The background of the cover features a large, semi-transparent image of the Wisconsin State Capitol building. The building is a grand, classical-style structure with a prominent central dome topped by a golden statue. The facade is composed of numerous columns and arches. At the top of the page, there are decorative wavy bands in red and white, resembling the stripes of the American flag.

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Wisconsin Hazmat Program Review- Phase 2

2010

A review of Wisconsin's Hazmat Response System



This and other publications
are available at:

www.oja.wi.gov

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State of Wisconsin / DEPARTMENT OF MILITARY AFFAIRS

PO BOX 8111
MADISON 53708-8111

OFFICE OF THE ADJUTANT GENERAL

TELEPHONE 608 242-3000
DSN 724-3000

June 21, 2010

Dear Stakeholder:

In 2009, WEM made a fiscal decision to realign funding within the existing HAZMAT program framework. This decision caused concern among the participants and within the Firefighter community. Subsequently, I formed a team to review the existing structure and consider courses of action for standardizing our processes and to ask tough questions about our current framework. This was accomplished transparently with the Firefighter community and emergency management.

The team led by Mr. Greg Engle included representatives from the firefighter and emergency management communities. The team conducted the study in two phases. Phase I dealt with funding and operational issues and a briefing was conducted last year, which included WEM and the Fire Chiefs Association. This report is the culmination of phase II and addresses the entire statewide HAZMAT response system. It asks tough questions and offers recommendations for our consideration and review.

I applaud the efforts of Mr. Engle and his team who have done the State a great service with this review. The team included:

Mr. Greg Engle, Homeland Security Program Director, OJA
Mr. Mike Pohlman, Homeland Security Fire Services & NIMS Manager, OJA
Ms. Lara Kenny, Homeland Security Planning Specialist, OJA
Ms. Randi Milsap, DMA Legal Counsel
Mr. Keith Tveit, WEM Fire Services Coordinator, DMA
Mr. Jeff Stauber, Wisconsin State Fire Chiefs Association Representative

I also offer my thanks to the Office of Justice Assistance, Mr. Dave Steingraber, for allowing Mr. Engle to lead this important project.

Sincerely,

Donald P. Dunbar
Brigadier General (WI)
Wisconsin National Guard
The Adjutant General

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Wisconsin Hazmat Program Review- Part 2

I. Introduction

A. Background and Relationship to Phase I Report

This study was requested by Brigadier General (WI) Donald P. Dunbar, Adjutant General for the State of Wisconsin, in July 2009. The study was undertaken in two phases. The Phase I Report, published in November 2009, addressed the contractual and fiscal processes used by WEM to administer the funding. The Phase I Report is available for download at WEM's website and the Wisconsin State Fire Chiefs' website. The Phase II report is intended to evaluate and make recommendations for improving the efficiency and effectiveness of the statewide hazmat response.

There have been two previous studies done on hazmat response in Wisconsin since 1990. The reports are the Hazmat Emergency Response Committee (HERC) Report and a Legislative Audit Bureau (LAB) report published in 2002. Both were discussed extensively in the Phase I Report. The HERC report recommends that system needs to be revisited every 5 years to make sure the system is still meeting the needs of the state. "The Regional Response program will undergo a comprehensive audit at five-year intervals so that the integrity of the system will continue by keeping pace with changing times and the need to advance with technology." (p.8)

While the regional response program appears to have provided effective statewide hazardous materials incident coverage for a number of years, two factors provided the motivation for this study. First, since it has been eight years since an audit of the program, and twenty years since a comprehensive review of the regional response model, the Department of Military Affairs (DMA) views this study as part of a healthy process to periodically review the program. In addition, questions raised by a number of regional teams as a result of funding allocations during the last contract renewal period caused the Adjutant General to request this study so that the recommendations could be used to guide the contractual renewal process under the next biennial budget.

During the Phase I Report research, it became apparent that there are many complex factors in the hazmat response system and further study was needed to adequately address systematic issues related to this program. The Phase I Report dealt only with systematic recommendations related to the funding and operations of the regional teams. It did not review the entire response structure in a systematic way. The systematic review undertaken in Phase II was a substantial task for the research team in a limited period of time. In addition, it presented a set of challenges due to the diversity of interests within the state and the subjective nature of evaluating the effectiveness of the system. In short, the authors found that there is no one simple "right way" to structure haz mat response; each alternative presents different benefits and trade-offs depending on the perspectives of different stakeholders.

