



■ Hazardous Materials Frequently Asked Questions (FAQs)

Q. What is the local role in response to a hazardous materials incident?

A. Local fire, law enforcement, public health, environmental health professionals, and other emergency response agencies incur initial responsibility for response to a hazardous materials incident. As first responders at the scene of a hazardous materials incident, local firefighters and/or law enforcement typically have lead responsibility for:

- Identifying the materials involved
- Determining the risk or hazard posed by the spill
- Calling for additional resources, if necessary, to monitor and contain the spill
- Isolating the scene, restricting or rerouting traffic, and conducting evacuation, if necessary
- Providing first aid, as needed
- Fighting the fire and protecting against explosions
- Keeping the public informed of the hazard that exists, the actions being taken, precautionary measures to take, and evacuation routes and destinations (if necessary)
- Taking overall scene management responsibilities

Q. Who is responsible for cleanup operations?

A. While it is the responsibility of the designated local organization or agency to respond to hazardous materials 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. The person or entity owning or contributing to the release of a hazardous materials substance(s) is responsible for properly cleaning up and disposing of the released substance(s).

- If the responsible party is ***known***:
 - The responsible party will coordinate cleanup of hazardous materials/contamination
 - The responsible party is responsible for incurring/reimbursing all response and recovery (cleanup) costs associated with the incident
- If the responsible party is ***not known*** or ***refuses to accept responsibility***:
 - For cases when the local responsible party (be it the spiller or the local government authority) fails to take action, the ND Department of Health (NDDoH) may on a limited basis assist with identifying state or federal assistance to address the situation.
 - If after a thorough investigation of the incident, a responsible party cannot be identified or insufficient action is taken by the land owner, the local government having jurisdiction for the geographical area where the contamination occurred, will under most conditions address cleanup and disposal of contaminated material.

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Regardless of whether the responsible party is known, the Incident Command (IC) will coordinate with the responsible party and/or the agency/jurisdiction having authority to ensure appropriate response/mitigation actions and clean-up is done.

Q. What is the role/responsibility of the ND Department of Transportation (NDDOT) on the state and federal highway system?

A. ND Century Code 24 (<http://www.legis.nd.gov/cencode/t24.html>) defines responsibility of county, state, and interstate systems and authorizes the NDDOT Director to plan, develop, operate, maintain and protect highway facilities.

- “County road system” means the system of secondary highways designated by the county officials, the responsibility for which is lodged to the counties.
- “Interstate system” or “interstate highway system” means that part of the state highway system designated as the North Dakota portion of the national system of interstate and defense highways as provided for in Public Law 85-767 [23 U.S.C. 1-1 et seq.].
- “State highway system” means the system of state principal roads designated by the director of the department, the responsibility of which is lodged in the department.

The responsibility for clean-up lies with the legally responsible party; be it the land owner, owner, buyer, shipper, manufacturer, or insurance carrier. 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). If the responsible party cannot be identified, NDDOT as the agency having jurisdiction over state and federal highway systems will work with the NDDoH on a clean-up solution.

NDDOT personnel may perform traffic control, signing, flagging, road closures or provide equipment and material, in coordination with the Incident Commander (IC) upon request. Depending on the size of the spill, if a hazardous materials spill occurs on the road surface or ditch of a state or federal highway, NDDOT, in consultation with, and at the direction of the IC and local public health or NDDoH, will take actions to attempt to mitigate further impacts (i.e. placement of material on the spill, construction of a temporary dike/berm). (Note: NDDOT is not trained or equipped to perform contamination cleanup operations.)

Q. What is the role of the local Emergency Manager (EM)?

A. The EM’s role is not that of a first responder but that of a coordinator. The EM is responsible for coordinating response and recovery efforts on the local level and serves as a liaison to the NDDES State Emergency Operations Center (SEOC). The EM coordinates resources in support of the local IC and ensures proper coordination is taking place between departments and logistical needs are being met. Depending on the size and complexity of the incident the EM may coordinate from their office or from the local Emergency Operations Center (EOC). The EM is the primary contact and coordinates with the NDDES to obtain state and/or federal assistance and provide situational awareness.

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Q. What is the role of the local EOC?

A. The local EOC is activated based on need or request by the on-scene IC/UC and provides support and/or coordination to the scene. The EOC provides for multi-agency coordination and communications and coordinates state and federal response to an incident. The EOC staff's primary responsibilities are to coordinate efforts and obtain and allocate resources to first responders and other field personnel.

Q. What is the role of the State EOC (SEOC)?

A. The SEOC coordinates state and federal assistance and provides overall situational awareness to those agencies providing support to the incident.

Q. What is the role of the ND Department of Emergency Services (NDDDES)?

A. The NDDDES is a coordinating agency and provides 24/7 emergency communications and resource coordination with more than 50 state agencies in support of local governments during an emergency or disaster.

- Maintains a 24 hour notification capability through the NDDDES Duty Officer System (701-328-9921; request the NDDDES Duty Officer be paged)
- Notifies appropriate state agencies and other agencies
- Activates, as necessary, and manages the State Emergency Operations Center (SEOC) to coordinate state response
- Authorizes dispatch of the ND Regional Hazardous Materials Teams (Teams are requested by either contacting the team directly or through State Radio at 1-800-472-2121 or 701-328-9921.)

