

Fort Bend County

Hazardous Material Response Program



August 16, 2017

Fort Bend County
Hazardous Material Response Program

Emergency Response Agreement

Purpose

To provide standard operating procedures for response levels to hazardous materials incidents within Fort Bend County, and areas within the Houston Galveston Area Council (HGAC) region upon request.

Scope

The scope of this emergency response agreement applies to all emergency response agencies (Law Enforcement, Fire, EMS, Public Works/Road and Bridge) and their personnel who may, during the course of their duties, be dispatched to incidents involving hazardous materials and require the assistance of the Fort Bend County Regional Hazardous Materials Response Team, to stabilize the scene and reduce the threat of hazardous materials to first responders, the populace, and the environment.

Texas Laws for Hazardous Material Response

Sec. 353.003. HAZARDOUS MATERIALS SERVICES.

(a) A county may provide hazardous materials services, including a response to an incident involving hazardous material that has been leaked, spilled, released, or abandoned, if:

(1) the county first provides reasonable notice to a concerned party regarding the need for the hazardous materials services so that the concerned party has a reasonable opportunity to respond to the incident involving hazardous material; and

(2) the concerned party fails to respond or fails to respond in a timely and effective manner to the incident.

(b) A county may provide limited control and containment measures that are necessary to protect human health and the environment without first complying with the requirements of Subsection (a) if the county is the first entity to arrive at a site where an incident involving hazardous material has occurred that is prepared to take action in response to the incident.

Description

The Fort Bend County Regional Hazardous Material Response Team (HMRT) is a team capable of responding to hazardous material emergencies in Fort Bend County and in the areas within the HGAC region.

The Hazardous Material Response Team (HMRT) will be coordinated and established from the Fort Bend County Fire Marshal's Office (FBCFMO). If additional staff is needed for a response, participating agencies could be asked to provide qualified emergency response staff to assist. Response vehicles will include those assets currently assigned to the HMRT and are equipped with adequate hazardous material emergency response equipment. The team will deploy the assets as required by the level of response. The levels of response are defined later on in this agreement. The Fort Bend County Fire Marshal's staff will respond with the local fire department to the incident in unincorporated areas of the county and establish Incident Command and a safety officer with the fire department. In the incorporated areas of the county and established unified command will be initiated.

Responsibilities

It is the responsibility of the Fort Bend County Fire Marshal's Office to coordinate and to make sure all first responder agencies maintain a familiarity with the procedures designated in this document. It is the responsibility of the FBCFMO and each local fire department to know and understand their respective hazardous material response capability and the location and capability of the Hazardous Material Response Team.

The FBCFMO will be designated as the Hazmat Coordinator. It will be the responsibility of the Hazmat Coordinator to:

- Facilitate monthly Hazardous Material Response Team meetings, which include the development of meeting agendas, meeting minutes, and will distribute those items accordingly.

- Be the designated representative and voting member of the Hazardous Material Response Team at the UASI First Responder Fire Committee.
- Coordinate and collaborate with FBC OEM Grant Administrators on items related to UASI Hazmat grants.
- Serve as the liaison between Hazardous Material Response Team departments, Fort Bend County, and the Houston UASI Region.
- Will coordinate quarterly training and annually coordinate a full scale drill for the Hazardous Material Response Team. All members of the team are to participate in the scheduled training.

It is understood that all participating departments and agencies will implement, be responsible to comply with, and use the National Incident Management System (NIMS) to manage and organize incidents involving hazardous materials (as required by OSHA and NFPA).

It is understood that the Fort Bend County Hazardous Material Response Team does not, and will not, provide environmental clean-up services as a result of a hazardous material release. It will be the responsibility of the property owner or responsible party to ensure all necessary actions are taken to clean up remaining hazardous chemicals, once deemed safe to do so by the Fort Bend County Hazardous Material Response Team.