The Phase II study evaluated goals and related measurements within the context of five broad alternatives for structuring statewide hazmat response. The authors used a stakeholder working

group to evaluate these alternatives based upon a number of weighted criteria, which include structural efficiency, coverage of risk, the equity of the system, funding, political feasibility, and ease of implementation. Using these criteria, the research suggests that the efficiency and effectiveness of statewide hazmat response may be improved by reducing and/or realigning the number of teams. However, much more work is still needed in order to refine this initial conclusion. The detailed risk and response data needed to support further analysis is not currently collected systematically within the state. Therefore, the authors recommend that a policy decision be made of whether or not to further study possible realignment.

Whether or not the decision is made to pursue any changes, the authors further recommend that a comprehensive statewide governance board be created to oversee hazmat response, which includes both the regional and county teams, politicians, and other elements. The authors also recommend and outline a process for collecting data, recommend program consolidation at WEM, and suggest further study of Minnesota's newly re-organized system. Additionally, the authors suggest that the governance board work on establishing training standards and creating standard operating guidelines. The direction and recommendations of this study should be utilized to provide the foundation for an ongoing process to improve the quality of the program. Appendix A is a list of all acronyms used in this report.

B. Phase I Report Update

The Phase I Report included seven recommendations for improving the contractual process for the regional team program. The detailed Phase I recommendations include the multi-step implementation plans that can be found in Appendix C. At a November 2009 meeting with the Oversight Working Group and the Regional Hazmat Team Fire Chiefs, the following assignments were agreed to by those present.

Recommendations 1, 2, 6, and 7 were action items that WEM and/or the Fire Chiefs were going to work on in the near future. The broad recommendations are listed below. The authors were not apprised of the progress of these recommendations during Phase II study.

Recommendation 1: Define DMA/WEM staff role and assign program to a single WEM point of contact.

Recommendation 2: Define the roles of the stakeholder working groups (in this instance the stakeholder working group means the Regional team Fire Chiefs' Working Group and Regional Hazmat Coordinators' Working Group, and not the Phase II stakeholders).

Recommendation 6: Engage the stakeholder working group (the Chiefs and Coordinators referenced in recommendation 2) in contract process and formalize communications.

Recommendation 7: Publish formal contract guidance with a timeline and specific requirements.

Recommendations 3, 4, and 5 included action items that were to be addressed in the Phase II Report by the stakeholder group. Those recommendations are:

Recommendation 3: Establish standards for team size, equipment, training and data collection.

Recommendation 4: Establish funding formula based on data collected and standards set for the teams.

Recommendation 5: Establish process for data collection, reporting and tracking.

All of these issues were discussed over the course of the three meetings with the Phase II stakeholder group, however, due to the broad scope of the project the group did not come to a single conclusion on all the items. The authors explain the discussions related to these items throughout the report and do make recommendations at the end of the report regarding data collection and setting up a governance board to create, implement, and oversee training standards, funding allocation, and other related items. Both the time constraint and lack of knowledge about what exactly the hazmat system will look like going forward, creates a hardship in suggesting a detailed, specific product such as a funding model. Once a decision is made about what the system will look like, further work can be done to set standards and create specific models.

C. Research Methodology

The researchers' methodology involved the following approaches:

- Full involvement of Wisconsin Emergency Management (WEM) in the research process through their hazmat coordinator
- Survey of other selected systems across the United States
- Stakeholder involvement through a group represented by the hazmat regional chiefs, hazmat regional team coordinators, county hazmat responders and representatives of counties that do not have their own hazmat team

WEM's hazmat point of contact was involved as an integral member of the research team. The authors, while charged with conducting the project, felt it was necessary to have the administrating agency sit as a full partner throughout the investigative initiatives. This has ensured good communication between the authors and the agency that will be responsible for implementing any recommendations and administering the program over the long-term. The authors worked closely with the WEM point of contact for hazmat to identify important issues and gather information about funding, teams, and risk factors in the state.

The researchers also felt it was necessary to canvas other states. The authors sent surveys to other states to collect information about their hazmat response systems. Both the process of trying to locate the proper contacts in other states and the responses to the survey provided a useful lens through which to view Wisconsin's system.

