

State of Montana Hazardous Materials (HazMat) Plan



Emergency Support Function #10
Oil and Hazardous Materials Response

TABLE OF CONTENTS

TAB	SECTION	PAGE No.
I.	Introduction	
	Purpose	1
	Scope	1
	Authority	1
	Assumptions	2
	Incident Command	2
II.	Implementation	1
III.	State Hazardous Materials Incident Response Teams	
	Mission Statement	1
	Goals	1
	Policies	1
	Coordination with other Agencies	2
	State Hazardous Materials Incident Response Team Membership	2
	Training and Performance	2
	Authorization Process for team members	2
	Financial Management	3
	State Hazardous Materials Incident Response Team Components	3
	Minimum Requirements	3
	Minimum Equipment Standards for Hazardous Materials Response	4
IV.	Response Procedures at an Incident	
	Notification and Communication	1
	State Resource Assistance	1
	Montana State Emergency Response Commission (SERC)	2
	Hazardous Materials Incident Response	2
	State Agency Response	2
	Disaster and Emergency Services Division – Duty Officer	3
	Resource Ordering System	5
	Orphan Material Procedure	5
	Definition	5
	Procedure	5
V.	Responsibilities	
	Functional Responsibilities:	1
	MT-DES Duty Officer	1
	Montana State Hazardous Materials Incident Response Team	1
	Incident Commander	1
	Primary Agencies	1
	Local Governments	1
	Radiation Response Coordinator	2
	Responsibilities Common to All Agencies	2
	Responsibilities of Local Governments and Private Sector Organizations	3

Responsibilities of State Agencies including Orphaned Hazardous Materials and Clandestine Labs	3
Governor's Office	3
Department of Environmental Quality	3
Department of Fish, Wildlife and Parks	4
Department of Justice	4
Department of Military Affairs	5
Montana National Guard	5
Disaster and Emergency Services Division	5
Department of Natural Resources and Conservation	6
Department of Public Health and Human Services	6
Montana Department of Transportation	7

Responsibilities of Federal Agencies	7
Department of Defense	7
National Park Service, Department of Interior	7
Center for Disease Control	7
National Toxic Substances and Disease Registry	7
Environmental Protection Agency	8
Environmental Response Team	8
Coast Guard's National Strike Force	8
National Transportation Safety Board	9
National Railroad Administration	9
Department of Energy	9

VI. Federal Resources Available for Radiological Emergencies 1

VII. Training Specifications	
First Responder Awareness	1
First Responder Operations	1
Hazardous Materials Technician and Specialist	1
Incident Commander	1
Training Levels	2
First Responder Awareness Level	2
First Responder Operations Level	2
Hazardous Materials Technician Level	3
Hazardous Materials Specialist	3
On-Scene Incident Commander	4

VIII. Financial Reimbursement Procedures & Cost Recovery Packet	1
Schedule of Costs	2
Cost Recovery Forms	2
Cost Recovery for State Response Personnel	2
Liability of Persons and Response Personnel Rendering Assistance	4

IX. APPENDIX I	
SERC HAZMAT Standard Cost Recovery Packet	
Billing Information Worksheet	2
Apparatus/Vehicle Worksheet	3
Personnel Cost Worksheet	4
Equipment Cost Worksheet	5
Miscellaneous Cost Worksheet	6
Cost Summary Sheet	7
X. APPENDIX II Memorandum of Understanding for Hazardous Response Team Response	1
XI. APPENDIX III	
Definitions, Explanations, Acronyms and Legal Authorities M.C.A.	
Definitions and Explanations	1
Acronyms	2
Legal Authorities	4
XII. APPENDIX IV	
CONTACT NUMBERS	1

I. INTRODUCTION

Purpose

The primary purpose of this plan is to provide effective coordinated emergency response support to local government by state, federal, and private agencies for incidents involving the release or potential release of hazardous materials in the State of Montana. For the purposes of this plan, "hazardous material" means a hazardous substance, a hazardous or deleterious substance as defined in 75-10-701, MCA, radioactive material, or a combination of a hazardous substance, a hazardous or deleterious substance, and radioactive material. Other purposes of this plan are to provide guidance to State personnel who may encounter an incident involving hazardous materials and to define the support role of specific state agencies. This state plan can be initiated at the request of local governments.

This plan allows for coordination with local hazardous materials response plans developed by cities, counties, and Local Emergency Planning Committees, hereafter referred to as "LEPC", pursuant to Title III of the Federal Superfund Amendments and Reauthorization Act hereafter referred to as "SARA Title III". Coordination could include out of state entities. This plan provides for response and support of the capabilities of local response personnel when the incident involves hazardous materials as defined in 10-3-1203 Montana Codes Annotated (MCA).

The State of Montana recognizes the wide variation in local hazardous materials response capabilities throughout the state and adjacent states. It is important, therefore, to emphasize that **the state's intent is to SUPPLEMENT local capabilities, not to supplant it.** The Montana Hazardous Materials Plan shall be implemented at the request of local government.

Scope

This plan outlines the circumstances under which state support will be initiated. The plan is for the use of state personnel and local jurisdictions that are involved with hazardous material emergency response within the state. The plan covers the procedures, communications, and responsibilities of participating agencies and provides for the follow-up to hazardous material spills or release incidents. The capabilities and responsibilities of the various agencies involved are outlined. This plan addresses transportation and fixed site spills, releases, or threat of release of hazardous materials, and incidents involving orphaned hazardous materials, which may pose a threat to human health or the environment. In accordance with Montana law 10-3-105 MCA, the State may consult and cooperate with agencies in the federal government, other States, and Canadian federal or provincial governments.

Authority

Authority for implementation of this plan is derived from 10-3-1204 (2 through 5), MCA. The Montana Hazardous Materials Plan requires the coordinated efforts of all signatory agencies.

Assumptions

The response activities in this plan are based on an Incident Command System (ICS). ICS is a management tool that provides a structure for response to emergency situations, in this case, hazardous materials incidents. It provides a system for federal, state, and private entities to be integrated under local command. SARA Title III, Occupational Safety and Health Administration (OSHA), and the Environmental Protection Agency (EPA) rules require use of an Incident Management System for hazardous materials incidents. It is the policy of the Montana State Emergency Response Commission hereafter referred to as the “SERC”, that ICS will be used when responding to hazardous materials incidents, in conjunction with the State Emergency Coordination Plan hereafter referred to as the “SECP”. ICS, when implemented by local government during initial response, will allow state resources to become part of the response network without disrupting local effort.

Incident Command and Control

The State Hazardous Materials Incident Response Team hereafter referred to as “SHMIRT” is designed as a support unit to provide 24-hour coverage seven days a week. The SHMIRT operates under the direction of a team leader. When multiple regional components are operating as the state team at the same incident, the first team deployed will have the team leader unless the SHMIRT at a later time agrees to assign that responsibility to another team member. As a support unit, the team operates under the direct authority of the IC. If requested, the team may provide technical guidance to an IC on-scene or by phone. Use of the team does not release the local response agencies from their duty to provide normal response functions.

II. Implementation

The Disaster and Emergency Services Division hereafter referred to, as “MT-DES” is the statutorily assigned agency for notification of reportable hazardous materials incidents as established by 10-3-1211 MCA and Title III of the SARA. This enables MT-DES, to maintain a database of incidents. Reporting hazardous materials incidents to MT-DES also fulfills state reporting requirements as established by 10-3-1211 MCA and Title III of the SARA.