Definitions

The following definitions shall apply in context with this document:

- OSHA Compliant - In compliance with the rules as set forth by the Occupational Safety and health Administration (OSHA) in 29 CFR 1910.120(q)-Hazardous Waste Operations and Emergency Response.
- Urban Area Security Initiative (UASI) - A program is intended to provide financial assistance to address the unique multi-discipline planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and to assist these areas in building and sustaining capabilities to prevent, protect against, mitigate, respond to, and recover from threats or acts of terrorism using the Whole Community approach.
- NFPA Compliant- In compliance with the recommended practices defined by the National Fire Protection Association (NFPA) in NFPA 472- Standard for Professional Competence of Responders to Hazardous Materials Incidents.
- First Responder- (Awareness Level) - Individuals who, in the course of their duties, may be the first on the scene of an incident involving hazardous materials. They are expected to recognize the presence of a hazardous material, protect themselves, call for trained personnel and secure the area.
- First Responder- (Operations Level) - Individuals who respond to releases or potential releases of hazardous materials as part of the initial response to the incident for the purpose of protection of near-by persons, the environment and property from the effects of the release. They shall be trained to respond in a defensive mode to control the release from a safe distance and keep it contained.
- First Responder- (Technician Level) - Individuals who respond to releases or potential releases of hazardous materials for the purpose of controlling the release. Hazardous Material technicians are expected to use specialized chemical protective clothing and specialized control equipment.
- Awareness Level Response- In a defensive manner only from a safe distance , isolate the scene, deny entry to unauthorized personnel , attempt identification of the hazardous product(s) and protect the general public .

- Operations Level Response- In addition to the Awareness Level Capabilities, Operations Level personnel will act in a defense manner to protect lives and minimize the potential impact to the environment. Operations Level personnel will also gather information on the container, the product, emergency protection actions, and determine to what extent the product has spread beyond the immediate scene by aided sight or monitoring equipment. Operations Level personnel may perform defensive mitigation activities within the hazard zone if they can do so without risk to themselves. They will immediately withdraw from the operations area if operations pose a hazard to personnel.
- Incident Commander (Hazardous Materials Operations) - Emergency Response Personnel who will assume the Incident Commander (IC) role in hazardous materials emergencies above the initial response, must be trained to the current requirements of 29CFR 1910.120 and other applicable national standards. This is usually accomplished by completion of the National Fire Academy course or the course available through Texas Engineering Extension Service (TEEX).
- Hazardous Materials Response Team (HMRT) - An organized group of specially trained personnel operating under an Emergency Operations Plan and appropriate standard operating procedures, who are expected to perform offensive mitigation and control activities requiring close approach to the hazardous materials, the HMRT members respond to releases for the purpose of control or stabilization of the incident.
- Hazardous Materials Response Team Coordinator (HMRT Coordinator) – A person appointed by the Hazardous Material Response Team to serve as a liaison between Hazardous Material Response Team departments, Fort Bend County, and the Houston UASI Region.

Haz-Mat Incident Situation Levels

Initial Size Up of hazardous materials incident shall be classified into one of three Hazmat Situation Levels: "Level I," "Level II," or "Level III." The classification of hazardous materials incidents into one of these levels will aid in the decision making process of the Incident Commander. This classification process will help determine the need for additional resources and which resources to request if needed. The requested resources may be in the form of technical or tactical guidance and support to additional personnel and equipment from a nearby fire department, FBCFMO, or any resource in the HMRT.

Haz-Mat Situation Level Classifications and Response

Responses to hazardous material emergencies, by HMRT, will be limited to Level II and Level III classified emergencies as described herein.

If needed, Fort Bend County will make the final decision regarding the classification of a response level. The final decision to classify the incident (Level I, II, or III) will be done after full review by the Fort Bend County Fire Marshal's Office.

Designated Response Area

The designated regional response area for the HMRT is the unincorporated areas of the county. Incorporated areas of the county will follow the Mutual Aid agreements for the County.

Level I - Potential Emergency Condition Classification

A Level I response is an incident involving a release or potential release of a hazardous material that can be controlled by the local fire department. The incident does not require evacuation beyond the involved structure or immediate outside area. The incident is confined to a small area and only poses a limited potential threat to life or property. Impact on the environment is limited to non-existent.