Three highly participatory meetings were conducted with the Stakeholder Working Group. Additionally the following surveys were developed and distributed: one to the regional team fire chiefs related to the Chemical Assessment Teams (CATs); one to the WEM point of contact and the two regional team fire chief points of contact about progress on the first report recommendations. An exercise was developed and utilized with the stakeholder group to analyze possible goals and measurements of those goals as they could relate to a systems approach. Lastly, the authors had many discussions with stakeholders around the state, attended meetings relevant to hazmat and read reports related to the issues, such as fire service standards of coverage and hazmat response to meth labs in Wisconsin.

In the third stakeholder working group meeting, the stakeholder provided the authors with feedback on the initial draft of this report. In some instances the feedback was incorporated

directly into the report. In other instances, the feedback includes a lengthier or inconclusive discussion or a difference of opinion on what the authors wrote. This feedback can be found in Appendix B.

The authors feel it is important to be forthcoming about the limitations of this study. While this report provides the basis for a healthy examination of Wisconsin's existing hazmat system and imagines possibilities for how to create a new system from scratch, the limitations did impact the scope and results of the report. The following factors have had an impact on the ability of the researchers and authors to fully address the key objectives of the study.

- There is a lack of reliable consistent statistical data about responses. Due to this shortage, the authors are making recommendations about how to remedy this problem instead of being able to make a single recommendation about which system is best for Wisconsin going forward based upon the existing data.
- The two OJA authors and WEM hazmat point of contact were learning about the topic and how best to conduct the study as it progressed. For example, discussions in the second stakeholder meeting led to a whole new line of inquiries that could not be foreseen or researched at this late point in the study timeline. Essentially, the researchers to some degree were learning what questions to ask of the stakeholder group and others, as the study progressed. For example, information was slow to materialize related to the different sources of funding that was available to teams, how teams characterize and use CATs, and the relationship of the county teams to the rest of the system.
- The stakeholder group tended to focus their responses regarding the exercise involving the goals and measurements, as illustrated by five scenarios, utilizing the existing structure as a basis for comparison. This seemed to limit creativity and critical thinking about other possibilities.
- The complexity and scope of this report require much more time and more in-depth involvement from stakeholders and decision-makers. This also would indicate that these efforts should receive ongoing consideration in today's environment which requires systematic approaches that result in constant improvement efforts.
- Rumors created discord. This created an atmosphere that required constant attention during the research project. Credibility of the research project seemed to always be in question by the interested parties. This may have affected stakeholders' input and created a strain on the researcher's time.

D. Stakeholder Working Group

As directed by General Dunbar and the participants of the November 2009 meeting about the Phase I Report, a Stakeholder Working Group was convened to help conduct research and provide insight for the Phase II Report. The stakeholder working group was chosen to represent a variety of interests in hazmat from around the state. In total, the members represent urban, suburban, and rural areas. They represent regional teams, county teams, and areas of the state that have no team. They come from areas that have different combinations of risk and population. Lastly, they were asked to participate because of their past and present dedication to hazmat response. The stakeholders ensured the process achieved the goal of transparency and involvement of subject matter experts. The authors want to acknowledge the time commitment these group members made to the project.

People changed personal commitments in order to participate in the hazmat meetings. Several people took the lead on gathering information to bring back to the group and drafting documents for the group's consideration. This group offered invaluable insights into the process and are to be commended for their efforts.

Stakeholder Group
Duane Cline-County Team SE
Tim Franz- Regional Team EC
Rob Goplin-County Team EC
Steve Hansen- Regional Team SE
Tim Herlache- No Team EC
Jeff Jelinek- No Team SW
Ed Kassing- Regional WC
Ken Kortenhof- County Team NE
Ethan Kroll- Regional Team EC
Mark Krueger-Regional Team NE
James Resac-County Team NW
Jim Rigstad- Regional Team NW
Doug Rohn- County Team SW/WAHMR)
Brian Van Wormer- County Team WC

II. Current System Structure

A. Description of Current System

The current response system is tiered, with more serious incidents moving up the chain of expertise and training, as deemed necessary. The local fire department generally provides the first level of protection. The Department of Commerce reports that there are 859 fire departments in Wisconsin (<http://commerce.wi.gov/SB/SB-FirePrevention-FireDepartments.html>). As reported by Keith Tveit, Fire Services Coordinator for WEM, 729 of these are volunteer departments and 130 are career or combination.

