons, 500 lbs., 200 cubic ft. 2 millirens/hour to 50 millirens/hour ≥ 50 millirens/hour Unknown quantity (assign a rank of 3)</p>	<p>L-M-H</p>	<p>= 3.</p>
<p>CONTAINER STATUS</p> <p><i>What type of breach, or release is possible?</i> Pressure container compromised Potential for disintegration Micro/macro cracking Open/damaged fittings Unknown (assign a rank of 3)</p> <hr/> <p>Liquid/Solid container damaged Split/tear Puncture Spill Open/damaged fittings Unknown (assign a rank of 3)</p>	<p>L-M-H</p>	<p>= 4.</p>

Attachment 2-b

MODIFYING CONDITIONS

	Risks :	Rank
<i>To what degree do the location, time, and weather impact the incident?</i>	L-M-H	1-2-3
<u>Location</u> Metro/urban/rural Population Waterways Roadways, access blockage		= 5.
<u>Time</u> Is time significant? Is day of week significant? Is month significant? Is season significant?		
<u>Weather</u> Ambient temperature Wind speed/direction Precipitation Air inversion		
<i>Unknown quantity (assign a rank of 3)</i>		

OTHER VARIABLES

<i>Are there factors having a direct, or indirect impact on the incident?</i>	L-M-H	
<u>Political</u> <u>Critical facilities at risk</u> <u>Regulatory agency involvement</u> Coast Guard Radiological		= 6.
<u>Public perception(s)</u> Other		

Total Scores: Boxes 1 + 2 + 3 + 4 + 5 + 6 =

	18	
	17	
	16	
Initiate Response	15	{Level III Response
	14	
	13	
<hr/>		
	12	
	11	{Level II Response
	10	
	9	
	8	
<hr/>		
No Response	7	{Level I Response
Provide Advice Only	6	

Attachment 2-b

ATTACHMENT 3

REGIONAL RESPONSE DISPATCH APPROVAL PROCESS

3-a HAZARDOUS MATERIALS INFORMATION FORM

3-b DISPATCH APPROVAL AND REIMBURSEMENT

HAZARDOUS MATERIALS INFORMATION FORM

DATE _____ TIME _____

DEG DUTY OFFICER _____ AUTHORIZATION # _____

INFORMATION TAKEN FROM _____

INCIDENT LOCATION: _____

COMMAND POST LOCATION _____

WHO HAS JURISDICTIONAL AUTHORITY? _____

WHO IS THE INCIDENT COMMANDER? _____

COMMAND POST PHONE NUMBER (OR RADIO FREQUENCY) _____

STAGING LOCATION: _____

RECOMMENDED ROUTE ONTO THE SCENE _____

WIND DIRECTION AND SPEED AT THE SCENE: _____

WHEN DID THE INCIDENT OCCUR? (DATE/TIME) _____

IS THIS A TRANSPORTATION INCIDENT? ____ YES ____ NO IF SO, WHAT KIND?

1) Truck/Car 2) Train 3) Airplane 4) Other _____

IS THIS A FIXED FACILITY INCIDENT? ____ YES ____ NO IF SO, WHAT KIND?

