

**JEFFERSON COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

UW-Extension (Lower level of Workforce Development Center)
864 Collins Road, Jefferson WI 53549

TUESDAY, NOVEMBER 19, 2013 at 1:00 p.m.

1. Call to Order
2. Roll Call (establish a quorum)
3. Certification of Compliance with the Open Meetings Law
4. Review of the Agenda
5. Citizen Comments
6. Motion for Approval of August 21, 2013 Meeting Minutes
7. Communications
8. Hazardous Materials Spills/Billings
9. Exercise/Training Reports
 - a. Crystal Farm Tabletop Exercise
 - b. National Night Out – Lake Mills
 - c. Presentation to Nursing Students at Health Department
 - d. WI Emergency Management Association Conference
10. Hazardous Materials Ordinance
11. Update on Commercial Pool & Spa
12. Plan of Work
 - a. FY 2013 Closeout
 - b. FY 2014
 - c. Off-Sites for FY 2014
13. Industry Reports
 - a. American Red Cross
 - b. Salvation Army
 - c. Wisconsin Hospital Emergency Preparedness Program (WHEPP) Region 5 Update
 - d. Jefferson County Public Health
14. Correspondence
15. 2014 Meeting Calendar Discussion and Possible change to By-Laws
 - a. February 19; May 21; August 20; November 19
16. Set Time/Date Next Meeting Tentative – February 19, 2013
17. Adjourn

Committee may discuss and/or take action on any item specifically listed on the agenda.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so appropriate arrangements can be made.

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JEFFERSON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

August 21, 2013 at 1 p.m.

UW-Extension, Jefferson County Office
864 Collins Road
Jefferson WI 53549

MEETING MINUTES

- 1) **Call to Order** - The meeting was called to order at 1:08 p.m. by Donna Haugom. Both the Chair and Vice Chair were not in attendance.
- 2) **Roll Call** – Asst. Chief Kraig Biefeld, Kim Buchholz, Bob DeWolfe, Donna Haugom, Ryan Leslie, Sheriff Paul Milbrath, Ben Schliesman, Captain Duane Scott, Gail Scott, Robert Stray.
- 3) **Certification of Compliance with the Open Meetings Law** – In compliance
- 4) **Review of the Agenda** - Agenda was reviewed and approved as written.
- 5) **Citizen Comments** - There were no citizen comments.
- 6) **Approval of Minutes of May 10, 2013 Meeting Minutes**
Motion was made by Gail Scott, seconded by Sheriff Milbrath, to approve the minutes from the May 10, 2013 meeting as printed. Motion unanimously approved.
- 7) **Communications** - None
- 8) **Hazardous Materials Spills/Billings**
 - a) **New Events/Incidents since Last Meeting**
 - i) On May 19, 150 gallons of ammonia phosphate spilled on River Valley Road near Ixonia due to a broken axel that punctured a hose.
 - ii) On June 1, 66 gallons of herbicide was spilled on Hwy 12 between Fort Atkinson and Cambridge.
 - b) **Update on Payments Received** – covered under Item 12
- 9) **Exercise/Training Reports**

The following trainings were attended or offered by Emergency Management during the last quarter with our normal day to day operations.

 - a) Wisconsin Hospital Emergency Preparedness Program Functional Exercise – Major Ice Storm: Haugom attended this exercise; 13 counties participated. Jefferson County had representation from Health, Fire, Law Enforcement, Emergency Management and EMS.
 - b) Health Department Nursing Students Emergency Management Training: Haugom presented to the interns of the health department on Emergency Management and how it is incorporated into public health field.
 - c) ICS Forms Overview: Haugom attended this refresher training offered at UW-Whitewater.
- 10) **Procedures for Review of Hazmat Expenditures**

Haugom distributed copies of the document, "Procedures for Review of Hazmat Response Expenditures" that was also sent to committee members electronically in their meeting packet. **A motion was made by Bob DeWolfe, seconded by Bob Stray, to accept the procedures for review of hazmat response expenditures as printed. Motion unanimously approved.**

11) Hazardous Materials Ordinance

Haugom distributed copies of a draft ordinance that was prepared by Corporation Council Phil Ristow. Haugom asked committee members to review the document. The ordinance will be an agenda item at the next meeting.

12) Update on Commercial Pool & Spa and Sunset Carthage

Haugom reported that she discovered that Sunset Carthage did submit payment for their bill. The payment was mailed directly to the City of Lake Mills in August of 2012.

Haugom reported that she sent a letter to Commercial Pool & Spa stating that we would accept a reduced payment of \$6,000 to finalize the matter. A response letter was received from an attorney on behalf of Commercial Pool & Spa that stated payment would not be received until they had received proper documentation proving that the proper statutory procedures were followed for the response. In response to the letter, Haugom sent Commercial Pool & Spa the standard operating orders for the Hazmat Team. A response letter from the attorney was received again stating basically the same thing.

Discussion followed. The committee recommended that Haugom discuss the letters with Phil Ristow and have his office send a letter in response. Haugom agreed to meet with Phil and will report back to the committee.

13) Plan of Work – Off Sites

Buchholz stated that she has been working on the second half off-sites which include LD Foods/Keystone Foods; Watertown Water Department – Central and West Plants; Wal-Mart Supercenter – Jefferson; UW-Whitewater. All the site visits have been completed. Final plans have been submitted to the state for Wal-Mart and both Watertown Water Department sites. LD Foods/Keystone Food's plan is waiting final approval from the facility. Buchholz is finalizing the UW-Whitewater plan.