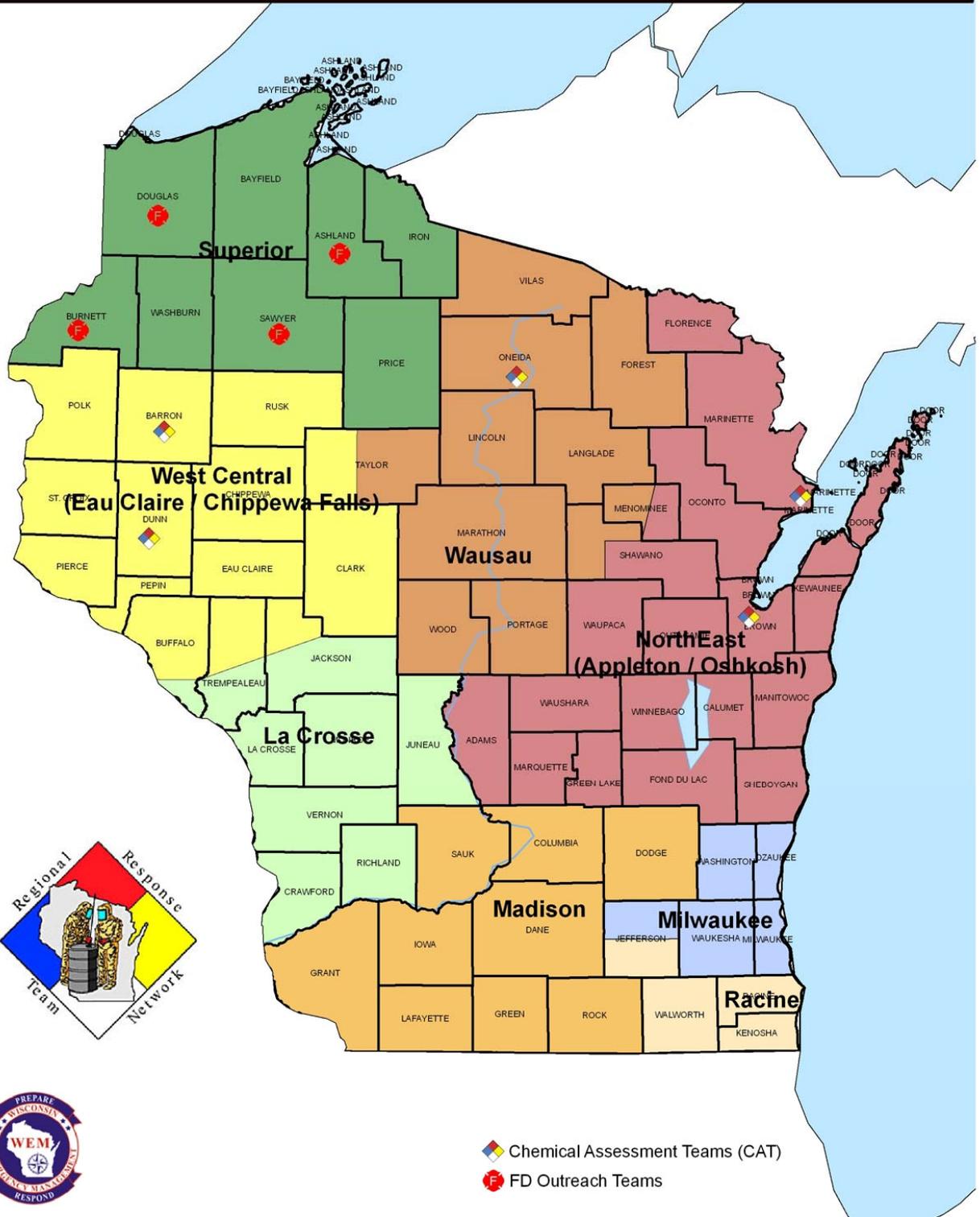
The second level consists of the county hazmat teams. There are 39 county teams which are primarily made up of multiple departments. Sixteen counties do not have organized local hazmat teams and so they contract with either another county or a private entity. In some areas the regional team is also the county team.