The decision to initiate the request for assistance provided in this plan shall be made by the local Incident Commander according to procedures outlined in their local emergency operations plan, when it is determined that a hazardous material is involved in quantities or conditions exist that may pose an immediate hazard to public health and/or the environment, or when the IC is seeking technical advice or assistance. The plan is initiated by calling MT-DES, at 406-324-4777. MT-DES will notify the appropriate response and support agencies, when requested to do so by the IC.

Summary

Implementation of the Montana Hazardous Materials Plan includes creation of a single specially trained and equipped team for hazardous material incident response. The state-wide response SHMIRT is a cooperative effort of regionally located response teams, designated officials of state agencies, and the SERC. The SHMIRT members are strategically located around the state. Each of these regional teams will consist of hazardous materials emergency response personnel with specialized equipment specific to hazardous materials response. The regional teams, when activated, will operate under the direction of the team leader and within ICS. The teams are intended to respond to the most acute and critical hazardous emergencies in the state. Their primary objective is to protect human life, the environment, and property during the early stages of an emergency. While there is an expectation from the State Emergency Response Commission (SERC) and the MT-DES State Emergency Coordination Center (SECC) that the regional teams comprising the SHMIRT will respond when requested, there is also an understanding that there may be local circumstances that may prevail and prevent them from responding or subject for recall to their home station. In order to accomplish this, the regional teams must remain under local administrative control and not as a state resource.

III. State Hazardous Materials Incident Response Teams

Mission Statement

To create and establish strategically located, specially trained and equipped regional hazardous materials incident response teams (regional teams) using the combined resources of the state of Montana, local governments, and private industry. The state response teams' mission is to protect Montana's citizens, environment, natural resources, and property from the effect of hazardous material releases or the threat of release of hazardous materials.

Goals

Goal 1: To provide emergency responders with timely, up-to-date information, in a readily accessible manner, which may be used as a basis for emergency operations decisions.

Goal 2: To assist local governments in responding to and mitigating the effects of hazardous materials incidents.

Goal 3: To provide emergency responders with appropriate hazardous materials training to meet operational and regulatory requirements.

Goal 4: To provide regional teams with appropriate equipment and training to support other emergency responders at hazardous materials incidents.

Policies

The State of Montana recognizes that local governments have primary responsibility for the mitigation of hazardous materials emergencies. For those incidents where the local officials ask the State for assistance, the State Hazardous Materials Incident Response Team (SHMIRT) will provide emergency hazardous materials incident response coverage.

The regional hazardous materials incident response teams, as components of the SHMIRT, will be strategically located in authorized agencies identified by the SERC.

Trained HAZMAT personnel from host agencies will staff the regional teams. Those agencies at their sole discretion may include members on their team who are not regular members of their organization.

The regional teams will use ICS and will not respond to an incident until the IC has been established at the incident. The team will work under the direct supervision of a Division, Group or Branch Director.

Administrative and legal operations of the regional response team components and the SHMIRT are to be consistent with administrative rules adopted by the state. Such rules must meet statutory guidelines and operational needs.

The Montana Hazardous Materials Plan in addition to CFR 1910.120 and NFPA 472 and other applicable standards addressing will guide response team operations including:

- Personnel
- Regulatory compliance
- Equipment standards
- Insurance requirements
- Training requirements
- Certification requirements
- Records and reporting
- Medical surveillance
- Billing/cost recovery program
- Decontamination Procedures

Coordination with other Government Agencies

The State of Montana and its State Hazardous Materials Incident Response Team is committed to the principles of integrated emergency management. Command and control functions will use ICS.

SHMIRT Agencies

The SERC will determine what agencies will have SHMIRT Teams and only those agencies will be authorized by the SERC.

Training and Performance

The State of Montana will provide specialized training to response team personnel through the SERC. State regional response team training programs will address the federal training levels as outlined in the "Training Specifications" section of this plan. Criteria for the authorization of teams will be defined in the authorization process section of this plan and audited by a committee of the SERC. The teams will be trained in and operate under ICS.

AUTHORIZATION PROCESS FOR PERSONNEL WITH ADVANCED HAZMAT CAPABILITIES

The following outlines the steps for personnel with advanced hazmat capabilities to become authorized by the SERC:

1. The chief executive of the agency requesting authorization shall submit to the SERC annually, a letter of certification, listing the members of the team, the qualifications of the personnel, and also certification of the minimum required hazardous materials equipment as required by this plan.
2. Once the authorization process has been completed by the SERC, a letter shall be sent to MT-DES validating the agency's team accreditation.
3. Each authorized team will participate, with other regional teams in, at least, one multi-agency hazardous materials exercise a year.

4. The authorized agency will enter into a Memorandum of Understanding with the SERC.
5. If team members change or additional members are added, the chief executive for the agency will submit the changes along with training documentation to the SERC prior to deployment as a team member.

Financial Management

The SHMIRT operates under the administration of the SERC. All fiscal accounting, planning, budgeting, recording, and reporting programs of the team will be the function of the SERC and outlined in memorandums of understanding between the SERC and the response teams.

State Hazardous Materials Incident Response Team Components

A regional SHMIRT consists of a minimum of six members competent at the technician level. Regional teams can be staffed by members of a single agency or may be comprised of personnel from various agencies. Hazardous materials qualified (OSHA 1910.120) positions that are required to be staffed at an incident to which the SHMIRT responds include:

1. Incident Commander - **local agency**
2. Hazmat Team Leader
3. Hazmat Safety Officer - SHMIRT Member
4. Entry Team - SHMIRT
5. Back-up Team - SHMIRT
6. Research - SHMIRT
7. DECON - local agency **or** SHMIRT
8. ALS as defined by state EMT licensing rules - local agency **or** SHMIRT

Depending on the complexity of the incident other positions may be required to provide effective and safe management of the incident.

Minimum Requirements (See Training Requirements – Section VII)

The minimum requirements for regional teams to be considered a component of the SHMIRT include:

1. The chief executive for each regional team will certify training and equipment standards are met for their respective team members.
3. Annual approval as a team by the SERC.
3. Available, 24 hrs/day, 7 days/week for technical assistance by phone.
4. Available to supply 3 team members on-site 24 hrs/day, 7 days/week for initial and extended response for a period not to exceed 10 days. Teams should respond to MT-DES within 30 minutes of the request for a response and advise MT-DES whether they are able/not able to respond.

Minimum Equipment Standards for Hazardous Materials Response

Scope: These standards shall be applicable to the SHMIRT.

Purpose: This standard specifies minimum hazardous material equipment requirements for regional teams involved in mitigating hazardous material related activities. These standards are not intended to restrict jurisdictions from exceeding these minimum equipment standards. It is the intent for a full mobilization of the SHMIRT that this minimum equipment will be on site of the incident and that not every responding team component will be required to bring all of their equipment with them to the incident.