Response

A Level I Response is essentially a local fire department response that may require notification of appropriate local, state, or federal regulatory agencies. The response may include mutual aid from adjacent fire departments. Private environmental response contractors, public utility companies, and local and state public works personnel may be a part of the response.

Examples

A small to medium sized fuel spill, a natural gas leak in a building, a small to medium sized outdoor natural gas, and an inadvertent mixing of small amounts of chemicals would be examples of a Level I response .

Level II - Limited Emergency Conditions

Classification

A Level II response is an incident involving a greater hazard or larger area than Level I, which poses a potential threat to life, property, or the environment. It may require a limited protective action of the surrounding area. Suspected Weapon of Mass Destruction (WMD) related events may fall into this level.

Response

A Level II Response requires resources beyond the capabilities of the initial local fire department response personnel. The response will include an activation of the HMRT and shall require notification of the FBCFMO and OEM. A Level II response shall also require notification of appropriate local, state, or federal regulatory agencies. Notification of appropriate law enforcement agencies may also be required. The response may include mutual aid from adjacent fire departments. Private environmental response contractors, public utility companies and local and state public works personnel may be a part of the response.

Examples

A chemical release in an industrial facility, a gasoline or chemical tank truck rollover, a chlorine leak at a water treatment facility, or any event that may exceed the initial local fire department response personnel capabilities, would be examples of a Level II Response. An incident requiring an immediate evacuation for the preservation of life or protection of the environment will also be classified as a Level II response.

Level III - Full Activation of HMRT

Classification

A Level III response is an incident involving a severe hazard to a large area, which poses an extreme threat to life, property, or the environment and which may require immediate large-scale protective action. Confirmed WMD events are classified in this level. A level III classification will include an incident that requires the initial activation of the HMRT.

Response

A Level III response requires the immediate deployment of resources beyond the capabilities and equipment of a Level II response. A Level III response shall require full activation of HMRT. A Level III response shall require notification of the FBCFMO and OEM in order to facilitate the additional support of regional and state assets, implementation of applicable sections of Emergency Operations Plan, along with notification and assistance, if necessary. Level III response shall require notification of appropriate local, state and federal regulatory agencies as well as appropriate law enforcement agencies. The response may include mutual aid from adjacent fire departments. Private environmental response contractors, public utility companies and local and state public works personnel may be a part of the response.

Example

A major train derailment with fire or hazardous material, an explosion or toxicity hazard, a migrating chemical vapor cloud, or any incident which might exceed the local fire department responder's and the Level II responder's capabilities. An incident requiring an immediate evacuation for the preservation of life

or protection of the environment where probable severe and immediate impact on life, property or the environment is expected will also be classified as a Level III response.

Asset Housing and Locations

The grant-funded HMRT vehicles (e.g. trailers, prime movers, special purpose units, etc.) will be distributed and housed in locations in Fort Bend County. The local fire department to which assets will be assigned will be determined based upon the needs of the HMRT. A annual review will be completed involving FBCOEM and the FBCFMO to ensure grant compliance and grant eligibility.

Staffing

Designated personnel from FBCFMO and other county personnel (OEM, EMS, and Environmental departments) will also work with the responding fire departments. The Hazmat Coordinator will work with the participating fire departments to maintain a list of certified Hazmat Technicians.

All HMRT personnel will be trained and certified at the Technician level, or higher, as prescribed by OSHA 29 CFR 1910.120(q).

Equipment Inventory

Federal regulations require that a physical inventory be conducted of all assets provided by the Homeland Security domestic preparedness grants. The purpose of the physical inventory is to verify the existence; current utilization and continued need for Homeland Security equipment as well as monitor compliance with all homeland security grant requirements.

The HMRT Coordinator is required to conduct semi-annual inventories of all assigned Homeland Security equipment and the updated inventory list will be provided to the FBC OEM by the HMRT Coordinator. The team or department housing equipment is responsible for maintaining the updated inventory list as well as maintaining control of the inventory. The updated, semi- annual inventory lists will be submitted to the FBC OEM prior to January 15 and July 15 of each year, in a format that meets approval of FBC OEM. FBC OEM also has the right to audit inventory at any time.