The regional response system is made up of eight teams from ten career fire departments. The eight teams were designated in 1991 and a full description of that process and the legislation governing the teams can be found in the Phase I Report. Chemical Assessment Teams (CATs) are part of some of the regional teams. They are sent to assess certain situations on behalf of the regional teams. While their role in assessment on situations is more or less standard across the state, their inclusion in the overall system could be somewhat different. For instance, the Superior team utilizes them as full partners in their team even though other fire departments in other communities serve in this function. Madison does not use outlying communities but

provides this function themselves. The researchers discovered that there is some ambiguity in the way that teams are used and that this is an area that needs to be clearly defined in an effort to improve the current system or in an effort to build a new system. It seems that CATs are a logical way to improve the efficiency of the system and creating a defined function that is used uniformly throughout the state will improve hazmat response in Wisconsin.

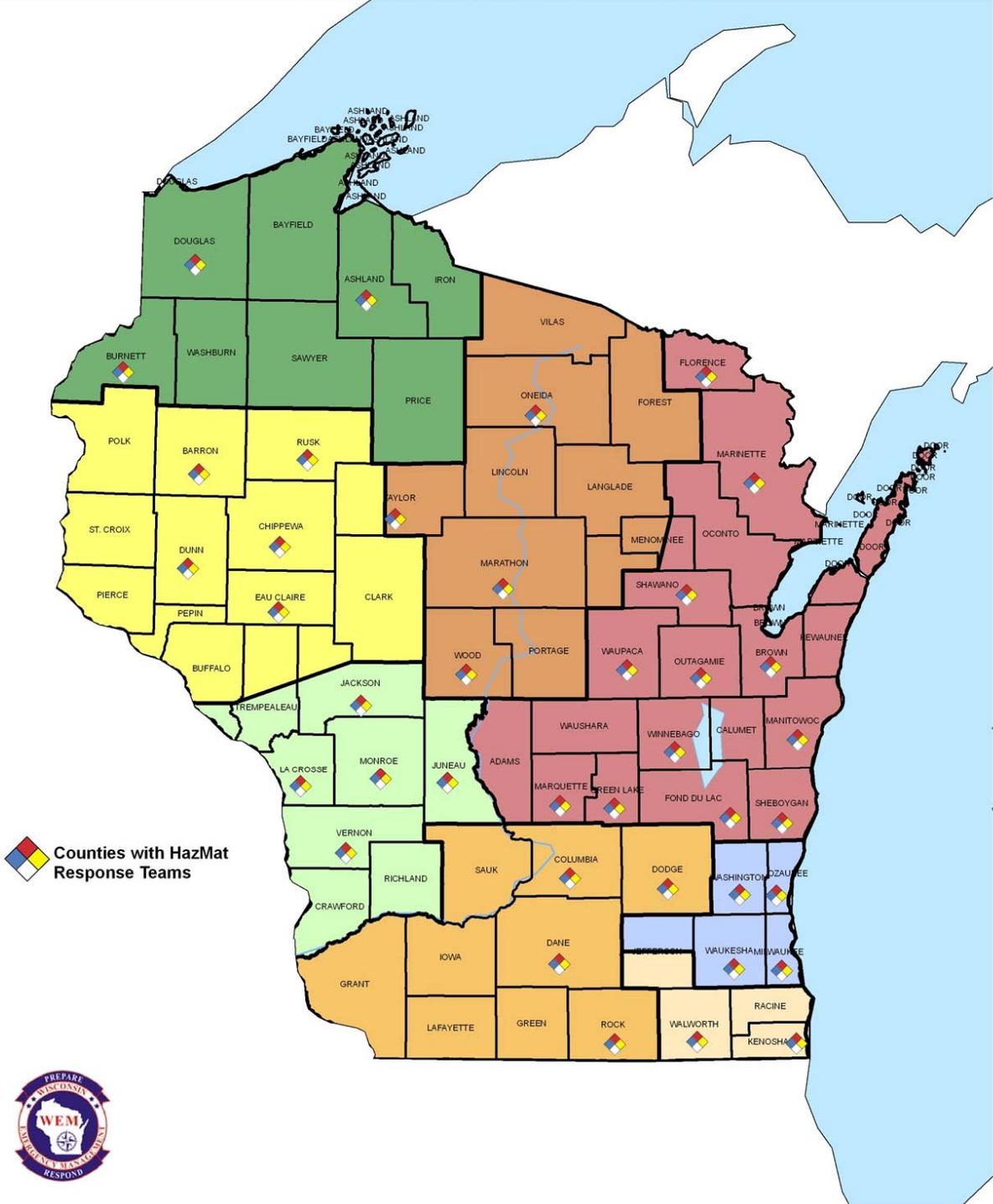
The maps on the following pages show the teams by location and description/response level.