Reference Materials:

NFPA Fire Protection Guide on Hazardous Materials

Condensed Chemical Dictionary

A Farm Chemical Reference Book (Farm Chemical Handbook, AG Products Safety Manual)

CHRIS Manual, Volumes 1, 2, & 3

Merck Index - current edition

Emergency Care for Hazardous Materials Exposure or HAZMAT Injuries

ACRR HAZMAT Spill Control

NIOSH Pocket Guide To Chemical Hazards

DOT Emergency Response Guide “ERG”

“Janes” Chem-Bio handbook

Miscellaneous Equipment:

Protective Clothing Equipment (NFPA-NIOSH-OSHA approved):

4 - Flash Protection suits

8 - Level "A" suits

Cryogenic gloves

Hard Hats

Chemical resistant boots

Vinyl Boot Covers

Neoprene Boot Covers

Latex Boot Covers

Butyl Rubber Boot Covers

Fire Boots

Butyl Rubber Gloves

Viton Rubber Gloves

Nitrile Rubber Gloves

PVC/Nitrile Gloves

Neoprene Gloves

Silvershield HAZMAT Gloves

4 - Approved Self Contained Breathing Apparatus (SCBA)

6 - 1 hour spare bottles for SCBA

Spill/Leak Control Equipment:

Chlorine kit "A"
Access to a Chlorine "B" & Chlorine "C" kit
Adsorbent booms and sheets
2 Dome Clamp set
Plug/Patch Kits
Plug dike
PVC pipe - assorted sizes
Assorted Plumbing adapters
Non-sparking barrel pump
Funnels - assortment
55 & 85 Gallon over pack drums

Monitoring Equipment:

Binoculars
Gas detection monitors (4 gas minimum)
Extension probes
PH Paper
Radiation detector and monitor
PCB Kit
Spill-Father Chemical Classifier
Weather Station
Mercury Spill Kit
Heinz 5 step Field Identification Kit

Tools:

Non-sparking tool kit
Standard tool kit
Shovel, round point and square point, regular and non-sparking
Bung wrench, non-sparking
Pipe wrenches, non sparking
Push broom
Poly broom
Plastic dustpans
Squeegee
Dolly
Pinch or crow bar non-sparking
Sledgehammer, 8 lb.
24" bolt cutter
Drum lifters

Decontamination Equipment:

Acid neutralizer
Caustic neutralizer
Solvent neutralizer
Plastic sheeting
Disposable trash bags

Salvage Covers

Eyewash kit

Disposable latex gloves

Trash cans

Bleach, vinegar, ammonia, soap

Disinfectant

Scrub brushes with handles

Plastic pails

Disposable coveralls with booties and hoods

Wash, rinse and containment system

Communications/ Command Equipment:

Portable Radios, 5 Watt – Programmable, Batteries, Chargers, Belt Clips

Cellular phones

Computer Equipment:

PC of choice – Compatible with Regional Teams

9600 baud or greater modem

Portable printer

Portable Fax

Cameo/Aloha Software

IV. Response Procedures at an Incident

Notification and Communication

Immediate action should be taken to safeguard responders and the public.

Local jurisdiction must operate under ICS and have an appointed IC.

All responders will report to the designated staging area and check in.

The local jurisdiction is responsible for hazardous materials incident response and does so in accordance with their Local Emergency Operations Plan hereafter referred to as the “LEOP”.

Emergency responders shall evaluate the situation and determine if a hazardous material is present. If hazardous materials are thought to be present in amounts that may pose a threat to persons, the environment, or property the responder shall follow the Standard Operating Procedures (SOP), established by their organization.

The IC may request the activation of the State Hazardous Materials Plan according to procedures established in their LEOP.

The IC may, according to local procedures, request MT-DES to:

- 1) Contact needed resources, and
- 2) Conference the telephone calls between the IC and the resource agency.

If local jurisdictions need State resource assistance:

- Call MT-DES Duty Officer at 406-324-4777
- Identify caller
- Identify jurisdiction
- Identify location of incident

MT-DES at a minimum will contact a hazardous material technician who is a member of the Montana State Hazardous Material Incident Response Team; hereafter referred to as “SHMIRT” and conference the call with the IC. The IC and the hazardous material technician will evaluate the information and if additional support is needed, MT-DES will conference the calls as requested.

If it is determined by the on scene IC that any state agency needs to support the incident on-site, the requested agency shall dispatch personnel according to its SOP. If SHMIRT members are to respond on-site there shall be an agreement by the authority of the IC, Governor’s Office, MT-DES, and the Hazardous Materials technician on the conference call prior to deployment.

MT-DES will continue to contact the supervisors of support services as requested by the IC, which are defined in the responsibilities section of this plan. Each agency is responsible for documentation of their costs for reimbursement.

Montana State Emergency Response Commission (SERC)

MT-DES will notify the SERC membership about HazMat incidents that require assistance. Notification of SERC members will be done through distribution of the the weekly MT-DES Duty Officer report.

Hazardous Materials Incident Response

When requested by the IC, MT-DES will contact the nearest SHMIRT members as needed.

Individual members of the response team will be contacted according to their local SOP.

Responders are required to bring with them equipment practical and necessary for the response.

Response team members work under the direct supervision of their group leader.

The response group leader operates at a designated level in the established ICS.

The response group leader and members shall maintain regular contact with MT-DES during travel to and upon arrival at the incident.

The response group leader will check in upon arrival at the designated staging area.

The response group leader will be briefed from the local IC.

The group leader negotiates a written set of rules of engagement and incident action plan with the incident command team and shall be approved by the IC.

The SHMIRT is required to track their expenses and apply for reimbursement according to the plan reimbursement procedure.

SHMIRT members act only in the capacity for which they were requested and shall not be requested to assume the sole responsibility of command of the incident.

State Agencies

Members of state agencies, other than emergency service provider agencies, and their support staff do not normally respond to incidents, but could respond if requested by the IC.

MT-DES notifies state agencies about emergency incidents as needed to support the response.

Members of state agencies are notified about emergency incidents according to procedures outlined in their agency SOP and/or the appropriate Emergency Support Function (ESF) Annex.

Members of state agencies requested to respond to an incident will arrange their own transportation. They shall maintain routine contact with MT-DES during travel to and arrival at the incident.

Members of state agencies who respond shall check-in upon arrival at the designated staging area.

Members of the state agencies requested to respond must track their expenses and submit them according to the plan reimbursement procedure.

Members of state agencies who respond will act only in the capacity for which they were requested or assigned by the IC.

Disaster and Emergency Services Division

MT-DES DUTY OFFICER

Upon notification of the occurrence of a hazardous materials incident (or a potential hazardous materials incident), MT-DES will perform the following tasks (in accordance with established guidelines in the MT-DES Duty Officer Handbook):

Determine the nature of the incident. Identify the caller, their jurisdiction and the location of the incident. Ascertain whether the IC is requesting assistance from the State, or simply notifying the State Emergency Response Commission (SERC), through MT-DES, of an incident that has occurred and was (or, is being) handled routinely by local responders.

- If the call is for notification purposes only (and the IC indicates that he currently has time to answer questions), MT-DES will collect pertinent information and complete a **Duty Officer Incident Report**.

If the IC does request assistance from the State (under the provisions of this Plan), MT-DES will briefly explain the support process and their role as communications facilitator (during a telephone conference call between the Incident Commander and a hazardous materials technician who is a member of the SHMIRT).

- MT- DES Duty Officer will immediately notify the Operations Manager and activate the SECC to the appropriate level. (Conference Call capability is limited by the DO so it should be conducted from the SECC) MT- DES will

place a call to the appropriate SHMIRT, explain the situation to the hazardous materials technician handling the call, and introduce the technician and the IC along with others the IC wants on the conference call. **MT-DES will monitor their conversation, listening specifically for the following things:**

- 1.) **Any immediate threats to life, property, or the environment.**
- 2.) **HazMat ID number, know properties (gas, solid, liquid), size of container or quantity involved, size and rate of leak, and any other materials that might become involved.**
- 3.) **Resource needs of the local jurisdiction that the State may be able to support.**
- 4.) **“Safe Route” to and Exact Location of the incident.**
- 5.) **Staging Area location.**
- 6.) **“ALS” ambulance dedicated to the Hazmat Team.**
- 7.) **“POC” at the Incident Scene.**
- 8.) **Current weather conditions at incident site.**
- 9.) **Incident Command structure in place by local jurisdiction.**
- 10.) **Support capabilities of local jurisdiction to take care of team members while deployed.**
- 11.) **Local jurisdiction decontamination (DECON) capabilities and needs specific to the incident.**
- 12.) **What actions have been taken?**
- 13.) **Who is the responsible party if known or is this orphan material?**
- 14.) **Is the Civil Support Team (CST) or any specific capabilities of the CST needed?**
 - a. If there is any doubt about the SHMIRT’s capability to provide the services requested by the local IC, the DES Duty Officer should conference-in a representative from the National Guard 83rd Civil Support Team.
- 15.) **Reminder for teams to send in response personnel names and vehicle identification.**
- 16.) **If requested to respond out of state, discuss the requirements of a Commercial Driver’s License. This is in reference to the tow vehicle.**

If the IC’s questions/concerns are not being met, or it becomes clear that additional support will be needed, the MT-DES may introduce additional parties to the conference.

