

**JEFFERSON COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

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

TUESDAY, FEBRUARY 19, 2014 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 November 19, 2013 Meeting Minutes
7. Communications
8. Kim Buchholz – removal on the membership roster
9. Hazardous Materials Spills/Billings
10. Exercise/Training Reports
 - a. Tyson Hazmat Tabletop
 - b. Creation of generic Incident Action Plans prior to disasters
11. Hazardous Materials Ordinance
12. Hazmat Form 1060
13. Hazmat Reimbursement Charges
14. Update on Commercial Pool & Spa
15. Plan of Work
 - a. Approve notice for Jefferson County LEPC Compliance Inspector
 - b. FY 2014 – First Half due 3/31/14
 - c. Off-Sites FY 2014
16. Industry Reports
 - a. American Red Cross
 - b. Salvation Army
 - c. Wisconsin Hospital Emergency Preparedness Program (WHEPP) Region 5 Update
 - d. Jefferson County Public Health
17. Correspondence
18. Set Time/Date Next Meeting Tentative – May 21, 2014
19. 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.

#6

JEFFERSON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

November 19, 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 1:02 p.m. by Vice Chair Chief Ray Madison.
- 2) **Roll Call** – Asst. Chief Kraig Biefeld, Marytha Blanchard, Adam Bohls, Kim Buchholz, Donna Haugom, Richard Kassner, Ryan Leslie, Marc Schultz, Gail Scott, Robert Stray. Paul Hable joined the meeting at 1:05 p.m.
- 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 August 21, 2013 Meeting Minutes**
There was not a quorum present at the meeting so the minutes will be approved at the next meeting.
- 7) **Communications** - None
- 8) **Hazardous Materials Spills/Billings** (Chair Hable led the meeting from this point on.)
Donna Haugom reported to the committee that there have been no spills since the last meeting. She received one request for reimbursement for a spill that occurred in March of 2013 involving a car and Veolia truck where 35-gallons of fuel was spilled. Fort Atkinson Fire Department is requesting payment for their response in the amount of \$3,000. Donna has mailed out the paperwork to Veolia's insurer as instructed.
- 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) Crystal Farm Tabletop: Haugom, Buchholz and Gail Scott attended this training.
 - b) National Night Out – Lake Mills: Haugom distributed Family Preparedness information.
 - c) 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.
 - d) WI Emergency Management Association Conference: Haugom attended this annual conference which focused on active shooters and our response.

Haugom also told the committee that we are working with Tyson in Jefferson on a hazmat tabletop exercise in January as well as on a tri-county exercise that would involve Johnson Creek and United Cooperative. Chief Ray Madison stated that we should also consider the radiation center as well as the hyperbaric oxygen treatment center that is located in Johnson Creek. Further information will be shared as it is available.

10) Hazardous Materials Ordinance

Haugom stated that committee members received a copy of the draft ordinance at the last meeting as well as by email. Discussion occurred. The key question here is does the ordinance provide Phil Ristow with the ability to enforce payment of spills. Haugom will get this answered from Ristow. It was also mentioned that Ristow should speak with District Attorney Happ to determine if the ordinance will also work for prosecution. A question was asked as to whether the state statute needed to be referenced in the ordinance. Haugom will ask that of Mr. Ristow also. Chair Hable asked that at the next meeting the committee would have clear direction on what is needed to be done to move this forward. Chief Madison stated that the Fire Chief's Association can provide a letter of support for the resolution/ordinance. The committee also suggested that Haugom contact Dodge County to see how their Hazmat team determines rates.

11) Update on Commercial Pool & Spa and Sunset Carthage

Haugom reviewed with the committee the communications that have occurred up to this point. The committee asked Haugom to send a letter in response to their last letter stating that we have addressed all the points addressed in your letter. If you feel they have not been addressed, please specifically provide what you are in need of; basically, putting the responsibility back on them.

12) Plan of Work

The Plan of Work is a function that the Office of Emergency Management needs to complete in order to qualify for grant funding. The LEPC is concerned with the hazardous materials aspect of our work. We have completed the work for FY 2013 and are now in the first half of FY 2014.

Off Sites

Buchholz stated that the following plans will be updated in the first half of FY 2014: Americold (Jefferson); Ball Container Corporation (Fort Atkinson); Loeb-Lorman Metals, Inc. (Watertown); Wal-Mart (Watertown); Jefferson County Farm Plan. There will also be a new plan established for Schiller Grounds Care, Inc. located in Johnson Creek. Buchholz will email the committee with the dates of times of the facility visits.

The committee asked Buchholz to send out an explanation of how the amount of sulfuric acid is determined within electrolyte solution.

13) Industry Reports

- a) **American Red Cross (ARC)** – Marytha stated that they held a statewide training conference where they trained over 200 volunteers from five states. They are currently assisting in the response in Peoria, Illinois. She is working with Donna on damage assessment to ensure that damage assessment is uniform and consistent.
- b) **Salvation Army** – none
- c) **Wisconsin Hospital Emergency Preparedness Program (WHEPP) Region 5** – Paul stated that support will continue for the programs currently in place. The current funding is primarily for refreshing the stock piles of resources around the state; the program is funded and active.
- d) **Public Health – Gail Scott**
Gail Scott stated that public health is continuing to be funded. They are expected to train within the region to keep costs minimal. They are continuing to update their preparedness plans. She is currently working with Haugom to distribute N94 masks that Nestle Purina is donating. Haugom has distributed an email to local fire, police and EMS asking for their needs.