Wisconsin's Regional HazMat Response Teams



- Chemical Assessment Teams (CAT)
- FD Outreach Teams

Wisconsin's Regional & County/Local HazMat Response Teams



B. Overview of Funding Sources

Wisconsin's hazmat response system has several sources of funding. While inadequate funding for the entire response system received very little discussion as an issue in the stakeholder group meetings, the following items/assertions were made at various points in the discussion:

- For big incidents, the replenishing of resources is not done in a timely fashion and local jurisdiction must support those costs while reimbursement is being worked out.
- With the situation as it relates to county teams, the impact of using non-grant funds is tenuous at times and that has a direct impact on the on number of teams in operation.
- The regional team fire chiefs in the Phase I Report and those fire chiefs on the stakeholder group during Phase II research asserted that their jurisdictions help fund their teams. \$1.4 million does not cover the entire cost for the regional teams.
- During discussions about the following sources of funding, it was clear that there was confusion about who was eligible for which funding and how and to whom the funding was awarded.

During the third meeting with the stakeholder group, they provided the authors with feedback on the draft report. The following section on funding was initially written based upon conversations in previous meetings, conversations with WEM staff who run the relevant grant programs, and from information on WEM's website (as of early April 2010). At the meeting, the stakeholders informed the authors that some of the information was not presented in a way that conformed with the way they understood the funding sources. In addition, they stated that the organization of how the pots of money were written in the report was confusing. The authors re-wrote the section and sent it out via email to the stakeholder group. A few stakeholders replied that this now conformed to how they understood the program and the authors took the lack of response from most stakeholders as consensus that the information reported below, now matches their understanding of the funding sources.

The following funding sources are the only sources of funding for hazmat responders to help build capacity for emergency response.

1. General Purpose Revenue for Regional Teams

The \$1.4 million allocated annually for the teams has not changed since 1991. Prior to the passage of the legislation that designated this appropriation, the HERC report identified that it would take more than that to fund regional teams. Wisconsin Emergency Management administers this funding through bi-annual contracts with each of the eight regional teams. Other states generally do not pay for hazmat response out of GPR and instead collect fees, charge responsible spillers, have locals fund their teams, or rely on grant funding. See Appendix D for more information about how other states pay for their hazmat system. See the Phase I Report for more information about the history of the contracts.

2. EPCRA Computer and Hazmat Response Equipment Grant

WEM administers this grant. "The Equipment Grant provides matching funding for computer equipment and hazardous materials response equipment."

(<http://emergencymanagement.wi.gov/sublink.asp?linksubcat2id=11&linksubcatid=39&linkcatid=77&linkid=30&locid=18>) These grants fund equipment that is listed on an allowable expense list that the federal government publishes with the grant. Historically, jurisdictions can apply for

up to \$10,000/year but the last two years that has been reduced. It was reported by the stakeholders that the \$10,000 allocation has not gone up in 15 years and this is the main source of funding for county teams. The lack of grant funding increase to keep pace with inflation has created a burden for county teams. The county team stakeholders reported a need for more flexibility in how this funding can be spent and a need to find another funding mechanism for teams.

3. Training Funds

Training funds are available as part of the Hazardous Materials Emergency Preparedness Grant (HMEP), but teams are not allowed to directly apply for this grant. Local Emergency Planning Commissions (LEPC) must apply for this grant and training is one small part of the allowable expenses, as this is primarily a planning grant. See EPCRA grant below for more details.

The following funding sources can be used to fund hazmat planning initiatives but the hazmat responders are not allowed to apply for the funding, as it is not intended for emergency response. In fact, the eligible applicants for the following grants are LEPCs and County EM offices.