- For incidents involving a threat to public health and safety, the DES Duty Officer should notify the DPHHS Duty Officer.
- For incidents involving a threat to the environment or public drinking water, the DES Duty Officer should notify the DEQ Duty Officer.
- For all potential radiological incidents, the DES Duty Officer should immediately notify the Montana National Guard’s 83rd Civil Support Team and (EPA’s) Radiation Assistance Program, (208) 526-1515.

Decisions regarding possible deployment of any component of the SHMIRT will be made jointly by:

- 1.) The on-scene IC.
- 2.) SHMIRT members
- 3) The MT-DES Duty Officer and the Operations Manager
- 4) A representative from the Governor’s Office
- 5) And if applicable, a subject matter expert of afflicted facility

When a course of action has been agreed to, MT-DES will make the appropriate contacts and notifications (per the guidelines established in the MT-DES Duty Officer Handbook).

Once the **State Hazardous Materials Plan** is activated, MT-DES is authorized (by the SERC) to place orders for resources requested by the IC.

Resource Ordering System

1. Response by the HazMat Teams will be documented using the Northern Rockies Region Wildfire Coordinating Group Resource Ordering Procedures.

- 1.) Resource Information
 - What (specifically) was ordered? People? Equipment?
 - By whom?
 - For what purpose?
 - When is it needed?
- 2.) Check-In Information
 - Location for “staging” (at the incident)
 - Name of Contact
 - How to reach them (i.e.; phone #, radio frequency, etc.)
 - Responsible jurisdiction requesting assistance
 - Responsible party if known (shipper/owner)

Transportation/Travel Arrangements

- Who is responsible?
- What is the travel route or plan?
- Mode of travel and related information (i.e. vehicle description/license plate information)

2. State & Federal Resources

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Orphaned Material Procedure

Definition:

"Orphaned hazardous material" means hazardous material of which the owner cannot be identified. (10-3-1203(11) MCA)

Procedure:

1. Upon the request of the local IC, who has responded to an orphaned hazardous material, MT-DES will locate and dispatch the nearest SHMIRT.
2. The SHMIRT will attempt to identify the material.
3. If orphaned materials are determined to be hazardous or the SHMIRT is unable to identify the substance, the IC will notify MT-DES.
4. MT-DES in consultation with Department of Environmental Quality (DEQ) and other state and federal agencies, as appropriate, shall determine the appropriate methodology and provide guidance to the IC for further identification resources and assisting in securing, transporting, clean up and disposal of an orphaned material.
5. The SHMIRT shall complete appropriate documentation of the response and forward it to MT-DES.

V. Responsibilities:

Functional Responsibilities:

MT-DES Duty Officer will conference any calls the IC requests and moderate those conferences. Other than initial calls, the duty officer will be required to have a presence in the SECC for additional conference call capability and will notify the MT-DES Operations Manager for assistance.

The Duty Officer will contact Montana Department of Environmental Quality with every hazardous materials incident report.

The Duty Officer will contact the Montana Fish, Wildlife & Parks when there is a chance that hazardous material has or is likely to reach surface waters.

Montana State Hazardous Material Incident Response Team - SHMIRT - is a cadre of trained personnel operating under an emergency response plan and appropriate SOPS. The team is expected to perform work to control the actual release or threatened release of hazardous material requiring close approach to the material; to respond to releases or threatened releases of hazardous material for the purpose of control or stabilization of the incident; and to provide technical assistance to local jurisdictions. The SHMIRT is under the direction of the IC. If requested they may provide technical guidance to the IC; however this does not release local response agencies from their duty to provide response functions. Team response functions may not require the team to be on site. Under no circumstances should the local jurisdiction expect the SHMIRT assume management of an incident.

Incident Commander (IC) will be in charge of all efforts at the scene including those of state agencies support personnel. The IC will be designated according to the local response plan. The IC shall be responsible for on-site communications and information releases to the public or press, enforcement investigation and site command and control. The IC has the authority to direct all response activities assuring life safety, environmental, and property protection. The IC determines when the emergency phase of the response should be terminated and when the incident should be assigned to the appropriate agency for follow-up.

Primary Agencies are given a standby notification that a hazardous materials incident has been called into the MT-DES. The standby notification provides the primary agencies with early notice of the incident and that they may be notified to join a conference call at a later time. They include any or all of the State Hazardous Materials Incident Response Team members, and the DEQ Duty Officer, and MT-DES.

Local governments - Local governments are responsible for the safety and welfare of their constituents. Emergency response is based on the principle that local authorities bear initial and continuing responsibility for emergency incident mitigation. Each local

discipline is responsible for duties agreed to and defined in the LEOP. Those disciplines include but are not limited to; Law Enforcement, Fire Departments, Emergency Medical Responders, Search and Rescue, Public Works, and Elected Officials.

Local government is also responsible to the collection of all response and cleanup expenses for the incident from the responsible party and reimbursing any state funding source that covers the initial expense of state response to an incident. (10-3-1216 (1) MCA)

Radiation Response Coordinator will be responsible for assisting and directing environmental support personnel during radiological incidents. The Radiation Response Coordinator is appointed by Department of Public Health and Human Services (DPHHS). The Radiation Response Coordinator may be required to respond to the scene of significant radioactive materials incidents. The Radiation Response Coordinator reports to the IC.

Responsibilities Common to All Agencies

Designate agency personnel who will be made available and are capable of responding to hazardous materials emergencies, including regular updates as personnel and training levels change.

Designate specific state agency personnel to be on 24-hour call and insure their agency duty officer has this information available for notification and deployment by the MT-DES Duty Officer or the SECC.

Notify the MT-DES Duty Officer (406-324-4777) for reporting hazardous materials incidents.

Adhere to the provisions and procedures of the Montana Hazardous Materials Plan, i.e., this document.

Channel on-site media communications through the IC or the incident's designated Public Information Officer (PIO).

Cooperate with the directions of the IC for on-site emergency response activities.

Educate and train employees in hazardous materials response on a continuing basis as required by OSHA and EPA regulation (29 CFR 1910.120).

Participate in incident critique to aid in future prevention and improved emergency response.

Practice using provisions and procedures of the Montana Hazardous Materials Plan.

Responsibilities of Local Governments and Private Sector Organizations

It is the responsibility of local jurisdictions and private sector organizations to understand and comply with the federal rules and regulations regarding hazardous material and response to hazardous material incidents. Those rules include but are not limited to SARA Title III, OSHA (1910.120) and Title 10 MCA.

While it is the statutory responsibility of the designated local organization or agency, to respond to hazardous material incidents, it ***is not*** the normal responsibility of said organization or agency to conduct removal or remedial action. The responsibility lies with the legally responsible party, be it the land owner, owner, buyer, shipper, manufacturer, or insurance carrier.