1) Detail 2) Manufacturing 3) Distribution 4) Recreational 5) Farm

IS THIS A SARA TITLE III REPORTING FACILITY? _____

HAVE YOU EVACUATED ANYONE? _____

ARE THERE INJURIES OR FATALITIES? _____

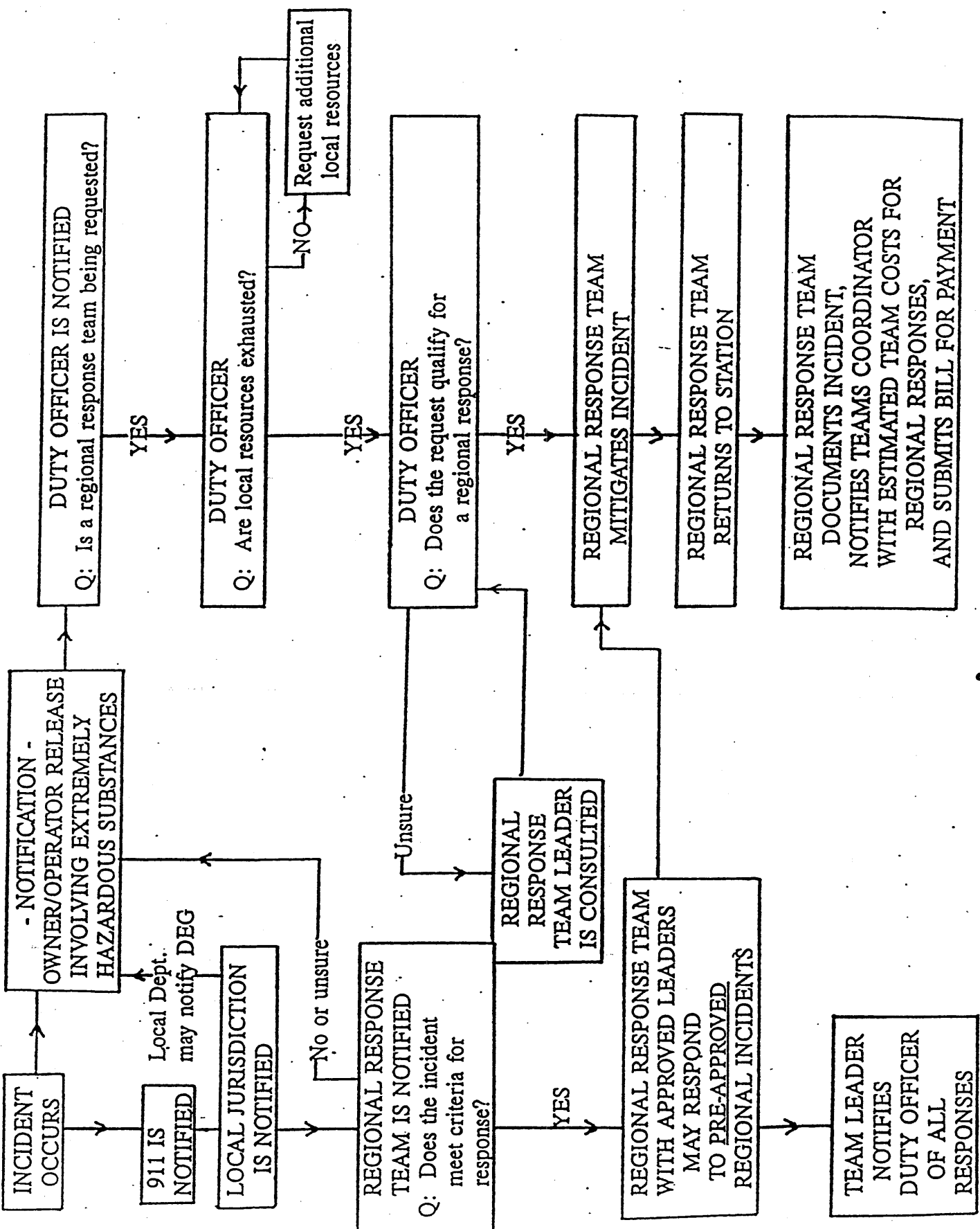
DO YOU HAVE PRODUCT NAMES OR NUMBERS AVAILABLE? _____

DO YOU HAVE M.S.D.S. SHEETS AVAILABLE ON THE PRODUCT? _____

APPROXIMATELY HOW MANY EMERGENCY PERSONNEL DO YOU HAVE ON SCENE? ____

HAS THE COUNTY DEPARTMENT/EMERGENCY GOVERNMENT BEEN NOTIFIED? ____

IF SO, TO WHOM _____ TITLE _____



ATTACHMENT 4

GUIDELINES FOR TIERED RESPONSE

GUIDELINES FOR TIERED RESPONSE

LEVEL I RESPONSE Readily controlled / stabilized by first responders. HazMat teams personnel provide technical assistance. Does not require team response.		LEVEL II RESPONSE Requires special resources (HazMat Team) for control / stabilization				LEVEL III RESPONSE Requires special resources (one or more HazMat Teams) and other outside agencies for support	
Telephone Advisory	A. On-Site Advisory	B. On-Site Analysis	C. Hazcatting / Product ID	D. Hazcatting / Product ID	A. Expanded Response	B. Multiple Team Response	
Special Resources Required	None	HazMat Team	HazMat Team	HazMat Team	HazMat Team	Multiple Teams + additional resources	
On-Site Reconnaissance	No	Advise whether team is needed	Yes	Yes	Yes	Yes	
On-Site Reconnaissance	Yes	Yes	Yes	Yes	Yes	Yes	
Hazcatting / Product ID	No	No	DOT placarded, NFPA 2 for any categories, PCBs without fire, and EPA Regulated Waste	DOT placarded, NFPA 2 for any categories, PCBs without fire, and EPA Regulated Waste	Class 2, division 2.3 poisonous gases Class 1, division 1.1 and 1.2 explosives, organic pesticide, flammable solid, materials dangerous when wet, chlorine, fluorine, anhydrous ammonia, radioactive materials, NFPA 3 or 4 for any categories including special hazards, PCBs with fire, DOT inhalation hazard, EPA extremely hazardous substances and cryogenics	Class 2, division 2.3 poisonous gases, Class 1, division 1.1 and 1.2 explosives, organic pesticide, flammable solid, materials dangerous when wet, chlorine, fluoride, anhydrous ammonia, radioactive materials, NFPA 3 or 4 for any categories including special hazards, PCBs with fire, DOT inhalation hazard, EPA extremely hazardous substances and cryogenics.	
Container Size	Small	Small	Medium	Medium	Large	Large	
Fire/Explosion Potential	Low	Low	Medium	Medium	High	High	