Information regarding each of the Homeland Security equipment assets will be verified by recording each item's location, status, condition, description, manufacturer, model number, catalog number, and year manufactured, or any additional information that may be required by state or federal agencies or Fort Bend County.

The participating agency assumes financial liability for loss or damage to the equipment assigned to them if the loss or damage results from negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain, or service the item to the extent that such negligence, intentional act, or failure to act is the proximal cause of such loss or damage.

Homeland Security Assets acquired by the County and assigned to the HMRT may not be transferred or relocated to any other location or team without written authorization of the FBC OEM and FBC FMO.

Homeland Security assets acquired by the County and assigned to the HMRT will be stored in the same location as the Fort Bend County Hazardous Material Response Teams vehicles. The equipment must be stored in a secure manner.

It will be the responsibility of each participating HMRT department to maintain the calibration and certification (i.e. hydrostatic testing of SCBA bottles, etc.) of both grant-funded equipment and any additional equipment that would be used during a hazardous material response. Exceptions to this must be agreed upon by the HMRT Coordinator and FBC OEM, and must be made in writing.

Equipment Replacement

FBC OEM and the FMO, as part of semi-annual inventories, will assess the current condition of HMRT vehicles and make a determination as to whether a particular vehicle needs to be replaced. Fort Bend County will give replacement of the vehicle priority when the availability of federal funds to sufficiently cover the replacement cost.

Equipment Consumables

It is agreed that Homeland Security vehicles (e.g. trucks, trailers, etc.) acquired by the County and assigned to the HMRT will be the sole responsibility of the agency the vehicle is assigned to, to maintain and replenish consumables on the vehicle to ensure operational readiness at all times.

Reports

An HMRT monthly report summary sheet submitted by the HMRT Coordinator, along with copies of individual incident reports for each call responded to, will be reviewed by to the FBC OEM and the FBC FMO.

The incident reports will include items such as dates, times, and location information. It will also include (but not limited to) number of personnel and type of equipment responded, equipment used at the scene, disposable equipment used, equipment damaged, chemicals potentially released and responsible party information.

Reimbursements

In the event of a Level II or a Level III response, the responding agency shall document any inventory used and submit such documentation to the HMRT Coordinator for reimbursement. After a full-faith effort of the agency requesting reimbursement for inventory used, the county may reimburse, or replenish supplies consumed in a Level II or Level III response.