Each local government is required under the authority of Title 10-3-401 MCA to have an LEOP. In addition, every local jurisdiction must have completed a Local Emergency Response Plan or Annex for hazardous materials, with up-dates completed annually. A copy of the plan, or its up-date, must be on file in the state office of MT-DES and be reviewed by MT-DES staff (10-3-401 MCA).

Responsibilities of State Agencies including Orphaned Hazardous Materials and Clandestine Drug Labs

Governor's Office

The Governor has overall responsibility to direct and control state government operations that support local emergency or disaster operations and to mitigate the dangers to the state and its citizens presented by a disaster or emergency. The Governor exercises emergency responsibilities by proclamation, executive order, or directive to facilitate emergency operations. All departments of state government support the Governor's efforts. The Governor or a designee may be requested to, participate in a conference call conducted during a hazardous materials incident. The Governor may authorize the use of the Environmental Contingency Grant Account funds for SHMIRT response. The Governor may determine to apply disaster funds to an incident. The Governor may activate the Montana National Guard, (MTNG) once a disaster is declared.

Department of Environmental Quality (DEQ)

DEQ and its environmental health programs provide a variety of support to hazardous material incidents.

DEQ joins other state agencies in forming a cooperative resource for offering advice, guidance and assistance to hazardous material to the IC during incident stabilization.

DEQ will be responsible for assuring the proper management of cleaning up the site and disposal.

As an agency, DEQ has a variety of roles and responsibilities. It advises the governor when an official assistance request might be made to the U.S. Coast Guard to use the Oil Spill Liability Trust Fund. If the governor is unavailable to make the request, the director of DEQ or administrator of MT-DES can make it.

Through its relationship with the EPA, the department can formally request that the EPA lend its expertise and financial resources to assist in emergency situations.

As the state's representative to the Federal Regional Response Team, DEQ can also access the expertise and materiel resources of a number of federal agencies and states in EPA Region VIII (which includes: North Dakota, South Dakota, Colorado, Utah, Wyoming and Montana). The response time for these resources generally will vary from several days to a couple of weeks.

The department's philosophy is the person or entity owning or contributing to the release of a hazardous substance(s) is responsible for properly cleaning up and disposing of the released substance(s). DEQ maintains a contract for hazardous material response and cleanup and has the spending authority to have its contractor assist in situations if funds are available and the IC or responsible local official(s) formally request assistance. If the DEQ Director officially declares a situation an emergency, the contractor must have the capability to respond upon request.

DEQ provides a 24 hour Duty Officer Program which acts as a communications link between hazardous material response calls and the appropriate DEQ program personnel.

Due to Montana's geographic expanse and DEQ limited resources, DEQ's initial response is normally that of an advisor. A telephone conversation with the IC can be followed by DEQ personnel going to the accident site, within varying amounts of time, depending on location and weather conditions.

Department of Fish, Wildlife & Parks (FW&P)

The Department can provide technical information concerning the potential damage to the environment resulting from an incident. They can provide technical information to help minimize the loss of fish or wildlife resources associated with spills, help to ensure timely and effective clean-up, and encourage clean-up techniques that will minimize ancillary damage to fish and wildlife resources.

Department of Justice (DOJ)

A Montana Highway Patrol Officer is often the first law enforcement officer to arrive at the scene of a hazardous materials incident on the highways of Montana. They can provide assistance with the collection of evidence and information necessary to support

criminal and or civil proceedings. They possess the authority and have the capability of enforcing the motor carrier safety rules and standards, and any state laws, which govern the transportation of hazardous materials.

Department of Military Affairs

- **Montana National Guard**

The Montana National Guard (MTNG), upon activation by the Governor, may provide assistance to civilian authorities in response to a hazardous materials spill or incident in order to protect the welfare, life, and property of the people of Montana.

The following are potential tasks and/or missions that the MTNG may be asked to provide in support of civilian agencies responding to a hazardous materials incident:

1. Public safety measures:
 - a. Traffic control and roadblocks (assist local law enforcement only).
 - b. Disaster search/relief and recovery.
 - c. Perimeter security and security of critical facilities (assist local law enforcement only).
 - d. Area evacuation (assist local law enforcement only).
2. Public health:
 - a. Emergency medical treatment (limited).
 - b. Limited aero medical evacuation.
3. Public welfare measures:
 - a. Emergency shelter.
 - b. Mass feeding and potable water supply
4. Transportation support.
5. Communication support.
6. Aviation and Logistics support.
7. Confined Space Rescue (Air National Guard)
8. EOD Response (Air National Guard)
9. Hazardous Material Response (Civil Support Team and Air National Guard)
10. Disaster Preparedness Assistance (Air National Guard)

- **Disaster and Emergency Services Division (MT-DES)**

MT-DES is charged with the responsibility for expediting and enhancing a coordinated State level response to disasters, emergencies, and incidents affecting the citizens of Montana, their property, and/or the environment.

The State Emergency Response Commission (SERC) has authorized the MT-DES to:

- Provide the federally mandated State Point-of-Contact (POC) for notification of reportable hazardous materials incidents.
- Serve as the single POC for an IC requesting activation of the State Hazardous Materials Plan.

- Serve as a clearinghouse regarding resource availability and other emergency-related services available through the State of Montana.

**MT-DES may be contacted, 24 hours-a-day, by simply calling:
(406) 324-4777.**

Upon request of the IC, MT-DES is able to provide any or all of the following services:

1. Notification and Incident Reporting.
2. Limited Communications Services.
3. Resource Ordering of state owned resources and locating private resources for local jurisdictions.
4. Coaching Assistance with a MT-DES Agency Representative (designed to help guide local authorities through the bureaucratic maze surrounding disaster assistance and provide enhanced situational information to the SECC).

Department of Natural Resources and Conservation (DNRC)

The Montana DNRC is assigned stewardship and management of just over 5 million acres of State Lands. Any hazardous materials incident occurring or threatening State Lands will require notification by the IC to the administrative DNRC office. The DNRC office will designate an agency administrator to work with the IC staff to represent the state's stewardship interests. DNRC provides technical incident management system coaching/assistance by phone or on-site at hazardous materials incidents when requested.

Department of Public Health and Human Services (DPPHS)

The DPPHS primarily deals with the health of individuals and the public health of communities. The Department can provide supplemental technical assistance to local health departments and other local agencies and emergency response units. Department services include the services of the public health lab (microbiology and chemistry); epidemiological services to assess and to monitor the short and long-term impact of a hazardous materials spill on public health; specialized assistance regarding food and consumer safety issues; the provision of physician clinical toxicology services regarding the health impact of chemicals on individual and community health; and support of local emergency medical services and provision of a variety of social services functions. The Department serves as the single point of contact for Emergency Support Function of the Montana Emergency Response Framework, and as a conduit for activation of the National Disaster Medical System (NDMS). These services can range from small DMAT (Disaster Medical Assistance Team) to a full-fledged and fully staffed self-supporting medical facility, and transportation to out-of-state, designated NDMS hospitals.

Montana Department of Transportation (MDT)

The MDT responsibility is the preservation of the entire highway system as defined in MCA 60-1-103, including surfaces, shoulders, roadside, structures and such traffic control devices as are necessary for its safe and efficient utilization. MDT's personnel may perform traffic control, statewide communications, signing, flagging, road closures, or provide equipment and material, when called upon by the IC or MT-DES.

Responsibilities of Federal Agencies

Department of Defense (DOD)

Support the IC, if the incident involves defense-related materials. Acts as the lead response agency within designated National Security areas.

National Park Service, Department of Interior (DOI)

All-hazard jurisdictions for National Parks and Monuments. The DOI manages lands under the jurisdiction of the National Park Service, National Wildlife Refuges and Federal Fish Hatcheries, the Bureau of Indian Affairs (BIA), and the Bureau of Land Management (BLM). DOI is contacted through the regional environmental officer (REO), who is a designated member of the Federal Regional Response Team (FRRT).