Leak Severity	None or Small	None or Small	5 gal. or 20 lb. of known material or a release of unknown material	5 gal. or 20 lb. of known material or a release of unknown material	May be uncontrollable	May be uncontrollable	
Threat to Life Safety	Not Expected	Not Expected	Localized and limited evacuation area	Localized and limited evacuation area	Large area, mass evacuation, additional support may be needed from FEMA, Red Cross, etc.	May Involve Governor's disaster declaration, large area, mass evacuation additional support may be needed from FEMA, Red Cross, National Guard, etc.	
Environmental Impact Potential	Minimal	Minimal	Moderate	Moderate	Severe	Severe	
Container Integrity	Intact	Intact	Damaged but able to contain, handle, or transfer product	Damaged but able to contain, handle, or transfer product	Containment impossible; possible catastrophic rupture	Containment impossible; probable catastrophic rupture	
Level "A" Protective Equipment	No	No	Yes	Yes	Yes	Yes	
Level "B" Protective Equipment	No	No	Yes	Yes	Yes	Yes	

ATTACHMENT 5
SYSTEM SCENARIO

SYSTEM SCENARIO

The Division of Emergency Government's Duty Officer asks these three questions:

- The **LOCATION** of the incident.
- The **NAME** of the spilled product, and the **AMOUNT** of the spilled product, if known.
- A telephone **CALL-BACK NUMBER** and a **NAME** for a Response Agency Officer at, or near the scene, who can provide additional information.

The DEG's Duty Officer determines the geographical, hazardous materials region that the spill is located, and notifies the **Level A Team** from that Region. He/She passes along the information received, and stands by for a follow-up call from the Level A Team.

The Level A Team makes contact with the Agency Officer at the scene. Using a **Response Matrix**, the hazardous materials team begins to ask key questions to identify the level of the event.

After identifying that the event is a Level A event, the hazardous materials response team is activated. A response team officer contacts DEG's Duty Officer and indicates that the team has been activated, and requests an **authorization number** to respond.

DEG's Duty Officer assigns a name and authorization number to the team. DEG's Duty Officer then follows up with the established agency notification procedures and protocols.

The hazardous materials team responds as needed.