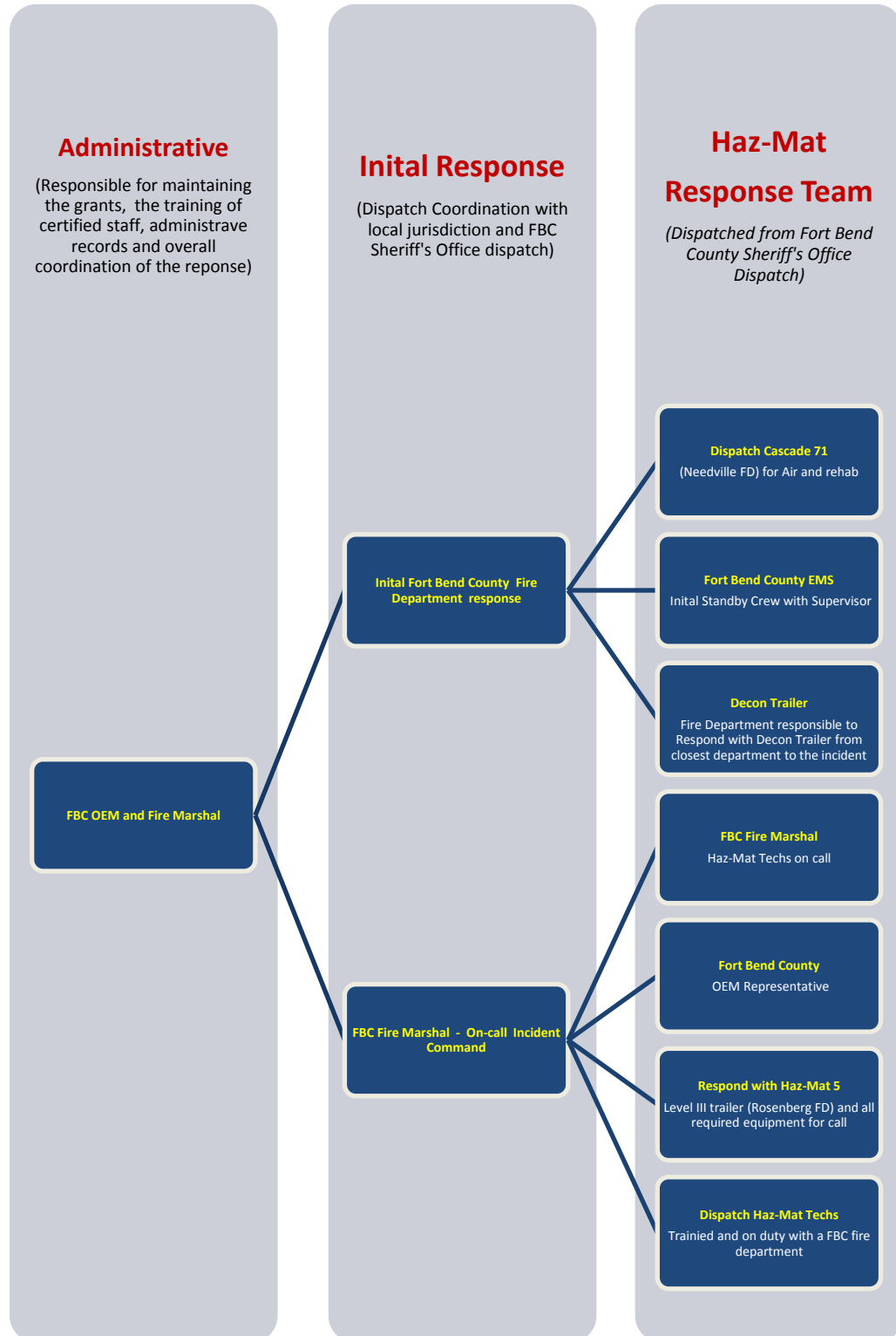
Notification

FBC OEM will be notified whenever any component of the HMRT responds to a Level II or a Level III hazardous material incident as described within this document. Notification to the FBC OEM will be through the Fort Bend County Sheriff's Office Communication Dispatch Center through the Fort Bend County Fire Dispatch channel or by calling 281-342-6116.

Appendix A

Fort Bend County Hazardous Material Team

Organizational Response



Appendix B

Fort Bend County Hazardous Material Team

Reimbursement of

Hazardous Materials Emergencies

Purpose

Agencies responding to Regional Hazardous Material incidents can recover associated costs for incident response and mitigation provided those costs are reasonable and directly associated with the incident. It is the intent of this policy to facilitate the Fort Bend County Fire Marshal Office to coordinate the cost recovery claims.

Procedure

Administrative officer on scene of the Hazardous Material response shall establish contacts and paperwork for the responsible party.