The DOI can provide natural resource expertise regarding fish, wildlife, threatened and endangered species habitats, migratory birds, soils, minerals, surface and ground water hydrology. They can also provide technological expertise regarding contaminants affecting habitat resources, analysis and identification of inorganic hazardous substances, metals, metallurgy relevant to site cleanup, coal mine wastes, land reclamation, engineering and laboratory research facilities.

Center for Disease Control (CDC)

The Centers for Disease Control and Prevention (CDC) is recognized as the lead federal agency for protecting the health and safety of people – at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships. CDC serves as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and education activities designed to improve the health of the people of the United States.

National Toxic Substances and Disease Registry (NTSDR)

Agency for Toxic Substance and Disease Registry (ATSDR) is directed by congressional mandate to perform specific functions concerning the effect on public health of hazardous substances in the environment. These functions include public health assessments of

waste sites, health consultations concerning specific hazardous substances, health surveillance and registries, response to emergency releases of hazardous substances, applied research in support of public health assessments, information development and dissemination, and education and training concerning hazardous substances.

Environmental Protection Agency (EPA)

The EPA may provide assistance when the responding agency is in a situation beyond the capability of the resources of the local agency. They provide expertise on the effects of hazardous material releases on human life and the environment. EPA may initiate containment and cleanup activities when the responsible party is incompetent, unwilling or unable to initiate a cleanup. The EPA is the Federal On-Scene Coordinator (OSC) as outlined in the National Contingency Plan. The OSC is the primary Federal representative at a response and is the point-of-contact for the coordination of federal efforts with the local response agency.

The following emergency response resources are available through the EPA at the direction of the OSC with a 2 to 18 hour response time, depending on the location of the incident:

- Oil and Hazardous Substance Spill Response
- Air Monitoring Equipment
- Radiological Monitoring Equipment
- Level “A” – “D” Entry Teams
- Air, Water and Soil Sampling
- Spill Containment/Remediation
- Technical Assistance
- Response to Nuclear, Biological and Chemical Incidents

- **Environmental Response Team (ERT)**

The ERT supports EPA’s OSC’s with expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. EPA’s ERT can provide 24-hour access to special decontamination equipment for chemical releases and advice to the OSC in hazard evaluation; risk assessment; multimedia sampling and analysis; on-site safety; cleanup techniques; water supply decontamination and protection; application of dispersants; and disposal. ERT support may be requested through the Federal OSC.

- **Coast Guard’s National Strike Force (NSF)**

The NSF is composed of three strategically located strike teams, a public information assist team, and a coordination center. The NSF has specially trained personnel and is equipped to respond to major oil spills and chemical releases. NSF response time to an incident is from 12 to 24 hours. The NSF provides response management, entry-level “A – C” site assessments, safety and action plan development, and documentation for both inland and coastal zone incidents. The coordination center maintains a national inventory list of spill response equipment. NSF support may be requested through the Federal OSC.

National Transportation Safety Board (NTSB)

The NTSB has the federal responsibility for conducting transportation related accident investigations.

National Railroad Administration (NRA)

The NRA has the responsibility for conducting investigations into railroad accidents.

Department of Energy (DOE)

The Federal Radiological Emergency Response Plan outlines each federal agency's responsibility. The DOE is the primary agency for providing radiological monitoring and assessment assistance. DOE's support ranges from giving technical advice over the telephone to sending highly trained personnel and state-of-the-art equipment to the accident site to help identify and minimize any radiological hazards.

Radiological information, advice, or assistance can be requested by calling the nearest DOE Regional Coordinating Office (RCO). The DOE Regional Response Coordinator (RRC) decides what action is needed based upon the request. If necessary, the RCO sends a federal team to the accident site to help or advise the IC.

If the emergency escalates to a point that personnel and/or equipment are needed at the accident scene, the RCO coordinates the activation of a DOE Radiological Assistance Program (RAP) team. The RAP team's capabilities include field monitoring, spectrometry, sampling, decontamination, dedicated response vehicles, mobile laboratories, generator, communication, and aerial surveys. Personnel include radiological engineers, health physicists, medical, security, legal and public information personnel, and industrial hygienists. Should the emergency require monitoring and assessment resources exceeding those of the RAP team, a Federal Radiological Monitoring and Assessment Center, where all the federal agencies provide support, is established.

After the immediate threat of the accident has passed, the lead federal radiological monitoring and assessment role is transferred from DOE to EPA.

VI. Federal Resources Available for Radiological Emergencies:

Resource	Specialty	DOE Responsible Organization
Accident Response Group (ARG)	Primary accident response element for events or accidents involving nuclear weapons. Trained in weapon recovery and in evaluation, collection, handling, and mitigating radioactive and other weapons-associated hazards.	Albuquerque Operations Office
Nuclear Emergency Search Team (NEST)	Provide technical assistance to the Federal Bureau of Investigation (FBI). The technical assistance includes such support as locating nuclear or explosive materials or devices that may be lost, stolen, or associated with bomb threats	Nevada Operations Office
Radiological Assistance Program (RAP)	Provides radiological assistance to other federal agencies, state, tribal, and local governments, and NRC Licensees requesting assistance for events involving radioactive materials	Regional Coordinating Offices
Federal Radiological Monitoring and Assessment Center (FRMAC)	Temporary facility for production of complied, quality-controlled monitoring and assessment data for the lead federal agency and state, tribal, or local authorities involved in a radiological event.	Nevada Operations Office

<p>Aerial Measuring System (AMS)</p>	<p>Aerial detection system for measuring extremely low levels of gamma radiation and locating and tracking airborne radiation. The system also includes aerial photography and multi-spectral scanning capabilities.</p>	<p>Nevada Operations Office</p>
<p>Atmospheric Release Advisory Capability (ARAC)</p>	<p>Computer-based, emergency response and preparedness system that provides rapid predictions of the transport, diffusion, and deposition of radio nuclides or other toxic materials released into the atmosphere.</p>	<p>Oakland Operations Office</p>
<p>Radiation Emergency Assistance Center/Training Site (REAC/TS)</p>	<p>24-hour direct or consultative assistance regarding medical and health physics problems associated with radiation accidents. Training in medical management for radiation accidents.</p>	<p>Oak Ridge Operations Office</p>

VII. Training Specifications

Federal regulations specify minimum training levels for responders to hazardous materials incidents. The requirements for each level are detailed in this section the Montana Hazardous Materials Plan. OSHA enforces the requirements for federal and private workers (29 CFR 1910.120). State and local employees must follow the same regulations, but are overseen by the MT Department of Labor. Each responding agency must determine what level of response and training is appropriate. Agencies in the state of Montana that provide appropriate training courses, including but not limited to, the Montana Law Enforcement Academy, MSU FTS, and MT-DES.

It is the policy of the State of Montana, that all first responders be trained at least to the **First Responder HazMat Awareness** level. This includes fire fighters, law enforcement, emergency medical, emergency management and health or environmental personnel. This is the training level for those personnel who will initiate an emergency response by notifying the proper authorities, but take no further action. Awareness level training is useful to any person who may encounter hazardous materials, even incidentally, in the course of their work. It is also useful for administrative and support staff who may be involved in planning, preparation, or decision-making on any hazardous materials issue.

The **First Responder HazMat Operations** level is for those personnel who respond on-site to hazardous materials releases (or potential releases). With Operations level training, an individual should be prepared to take necessary defensive actions to protect people, property, and the environment from the effects of a release. The State of Montana recommends that all fire fighters, any law enforcement officer, emergency management, emergency medical, health or environmental personnel or anyone else who may respond to a hazardous materials incident should be trained to the First Responder HazMat Operations level.