1. Hazardous Materials Emergency Preparedness Grants (HMEP)

HMEP grants are available annually and are funded on a competitive basis. County jurisdictions can apply for money to fund planning efforts and training. WEM administers this grant. The latest information on WEM's website states, "The purpose of HMEP Planning Sub-Grant is to improve and enhance the development and implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of SARA (Superfund Amendments and Reauthorization Act). Specific planning activities that have been identified by Congress as being eligible for HMEP grant funding include conducting the following activities that would enhance emergency planning efforts: commodity flow assessments (Hazardous Materials Transportation Analysis); hazards analysis; exercises; assessment of local response capabilities; training needs assessment surveys; select WMD planning activities, and other enhancement efforts." "It is anticipated that LEPC HMEP Planning Sub-Grant awards will range from approximately \$2,000 to \$17,000 and awards for funding of a training needs assessment is estimated to be approximately \$200 to \$300."

(<http://emergencymanagement.wi.gov/docview.asp?docid=14924&locid=18>) According to WEM staff, Wisconsin has had years where not all the money was used.

2. Emergency Planning and Community Right- to- know Act Grant (EPCRA)

EPCRA grants are available on an annual basis. As noted above, this grant has two components; a computer and hazmat equipment section and a planning section. WEM administers this grant. "WEM/SERC is also responsible for administering the Emergency Planning Grant that provides funding on a formula basis to county LEPCs for local planning and program administration."(<http://emergencymanagement.wi.gov/sublink.asp?linksubcat2id=11&linksubcatid=39&linkcatid=77&linkid=30&locid=18>)

In summary, the funding for hazmat planning and response is fractured. In some cases it is reported that funding is not adequate to help cover costs for teams, and in other cases, not all the money is being used to engage in planning efforts at a county or regional level. Additionally,

there are questions about how funding is managed and allocated by WEM. During the third stakeholder meeting, the group members asked questions about why the EPCRA Computer and Hazmat Response Equipment Grant was reduced recently and what the total allocation of funding from the federal government to WEM is for hazmat and how the money is spent.

In addition to re-writing this funding section for review by the stakeholders, the authors were directed by the stakeholder group to contact Mr. Bill Clare, Planning Supervisor, at WEM for clarification about the funding sources. Mr. Clare replied to the email we sent, which included the revised language, and he had significant changes to the document that did not agree with what the authors and stakeholders agreed upon. His language can be found in Appendix E.

There appears to be a need to reduce confusion about the funding sources related to hazmat and to add transparency to the funding allocation process. For this reason, the authors make recommendations at the end of the report regarding improvements to dealing with funding and hazmat as a whole at WEM.

In addition to GPR and grant funding, Wisconsin has a law that allows responders to charge the responsible spiller for incident cost recovery.

Responsible Party Law

Wisconsin does have a responsible spiller law that allows the response agency or state to recapture the cost of responding to a hazmat incident.

As noted in the Phase I Report: “1997 Wisconsin Act 27 (date of enactment 10/11/1997; date of publication 10/13/1997) amends team reimbursement for emergency response by WEM only if a team has made a good faith effort to identify the responsible party and that party is unknown, financially unable, or unwilling to pay subject to available funding under 20.465(3)(dr), Stats.” “Currently, Chapter 323.70 of the Wisconsin Statutes requires a responsible party (i.e. person who possessed or controlled a hazardous substance that was released, potentially released, or who caused the release) to reimburse WEM for emergency response costs incurred by the Level A (Regional Team) team. Note: In reality, the teams/sponsoring municipalities collect these costs and only refer problematic claims to WEM.”

While there are statutes that allow municipalities or WEM to collect reimbursement from the responsible party, members of the stakeholder group noted that this can take a long time and tie up budgets. There is not a reservoir of funding for teams to use to cover costs as they wait for reimbursement. This could affect a team’s ability to operate especially in today’s environment of shortages of funding on the local level and could be exasperated in smaller units of governments and for really costly incidents.