14) SIMCOM

Jefferson County was host for this year's SIMCOM exercise that was held at the Jefferson County Fairgrounds. Over 200 people attended the event. Haugom feels the exercise went very well. Both voice and data communications were tested throughout the exercise.

15) Industry Reports

- a) **American Red Cross (ARC) – none**
- b) **Salvation Army – none**
- c) **Wisconsin Hospital Emergency Preparedness Program (WHEPP) Region 5 – none**
- d) **Public Health – Gail Scott**

Scott stated that she attended the ice storm exercise Haugom spoke of and she felt it was a good to have everyone at the table. The Health Department received their Preparedness grant for this year. The funding amount stayed the same as well as the grant objectives. They also received a mini-grant to update their Point of Distribution plans for the county. The Health Department now has an updated conference room with a Mondo pad that is available for meetings and as a resource during emergencies.

16) Correspondence – None

17) Set Time and Date of Next Meeting – The next meeting will be on November 20, 2013 at 1 p.m.

18) Adjournment – Motion made by Sheriff Milbrath, seconded by Captain Scott, to adjourn at 2:50 p.m.

ORDINANCE NO. 2013-_____

**Establish penalties for hazardous material discharges
and reimbursement process for emergency responses**

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

The purpose of this ordinance is to prohibit dangerous material discharges and to enable Jefferson County to require reimbursement from those responsible who possess or control a hazardous substance that is released or who causes the release of a hazardous substance thereby resulting in the response to and incurring of costs by the responding agency(ies).

SECTION II. PROHIBITED DISCHARGES.

- (1) No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public street, alley, or public property, or onto the ground, surface waters, sub-surface waters, or aquifers, or on any private property within Jefferson County, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable, toxic, or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Commission Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.
- (2) Containment, Clean-Up and Restoration. Any person, firm, or corporation in violation of the above section shall, upon direction of the appropriate federal or state agency and the Emergency Management Director and/or the Jefferson County Hazardous Materials Response Team, begin immediate actions to contain, clean up, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary staff and equipment to comply or to complete the requirements of this section, the Emergency Management Director may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by Jefferson County and its cooperating agencies.
- (3) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Management officers and staff and to County Sheriff's Department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.

- (4) Public Protection. Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, where the situation is so critical that immediate steps must be taken to protect life or property, the Director of Emergency Management, his/her designee, or the senior Sheriff's Department officer on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the County Board, Wisconsin Department of Natural Resources, or other appropriate federal or state agency can take appropriate action.
- (5) Enforcement. The Director of Emergency Management and his or her designees, as well as the Sheriff's Department officers, shall have authority to issue citations or complaints under this section.
- (6) Civil Liability. Any person, firm, or corporation in violation of this section shall be liable to Jefferson County for any expenses incurred by the County or loss or damage sustained by the County by reason of such violations.
- (7) Penalties. Any person, firm, or corporation in violation of this section shall forfeit to Jefferson County, upon conviction thereof, not less than \$200 or more than \$2,000, plus the costs of prosecution, and in default of payment thereof, such alternate as the Court may order. Each day of violation shall constitute a separate offense. If a spill is voluntarily reported to the Jefferson County Emergency Management Director, the forfeiture shall be not less than \$25 nor more than \$200.

SECTION III. DEFINITIONS.

- (1) Hazardous Substance. For purposes of this ordinance, a hazardous substance is any substance set forth in Section II (1) the release of which creates a hazard, potential hazard, public nuisance or has a deleterious effect on the environment.
- (2) "Responsible Party" Defined. For purposes of this ordinance, responsible party shall include any person or entity who was, at the time of the release responsible for, or in possession of, or in a position of control of a dangerous or hazardous substance, or any vehicle, container, or property used for the transport, conveyance, holding or storage of same and furthermore, including any person or entity in control of property onto which or from which the dangerous or hazardous substance matter was or may be released. For purposes of this ordinance the term "entity" shall mean any firm, corporation, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity.

SECTION IV. FINANCIAL RESPONSIBILITY.

- (1) The cost of hazardous material responses shall be the responsibility of the party, agency, entity, or person which created the condition requiring the hazardous materials response. The actual cost of the response shall be charged to the party, agency, entity, or person according to the following schedule:

- (a) Staff time, including the hourly rate for fringe benefits, of the staff involved in the response.
- (b) A charge for response by the HazMat vehicle and or the Jefferson County Mobile Command Post, in an amount to be determined annually by the Local Emergency Planning Committee based on the cost to operate the vehicle, depreciation and other factors bearing on the cost of activating the equipment.
- (c) The replacement cost of all consumable supplies used in the response and the actual cost of any charges incurred by the Team.
- (d) A use charge for reusable equipment, in an amount determined annually by the Local Emergency Planning Committee based on the operating cost of the equipment, its depreciation and other factors bearing on its cost.

SECTION V. ENFORCEMENT.

The Jefferson County Corporation Counsel shall be empowered to pursue any and all legal action to effect payment as herein provided for, including representation of non-county agency members of the Level B Team. In the event of a conflict of interest, a non-county agency shall be represented by its municipal attorney.

SECTION VI. This ordinance shall be effective after passage and publication as provided by law.

AYES _____
 NOES _____
 ABSTAIN _____
 ABSENT _____

Requested by
 Local Emergency Planning Committee

Date of County Board Meeting

Philip C. Ristow: 08-22-13