Hazardous Materials Technician and Specialist level training is for those personnel who attempt to stop a release of hazardous materials. This training is required for hazardous materials response teams. It is the state's recommendation that fire departments that have identified a serious hazardous materials risk within their jurisdiction train several members of their organization to the technician level, with specialist support if possible.

Individuals who may be called upon to serve as **Incident Commander** for a response beyond the awareness level are required to have special knowledge and training in the ICS. The State of Montana recommends that the LEOP establish a minimum number of qualified hazardous materials Incident Commanders to be available to provide Command at a hazardous materials incident in the county. These might include a fire chief, county sheriff, emergency services director, or others as appropriate to the county.

The following language is from 29 CFR 1910.120, effective March 6, 1990:

TRAINING LEVELS Training shall be based on the duties and function to be performed by each responder of and emergency response organization. The skill and knowledge levels required for all new responders, those hired after the effective date of this standard, shall be conveyed to them through training before they are permitted to take part in actual emergency operations at an incident. Employees who participate, or are expected to participate, in emergency response, shall be given training in accordance with the following paragraphs:

FIRST RESPONDER HAZMAT AWARENESS LEVEL First responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further actions beyond notifying the authorities of the release. First responders at the awareness level shall have sufficient training or have had sufficient experience to objectively demonstrate competency in the following areas:

- (A) An understanding of what hazardous materials are, and the risks associated with them in an incident.
- (B) An understanding of the potential outcomes associated with an emergency created when hazardous materials are present.
- (C) The ability to recognize the presence of hazardous material in an emergency.
- (D) The ability to identify the hazardous materials, if possible.
- (E) An understanding of the role of the first responder awareness individual in the employer's emergency response plan including site security and control and the U.S. Department of Transportation's Emergency Response Guidebook.
- (F) The ability to realize the need for additional resources, and to make appropriate notifications to the Coordination center.

FIRST RESPONDER HAZMAT OPERATIONS LEVEL First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. First responders at the operational level shall have received at least eight hours of training or have had sufficient experience to objectively demonstrate competency in the following areas in addition to those listed for the awareness level and the employer shall so certify:

- (A) Knowledge of the basic hazard and risk assessment techniques.
- (B) Know how to select and use proper personal protective equipment provided to the first responder operational level.
- (C) An understanding of basic hazardous materials terms.
- (D) Know how to perform basic control, containment and/or confinement operations within the capabilities of the resources and personal protective equipment available with their unit.

- (E) Know how to implement basic decontamination procedures.
- (F) An understanding of the relevant SOP procedures and termination procedures.

HAZARDOUS MATERIALS TECHNICIAN Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance. Hazardous materials technicians shall have received at least 24 hours of training equal to first responder operations level and in addition have competency in the following areas and the employer shall so certify:

- (A) Know how to implement the employer's emergency response plan.
- (B) Know the classification, identification and verification of known and unknown materials by using field survey instruments and equipment.
- (C) Be able to function within an assigned role in the Incident Command System.
- (D) Know how to select and use proper specialized chemical PPE provided to the hazardous materials technician.
- (E) Understand hazard and risk assessment techniques.
- (F) Be able to perform advance control, containment, and/or confinement operations within the capabilities of the resources and PPE available on the unit.
- (G) Understand and implement decontamination procedures.
- (H) Understand termination procedures.
- (I) Understand basic chemical and toxicological terminology and behavior.

HAZARDOUS MATERIALS SPECIALIST Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities. Hazardous materials specialists shall have received at least 24 hours of training equal to the technician level and in addition have competency in the following areas and the employer shall so certify:

- (A) Know how to implement the LEOP
- (B) Understand classification, identification and verification of known and unknown materials by using advanced survey instruments and equipment.
- (C) Knowledge of the state emergency response plan.
- (D) Be able to select and use proper specialized chemical PPE provided to the hazardous materials specialist.
- (E) Understand in-depth hazard and risk assessment techniques.
- (F) Be able to perform specialized control, containment, and/or confinement operations within the capabilities of the resources and PPE available.
- (G) Be able to determine and implement decontamination procedures.
- (I) Understand chemical, radiological and toxicological terminology and behavior.

ON-SCENE INCIDENT COMMANDER ICS, who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level and in addition have competency in the following areas and the employer shall so certify:

- (A) Know and be able to implement the employer's ICS.
- (B) Know how to implement the employer's emergency response plan.
- (C) Know and understand the hazards and risks associated with employees working in chemical protective clothing.
- (D) Knowledge of the state emergency response plan and of the Federal Regional Response Team.
- (E) Know and understand the importance of decontamination procedures.

VIII. Financial Reimbursement Procedures & Cost Recovery Packet

Montana Law requires the SERC to “promulgate rules and procedures limited to cost recovery procedures... (□10-3-1204 (2) MCA).

Montana Law allows: “State hazardous material incident response team members (SHMIRT) to submit claims to the commission for reimbursement of documented costs incurred as a result of the team’s response to an incident...” The law also allows a party who is not a member of the organized regional response team to submit a claim if the commission or the state hazardous materials team requested the party to respond (□10-3-1214 (1) MCA).

Montana Law establishes time limits for claim submission of no longer than 60 days after the termination of the response to the incident (□10-3-1214 (4) MCA).

Montana Law further states:

“Reimbursement may be made only after the commission finds that the actions by the applicant were taken in response to an incident and only if adequate funds are available (□10-3-1214 (4) MCA)”.

The commission shall review all claims for reimbursement and make recommendations to the governor as to payment or nonpayment of the claims within 90 days of receipt. The governor may authorize the issuance of warrants to be paid from the environmental contingency account provided for in 75-1-1101 to the limit of the fund balance for the purpose of reimbursing reasonable and documented costs associated with emergency actions taken (□10-3-1215(1)(a) MCA). The costs of routine firefighting procedures are not reimbursable costs under this part. (□10-3-1215 (1)(b) MCA). Reimbursement must be in accordance with the schedule defined in the plan (□10-3-1215 (1)(c) MCA). The decision of the governor is final and non-appealable (□10-3-1215 (1)(d) MCA).

Local responders and their mutual aid response are not eligible for reimbursement from the state fund. They may be able to collect for eligible expenses under federal and state statutes.

Document all costs.

- Save original receipts
- Record Mileage
- Equipment time usage
- Detail supplies used
- Record personnel response times
- Lodging and per diem rates

Within 15 days of HazMat Team’s release from the incident submit to the SERC, through MT-DES, a detailed invoice and documentation of costs. Charges must be according to this plan’s Schedule of Costs established annually by the SERC HazMat Committee and approved by the SERC.

The Cost Recovery Package is the format to submit expenses to the SERC, through MT-DES.

Schedule of Costs

If the SHMIRT is deployed according to this plan, all associated costs of SHMIRT response, including backfilling of personnel to cover for deployed SHMIRT members will be eligible for reimbursement according to the SERC approved schedule of costs. Equipment costs will be at the same rate as used by Northern Rockies Coordinating Group. Personnel costs will be uniform according to a personnel rate annually approved by the SERC and on file with the Division.

Cost Recovery Forms

Provisions for cost recovery for HAZMAT incidents are provided in 75-10-717, MCA.

The SERC has developed a Cost Recovery Packet to assist local agencies in recovering costs from the shipper/owner for expenses incurred during a HazMat emergency.

The following is a guide for completing a Cost Recovery Packet and other related documents.