Q. What is the state role in a hazardous materials incident?

A. State involvement is at the request of a local jurisdiction when it has been determined that additional resources or expertise is necessary to effectively deal with the situation or involvement is statutorily mandated. It is important, therefore, to emphasize that **the state's intent is to SUPPLEMENT local capabilities, not supplant it.** Such action could involve a number of state agencies; their potential roles are described below:

- The **ND Department of Emergency Services** coordinates state response and resources in support of local government. Manages that SEOC and maintains situational awareness for state agencies involved in preparedness, response and recovery efforts.
- The **ND Department of Health** provides technical assistance regarding protective actions, public health and environmental impacts and clean-up requirements. In addition, the NDDoH is responsible for ensuring proper clean-up actions have been taken. NDDoH also maintains a list of hazardous materials clean-up contractors on their website: (<http://ndhealth.gov/wm/Publications/EmergencyResponseContractors.pdf>).
- The **ND Highway Patrol** provides general control of the perimeter of the incident (i.e. regulating traffic) and will play other roles depending on state law and incident requirements. The NDHP may be the IC at a motor vehicle crash or participate as part of the Unified Command

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(UC) at a larger incident. Troopers may assist with traffic control depending on the need for clean-up operations.

- The **ND Department of Transportation** has jurisdiction on the state and federal highway systems and may perform traffic control, signing, flagging, road closures, or provide equipment and material, in coordination with the IC upon request. In consultation with the IC and local public health and/or NDDoH, NDDOT **may** take actions to mitigate further impacts.
- The **ND Oil and Gas Division** provides technical assistance with clean-up and reclamation work of crude oil, natural gas, and salt water spills.
- The **ND State Fire Marshal** provides technical assistance regarding hazardous materials.

Q. Who is responsible for overseeing clean-up and restoration operations?

A. Clean-up and restoration operations are incident scene activities which include removing the hazardous material and all contaminated debris and returning the scene to as near normal as possible. Once an incident is stabilized, it is the responsibility of the Incident Commander /Unified Command (IC/UC) to ensure the site is secure and that appropriate steps for clean-up operations are initiated with the responsible party. As lead environmental and public health agency for the state of North Dakota, the NDDoH is responsible for providing oversight of clean-up operations and ensuring clean-up is done in accordance with appropriate regulations in coordination with local agencies (i.e. public health, emergency management). If the incident involves oil or mining, the ND Department of Mineral Resources would also have a role.

Q. What is the definition of “Hazardous Materials”?

A. “Hazardous Material” can be defined as any material that, because of its quantity, concentration, or physical or chemical characteristics, may pose a real hazard to human health or the environment. Hazardous materials include the following categories: flammable and combustible material, toxic material, corrosive material, oxidizers, aerosols, compressed gases.

EPA defines hazardous materials as any item or chemical which can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

■ **ND REGIONAL HAZARDOUS MATERIALS TEAM**

Q. How does a local IC request a Regional Hazardous Materials Team?

A. When a local IC determines response to a hazardous materials incident is beyond the capabilities of the local jurisdiction **and** beyond the capabilities of mutual aid partners, the IC may request a Regional Hazardous Materials Team by either contacting the team directly or calling State Radio at 1-800-472-2121. The IC will need to provide POC information (name, telephone or cell phone number).

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Q. What information does a local IC need to provide when requesting a regional hazardous materials team?

A. Type and quantity of hazardous materials (if known), location, actions taken by local response (containment, mitigation, evacuation, etc), weather conditions, is there an actual or potential threat to public safety, property, or the environment?

Note: The request of a team does not necessarily mean a team will be dispatched. NDDES will determine if a team and what type of team will be dispatched based on consultation with the IC and Regional Team Representative.

Q. What can a regional hazardous materials response provide for you?

A. Hazard assessment, technical assistance, decontamination, hot zone entry, mitigation actions/supplies and air monitoring.

Q. What can a regional hazardous materials response team NOT do for you?

A. Cannot and will not assume overall command of the hazardous materials emergency. Cannot and will not cleanup, transport, or dispose hazardous material (this is the responsibility of the responsible party).

Q. What will a regional hazardous materials response team cost a local jurisdiction?

A. The responsible party is liable for all reasonable and necessary costs of response; however, in the case where the regional hazardous materials response team costs are not recoverable, the local jurisdiction is responsible. The state will attempt to recover the regional hazardous materials response team costs from the responsible party. If the state is unsuccessful, the state may bill the local jurisdiction to recover the regional hazardous materials response team costs. Local jurisdictions are responsible for costs of their own response and those of its mutual aid partners and will have to bill the responsible party themselves to recover local response costs.