14) Correspondence – None

15) Set Time and Date of Next Meeting – The next meeting will be on February 19, 2014 at 1 p.m.

16) Adjournment – Meeting adjourned at 2:10 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

#11



Hazardous Materials Incident Response Matrix

Response Matrix for Incident Number/Name _____

| SITUATION STATUS | | Value |
|---|--|----------------------|
| What is the size, severity, and immediacy of the threat? Release and/or fire in progress Container/vehicle has been damaged or failure likely Conditions are stable Minimal or no threat detected | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| What type of container/vehicle is involved? Railcar, road transport tanker, or bulk storage Totes, drums, small medium tanks Small packages, bottles or containers Package is not damaged | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| What is the location of the Incident? Outside Confined inside facility Confined to room/area of facility No release | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| QUANTITY AT RISK | | |
| To what degree is the quantity a threat? >55 gallons, 500 pounds, 200 cubic feet >20 gallons but <56 gallons, 500 lbs, 200 cubic feet <21 gallons, 50 lbs, 20 cubic feet De minimis quantity | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| PHYSICAL and TOXICOLOGICAL HAZARDS | | |
| What Hazard does the Material present to personnel? Inhalation, eye/sight hazard, skin absorbent, Inhalation, skin contact, eye/sight irritant Chronic long term exposure > 30 minutes No known physical concerns | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| CHEMICAL HAZARDS | | |
| What Hazard does the material present? Radioactive, air or moisture reactive, ability to polymerize, explosive, poisonous gas Cryogenic, corrosive, combustible/flammable Small amounts of above Stable product | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| LOCAL RESOURCES | | |
| Exceeds local level B or county-wide response capabilities Local responders can handle with limited outside assistance No on site assistance needed. Phone or radio assistance only No assistance needed by local responders | Assign a value of 3 Assign a value of 2 Assign a value of 1 Assign a value of 0 | <input type="text"/> |
| TOTAL ALL BOXES TO ESTABLISH APPROPRIATE RESPONSE | | |
| 14 – 21 Full response by regional team 8 – 13 County team with optional regional CAT team assistance 0 – 7 Local fire department / county or regional team phone advice | TOTAL | <input type="text"/> |

Kim Buchholz - EM

From: Donna Haugom
Sent: Tuesday, February 11, 2014 11:12 AM
To: Kim Buchholz - EM
Subject: FW: Commercial Pool and Spa
Attachments: Hazmat Incident Response Matrix 1060.doc

Kim – send the attachment and the contents of the e-mail below to the LEPC members along with the agenda. Thanks.

Donna Haugom, Director
Jefferson County Office Of
Emergency Management
donnah@jeffersoncountywi.gov
920-674-7450 (Phone)
920-674-7122 (FAX)

From: Donna Haugom
Sent: Monday, February 10, 2014 8:46 AM
To: 'Hable, Paul'
Subject: RE: Commercial Pool and Spa

Kim just sent out the ordinance. I have the rates from Dodge County that we should discuss – I think we also need to talk about that 1060 matrix.

Records and Response Charges

1. A report shall be written for each response made, no matter how slight the incident. These reports will be kept on file in the Dodge County Office of Emergency Management.
2. Training records of all personnel shall be kept on file in the Dodge County Office of Emergency Management. These records shall be confidential to the officers of the Dodge County Hazardous Materials Team. Upon the resignation or retirement of a team member, these records shall be kept in Dodge County Hazardous Materials Team files.
3. The Dodge County Hazardous Materials Team shall submit to the Dodge County Office of Emergency Management expense sheets and equipment replacement costs for each incident within 10 days.
4. The invoice will reflect the following charges:
 - \$35.00 per hour per man
 - \$525.00 per hour vehicle base rate for the first 2 hours and a \$150.00 per hour charge for each additional hour
 - Damaged/non-recoverable equipment

The parties at fault for the release of the hazardous material are liable for the costs of damage caused by the release, for cleanup and disposal costs, and the costs associated with restoration of the environment.

Emergency response occasionally requires that action be taken and costs incurred before responsible parties can be identified and contacted. In those instances, it is the accepted practice to take action and seek cost recovery later.

Donna Haugom, Director
Jefferson County Office Of
Emergency Management
dannah@jeffersoncountywi.gov
920-674-7450 (Phone)
920-674-7122 (FAX)

From: Hable, Paul [<mailto:Paul.Hable@forthc.com>]
Sent: Monday, February 10, 2014 7:40 AM
To: Donna Haugom
Subject: RE: Commercial Pool and Spa

Does this mean we are moving ahead?
How does the proposed ordinance read?

Paul

Paul Hable
paul.hable@forth.com
920-568-5259

From: Donna Haugom [<mailto:DonnaH@jeffersoncountywi.gov>]
Sent: Friday, February 07, 2014 2:43 PM
To: Phil Ristow
Cc: Hable, Paul
Subject: Commercial Pool and Spa

Phil – Thank you for the ordinance. I believe the next step would to have the LEPC approve it, take to LE/EM for them to present to the County Board for Approval – right?

Here are the last two correspondences between Commercial Pool and Spa. I have also attached the spreadsheet identifying the costs initially submitted that highlights the changed amount offered. I don't know how I got \$195.00 off, but I guess we will need to stick with the amount I stated in my letter of \$6,601.86. Thank you for writing a response.

Donna Haugom, Director
Jefferson County Office Of
Emergency Management
dannah@jeffersoncountywi.gov
920-674-7450 (Phone)
920-674-7122 (FAX)