1. Attach a copy of the incident report and all related documents.
2. Billing Information Worksheets:
 - a. Complete all spiller data.
 - b. Incident report number and names of agencies - law enforcement, fire department, other.
 - c. Exact location of incident.
 - d. Date and time of incident.
 - e. Name of material(s) released.
 - f. Attachments: Resource Order Number(s), ~~Montana Fire~~ Incident Report, invoices for costs of rental equipment, and any other reports that may apply to cost recovery.
 - g. Description of incident activities.
3. Apparatus/Vehicle Cost Worksheet - Fill in the appropriate information.
4. Personnel Cost Worksheet - Fill in the appropriate information.
5. Equipment Cost Worksheet - Fill in the appropriate information.
6. Miscellaneous Cost Worksheet - Fill in the appropriate information.
7. Cost Summary Sheet (transfer sub-totals from cost worksheets to this page).
8. Within five days, forward copy of completed packet to the SERC for their approval.
9. Upon approval from the SERC, send the completed packet to the Governor's Office for approval for payment from the Environmental Contingency Fund.
10. The Governor's Office will submit the approved request to the Budget Office for payment. MT-DES will coordinate with the Governor's Office and Budget Office to ensure all proper paperwork is completed for payment.

Cost Recovery for State Response Personnel

The SERC, through MT-DES, will provide the following:

1. Notify the requesting jurisdiction within 5 days explaining their responsibility for cost recovery for the hazmat teams.

2. Notify the requesting jurisdiction within 5 days after receiving the hazmat team cost recovery packet of the response costs. The cost recovery packet will be sent to the jurisdiction to be included in their submittal of expenses to the responsible party.
3. Follow-up letters will be sent every 30 days to the jurisdiction requesting payment for the hazmat team response.
4. Once payment is received, a close out letter will be sent to the jurisdiction.

10-3-1203(3) Duration of Response

“Duration of response” means a period of time beginning when an emergency responder is requested by the appropriate authority to respond to an incident and ending when the responder is released from the incident by the incident commander and returned to the emergency responder's place of residence by the most direct route and includes the time required to replace and return all materials used for the incident to the same or similar condition and state of readiness as before the response.

Right to reimbursement (□ 10-3-1214 MCA).

- (1) SHMIRT members may submit claims to the commission for reimbursement of documented costs incurred as a result of the team’s response to an incident. Reimbursement for the costs may not exceed the duration of response
- (2) A party who is not a part of the SHMIRT and is not liable under federal or state law may submit a claim to the commission for costs if the claim is associated with a request by the SHMIRT or the commission.
- (3) Claims for reimbursement must be submitted to the commission within 60 days after termination of the response to the incident for the state's determination of payment, if any.
- (4) Reimbursement may be made only after the commission finds that the actions by the applicant were taken in response to an incident and only if adequate funds are available.

Deficiency Warrants for Reimbursement of Response Costs (□ 10-3-1215 MCA).

- (1)(a) The SERC shall review all claims for reimbursement and make recommendations to the governor as to payment or nonpayment of the claims within 90 days of receipt. The governor may authorize the issuance of warrants to be paid from the environmental contingency account provided for in Sec. 75-1-1101 MCA to the limit of the fund balance for the purpose of reimbursing reasonable and documented costs associated with emergency actions taken.
- (1)(b) The costs of non-incident routine firefighting procedures are not reimbursable costs.
- (2) Reimbursement must be in accordance with the schedule defined in the plan.
- (3) The decision of the governor is final and non-appealable.
- (4) This section may not be construed to change or impair any right of recovery or subrogation arising under any other provision of law.

Cost recovery and civil remedies (□ 10-3-1216 MCA).

- (1) Cost recovery including any requested state assistance expenses is the duty of the local jurisdiction having authority where an incident occurred.

- (2) The commission shall ensure the recovery of all state response related expenditures according to the plan.
- (3) The Responsible Party for an incident is liable for attorney fees and costs of any requested state agency response as well as expenses the commission incurred in recovering costs associated with responding to an incident.
- (4) The remedy for the recovery of emergency response costs identified is in addition to any other remedy for recovery of the costs provided by applicable federal or state law.
- (5) Any person who receives compensation for the emergency response costs pursuant to any other federal or state law is precluded from recovering compensation for those costs pursuant to this chapter.
- (6) Except for the commission and the state hazardous material incident response team, the plan does not otherwise affect or modify in any way the obligations or liability of any person under any other provision of state or federal law, including common law, for damages, injury, or loss resulting from the release or threatened release of any hazardous material or for remedial action or the costs of remedial action for a release or threatened release.
- (7) Any person who is not a liable party under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq., as amended, or the Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7, and who renders assistance in response to an emergency situation associated with an incident may file a civil action against the responsible party for recoverable costs that have not been reimbursed by the state.
- (8) Recoveries by the state for reimbursed costs must be deposited in the environmental contingency account or the state disaster fund to offset amounts paid as reimbursement.

Liability of persons and response personnel rendering assistance (10-3-1217 MCA).

The commission and the SHMIRTs are not liable for injuries, costs, damages, expenses, or other liabilities resulting from the release or threatened release of a hazardous material. The immunity includes but is not limited to indemnification, contribution, or third-party claims for wrongful death, personal injury, illness, loss or damages to property, or economic loss. A person becomes a member of the SHMIRT when the person is contacted for response regardless of the person's location.

**Appendix I
Cost Recovery Packet**

**STATE EMERGENCY RESPONSE
COMMISSION (SERC)
HAZARDOUS MATERIALS**

STANDARD COST RECOVERY PACKET

INCIDENT #:	
LOCATION:	DATE:
AGENCY NAME:	TELEPHONE:
COMPLETED BY:	

Send to: SERC c/o MT Disaster & Emergency Services, 1956 Mt Majo Street, PO Box 4789, Fort Harrison MT 59636-4789.

BILLING INFORMATION WORKSHEET
Billing Information - Spiller Information
Incident #

<p>A) Spiller Name:</p> <p>Address:</p> <p>City:</p> <p>State: Zip:</p> <p>Telephone No:</p>	<p>B) Response Entity Name:</p> <p>Address:</p> <p>City:</p> <p>State: Zip:</p> <p>Telephone No:</p>
<p>C) Location of Incident:</p>	<p>D) Date/Time of Incident:</p>
<p>E) Chemical(s):</p>	<p>F) Include the following with this submittal:</p> <p>Resource Order Number(s):</p> <p>Invoice(s):</p> <p>Any other documents that may apply:</p>
<p>G) Actions Taken:</p>	

APPARATUS/VEHICLE COST WORKSHEET INCIDENT NO.

APPARATUS/VEHICLE DESCRIPTION	TIME REQUESTED	TIME ON SCENE	TIME RELEASED	RATE PER MILE	RATE PER DAY	# Miles	TOTAL COST

SUBTOTAL _____

PERSONNEL COST WORKSHEET INCIDENT NO.

DATE	AGENCY	RESPONDER	POSITION	TOTAL HOURS	HOURLY RATE	TOTAL COST

SUBTOTAL _____

**EQUIPMENT COST WORKSHEET
INCIDENT NO.**

ITEM DESCRIPTION	USED BY	# USED	HOURS USED	RATE	TOTAL COST

SUB TOTAL _____

MISCELLANEOUS/MATERIALS COST WORKSHEET
INCIDENT NO.

DESCRIPTION	USED BY	# USED	COST EACH	TOTAL COST

SUB TOTAL _____

COST SUMMARY SHEET

APPARATUS/VEHICLE COST	
PERSONNEL COST	
EQUIPMENT COST	
MISC./MATERIALS COST	
TOTAL INCIDENT COST	