Q. What will the regional hazardous materials response team expect from the local jurisdiction having authority?

A. Established and maintained local incident command throughout the incident.

Q. Who authorizes deployment of the regional hazardous materials response team?

A. The ND Department of Emergency Services based on input from the IC and Regional Hazmat Response Team based on the following criteria:

- Hazmat release or potential release from a transportation incident or fixed facility;
- Hazmat release presents actual or potential threat to public safety or the environment;
- Local emergency response personnel have been dispatched, are on scene, and have made an initial assessment of the incident;
- Local authorities have determined that the response needs of the incident exceed local capabilities;

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- NDDDES may authorize a team response when NDDDES considers the response to be necessary to protect life, property, and the environment from the effects or potential effects of a hazardous materials release;
- Hazmat teams typically do not respond to clandestine labs; however, requests by law enforcement will be evaluated on a case-by-case basis.

Generally, teams **WILL NOT** be dispatched when:

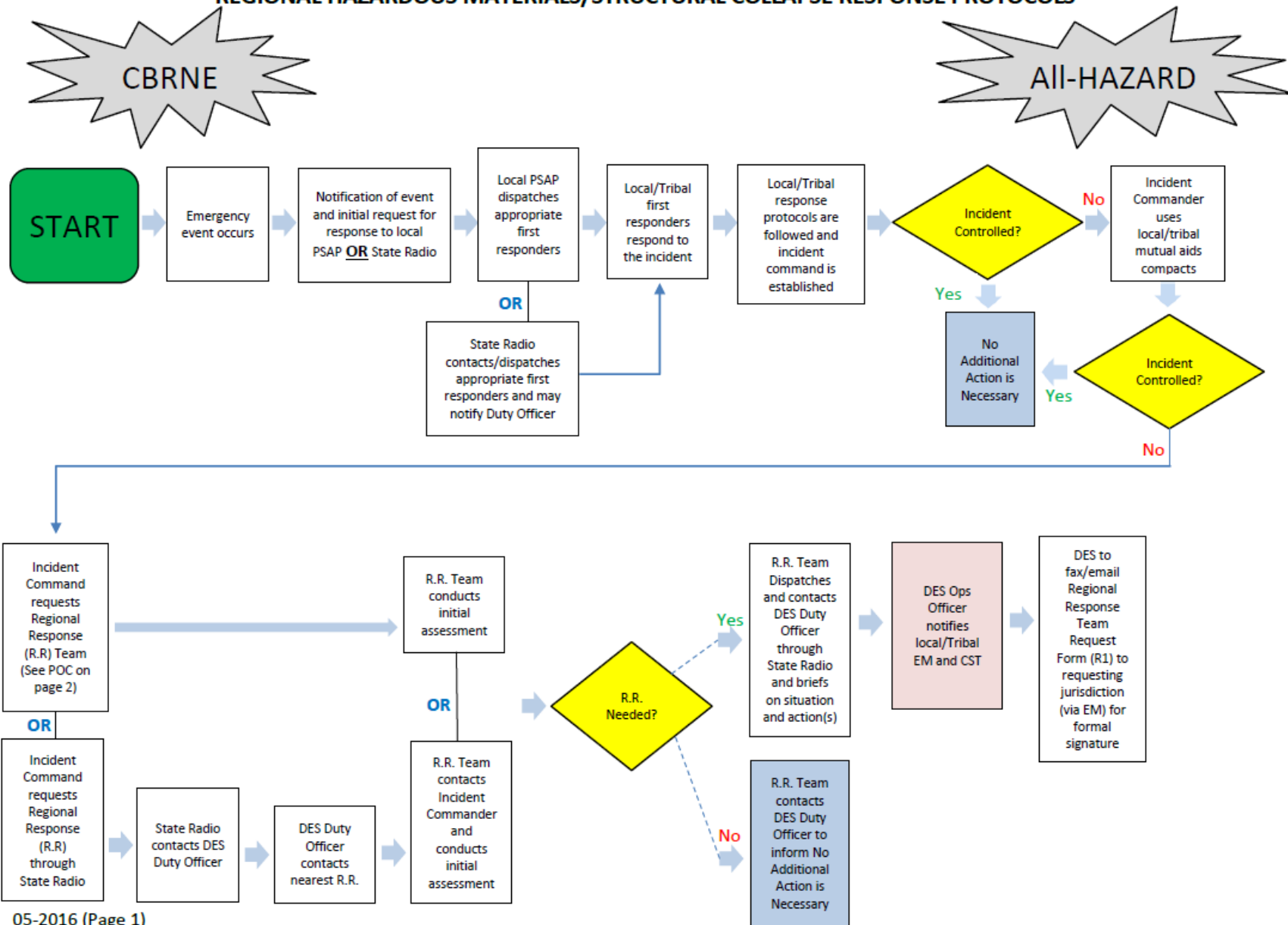
- Local authorities area on scene, have made an assessment and determine that they have the local resources necessary to properly manage the incident;
- Release is from the primary fuel tank(s) on a vehicle;
- Material is present in a small quantity normally handled by the NDDDOT.

Q. How long will it take for a Regional Hazardous Materials team to respond?

A. Depending on the proximity of the incident to the regional hazardous materials team home station it could take up to three hours for a team to respond.

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REGIONAL HAZARDOUS MATERIALS/STRUCTURAL COLLAPSE RESPONSE PROTOCOLS



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