1. The following information will be listed prior to leaving scene of incident:
 - a. COMPANY NAME:
 - b. COMPANY ADDRESS:
 - c. PHONE NUMBER:
 - d. COMPANY REPRESENTATIVE:
 - e. HAZMAT ID#
 - f. PRODUCT RELEASED
 - g. QUANTITY
 - h. ESTIMATED COST OF PRODUCT RELEASED
 - i. DATE OF RELEASE
 - j. LOCATION OF RELEASE
 - k. SPILL DESCRIPTION
 - l. DEPARTMENTS THAT RESPONDED
 - m. COMPANY OFFICIAL/DRIVER
 - n. PHONE NUMBER OF DEPARTMENT:
 - o. DATE:
 - p. HAZMAT OFFICER (Fire Marshal's Officer)
 - q. LIST OF EQUIPMENT USED ON SCENE WITH QUANTITIES
2. Full situational report with case documentation will be completed 5 business days after the incident.
3. Claims for recovery of costs shall be submitted to the Fort Bend County Auditor's Office within 20 working days of the termination of response and mitigation activities.
4. Ensure that equipment costs apply only to equipment that was in actual operation in the response or mitigation. (Standby equipment costs are not eligible for reimbursement)
5. Attached to the request for recovery of costs shall be all necessary documentation of expenditures (e.g., wage schedules, equipment function (operational, personnel transport, etc.)

Cost Recovery Categories and Descriptions

- A. Vehicles/Equipment: Fort Bend County will use the latest edition of Federal Emergency Management Agency (FEMA) Schedule for Equipment Rates for reimbursement where applicable. Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §

5121, et seq., for ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, OSHA equipment and other costs incidental to operation. **Standby vehicle/equipment costs are not eligible. The equipment must be in actual operation performing eligible work in order for reimbursement to be eligible.**

- B. Labor: LABOR COSTS OF EQUIPMENT OPERATOR ARE NOT INCLUDED in the equipment rates and shall be listed separately from equipment costs. Actual wages and benefits must be submitted and must be consistent with the existing wage schedules for the jurisdiction. The cost of scheduled on-duty personnel is not billable. However, wages or overtime for replacement personnel is billable.
- C. Mileage: Mileage is applicable to and from the scene for the units directly involved with the incident resolution. Billing for fire apparatus used solely for personnel transportation is not appropriate.
- D. Supplies: This includes items that are used exclusively for hazardous material incidents that cannot or shall not be reused. Some examples would be absorbent pads, tyvek suits, gloves, colorimetric tubes, pH paper, and chemical classifiers.
- E. Operational charges: Operational charges are costs to support the response. Some examples would be fuel, water, personnel support, and billing preparation.
- F. Equipment replacement: This includes material used during normal operations that must be replaced due to contamination or breakage during the hazardous material incident response. Some examples of replaceable equipment could be shovels, ladders, vehicles, portable radios, electronic instruments, or sensors.

Texas Laws Regarding Reimbursement

Sec. 353.004. FEE FOR PROVIDING HAZARDOUS MATERIALS SERVICE; EXCEPTION.

(a) A county, or a person authorized by contract on the county's behalf, may charge a reasonable fee, including a fee to offset the cost of providing control and containment measures under Section [353.003\(b\)](#), to a concerned party for responding to a hazardous materials service call.

(b) A county, or a person authorized by contract on the county's behalf, may charge a fee for providing hazardous materials services under Section [353.003\(a\)](#) only if the county has complied with the requirements of that subsection. A concerned party is not liable for a fee associated with the county's hazardous materials services under Section [353.003\(a\)](#) or a fee to offset the cost of providing control and containment measures under Section [353.003\(b\)](#) if the county provides hazardous materials services under Section [353.003\(a\)](#) and the county does not provide notice as required by Section [353.003\(a\)\(1\)](#).

(c) An individual who is a concerned party does not have to pay a fee under this section if:

- (1) the individual is not involved in the possession, ownership, or transportation of the hazardous material as the employee, agent, or servant of another person;*
- (2) the individual is involved solely for private, noncommercial purposes related to the individual's own property and the individual receives no compensation for any services involving the hazardous materials; and*
- (3) the hazardous materials possessed, owned, or being transported by the individual are in forms, quantities, and containers ordinarily available for sale as consumer products to members of the general public.*

Sec. 353.005. EXEMPTION FOR GOVERNMENTAL ENTITIES. This chapter does not apply to hazardous materials owned or possessed by a governmental entity.

Appendix C

Fort Bend County Hazardous Material Team Response Reimbursement Schedule

Basic Schedule for equipment and labor reimbursements

EQUIPMENT CHARGES

Based on 2015 FEMA Equipment Rates

Equipment	Specifications	Capacity or Size	HP	Notes	Unit	2015 Rates
Truck, Fire	100 Ft Ladder	100ft			hour	\$140.81
Truck, Fire	Pump Capacity	1000 GPM			hour	\$80.00
Truck, Fire	Pump Capacity	1250 GPM			hour	\$85.00
Truck, Fire	Pump Capacity	1500 GPM			hour	\$91.00
Truck, Fire	Pump Capacity	2000 GPM			hour	\$93.50
Truck, Fire Ladder	Ladder length	75 FT			hour	\$135.25
Truck, Fire Ladder	Ladder length	150 FT			hour	\$160.00
Truck, Fire	No Ladder			Rescue Equipment	hour	\$42.00
Truck, Dump	Struck Capacity	8 CY	to 220		hour	\$42.25
Truck, Dump	Struck Capacity	10 CY	to 320		hour	\$56.50
Truck, Dump	Struck Capacity	12 CY	to 400		hour	\$71.50
Truck, Dump	Struck Capacity	14 CY	to 400		hour	\$75.00
Truck, Dump	Struck Capacity	18 CY	to 400		hour	\$77.25
Truck, Dump, Off Highway	Struck Capacity	28 CY	to 450		hour	\$128.00
Truck, Pickup		½ ton	191		hour	\$19.45
Truck, Pickup		1 ton	340		hour	\$26.00
Truck, Pickup		1¼ ton	360		hour	\$26.77
Truck, Pickup		1½ ton	300		hour	\$29.75
Truck, Pickup		1¾ ton	362		hour	\$35.88
Light Tower	Terex/Amida AL 4000. with (4) 500 watt lights	w/10kw power unit	13.5		hour	\$6.50
Light Tower	2004 Allmand				hour	\$4.50

RESOURCE	DESCRIPTION	HOURLY RATE
SUPPORT	Supplemental unit in support of other firefighting units/forces (Ex: air supply unit)	29.00
HAZARDOUS MATERIALS	Specialized hazardous materials response unit (Hazmat 5)	185.00
SPECIALIZED RESCUE TRUCK	Specialized unit used for tasks not provided by pumper/tanker	185.00
RESCUE	Unit for special rescue operations (Ex: heavy vehicle extrication (Hurst) or technical rescue.)	110.00
EMS UNIT -NON TRANSPORT	EMS Response Unit, Non-Transport	36.50
	ALS - Non-Transport	46.00
EMS UNIT'-TRANSPORT	EMS Unit, Transport: Ambulance unit	49.00
	ALS – Transport Units	60.00
	Patient Transport Mileage	9.00 per mile
COMMAND UNIT	Mileage at prevailing federal government rate	***
COMMAND POST	ICP Bus/Trailer (self-sustaining)	360.00 per day

MILEAGE RATES

Mileage is paid for vehicles, which are not eligible for hourly rate compensation. Payment rates are “wet rates”. All fuel, oil, insurance, maintenance and repair, and other costs are included in the rate and are the responsibility of the operator. Units which were used to tow or haul fire apparatus are paid mileage only.

	4X2	4X4
COMPACT VEHICLE	\$.45/mile	\$.50/mile
SPORT/FULL SIZE UTILITY	\$.55/mile	\$.75/mile
1/2 TON PICKUP	\$.55/mile	\$.75/mile
3/4 TON PICKUP	\$.65/mile	\$.80/mile
1 TON/DOUBLE CAB PICKUP	\$.70/mile	\$.85/mile
1-1/2 TON	\$.90/mile	\$1.16/mile

FIRST RESPONDER AND EQUIPMENT

All Uniformed Personnel (police & fire)	45.00 per hour
Non-Uniformed Personnel (other employees)	35.00 per hour
Per call personnel (volunteers, cadets etc.)	Actual Rate
Administrative Fee	250.00 per incident
Expended Supplies	Replacement Cost
Expended/Damaged Equipment	Replacement Cost
Road and Bridge Equipment	Invoiced from Road and Bridge Commissioner