Hazardous Materials Transportation Fee (Found Unconstitutional)

When the hazmat system was created in Wisconsin, the state designed a mechanism to help pay for the system. This mechanism relied on collecting fees from motor carriers transporting hazardous materials. The Phase I Report explains, “1991 Wisconsin Act 104 (date of enactment 12/13/1991; date of publication 1/2/1992) requires that the SERB establish an Administrative

Rule (initially SERB 4) creating a hazardous materials transportation fee for motor carriers transporting hazardous materials within and through the State of Wisconsin.

- Funds established under the fee are to be collected by a system developed and administered by WDOT.
- Creates additional FTE positions for WDOT to develop and administer the fee collection system.
- Rule promulgation anticipates collection of no more than \$2.3 million annually
- \$1.4 million set aside for teams annually out of program revenue expected for fees collected by WDOT.

This fee was determined to be unconstitutional. Phase I Report explains what happened, “9/23/1993 *American Trucking Associations et al vs. State of Wisconsin et al*, (Dane County Case Number 1993CV003708)

- Lawsuit against the SERB and WDOT by hazmat motor carriers pleading for injunctive relief from Administrative Rule SERB 4.
- Motor carriers refuse to pay fee due to pending litigation so minimal fees are being collected by WDOT which are insufficient to fund Level A teams.
- April/May 1996, SERB 4 is ultimately declared unconstitutional by the WI Court of Appeals for violation of the Commerce Clause of the U.S. Constitution (i.e. flat fee structure).
- WEM proceeds to revised SERB 4 to a tiered fee structure so that it is no longer considered unconstitutional and has an Emergency Administrative Rule about to go into effect. Before the Emergency Rule can be officially published, the State Legislature repeals SERB 4 in its entirety.
- The issue is now moot.

1993 Wisconsin Act 253 (date of enactment 4/9/1994; date of publication 4/22/1994)

- Effective July 1, 1994, eliminates WDOT appropriations for the collection of hazmat fees.
- Creates specific appropriations with DMA to pay for annual payments to the Level A teams with funding moved to the WDOT general fund.
- WDOT FTE positions and funding eliminated.”

Other states have been successful in implementing fees on transporters and facilities in order to help fund their hazmat response system. Wisconsin’s inability to collect a fee from those in the hazmat industry requires the system to rely upon GPR dollars.

Cost to Teams to support response

As determined in the Phase I Report, no one has identified a cost for response per team. It should be noted that this is also an area where other states were lacking information. None of the states surveyed were able to give an annual cost per team. Teams in Wisconsin reported that it is necessary to use other department funds to help pay for hazmat response. While the authors acknowledge that assigning an exact number to the cost of hazmat response in the state annually along with an annual per team cost is a difficult task, this is information that should be assessed. State funding is paying for a portion of the system and stakeholders assert that local funds pay

for another portion, so it seems that there needs to be a better answer to the question about how much it costs to operate the system. A standardized data collection process for response calls, budget information from the teams (cost of equipment, personnel, and training costs), and an accounting of how the annual contract funds and grant funds are spent, could provide a starting point for determining the cost. The more ambiguous issues, such as costs for administration and overhead could be worked out once a foundation for the numbers has been established.

To summarize, it should be noted that the people who administer the GPR funds, HMEP funds, and EPCRA funds do not seem to work as a team to coordinate efforts or information. The authors believe that increased cooperation among these three different sets of staff could create a more comprehensive system for those accessing funds. It would also allow information requests about who receives money to be processed easily. There should be one place that people can go to get information about what funding is available for hazmat and what the requirements are for the different pots of funding.

C. Current Legislation Summary Regarding Hazmat

As one considers the possible hazmat response systems Wisconsin could create, it is important to recognize what current legislation governing the system dictates. Nearly all the 5 scenario alternatives suggested for the sake of discussion in this report would require a change in legislation. The current legislation is fairly specific on the number of teams required and how the contract allocating the \$1.4 million works.

Currently, Chapter 323.70 of the Wisconsin Statutes provides:

- That the Division of Emergency Management (WEM) contract with no more than 9 regional emergency response teams (Level A), one of which is in La Crosse County.
- At least one designated team in each WEM region.
- The team must be a local agency (i.e. no private contractor/company)
- Team members must be trained to the highest standards for a hazardous materials responder under NFPA 471 and 472 as well as 29 CFR 1910.120. The teams shall have at least one member that is trained in the appropriate specialty areas under NFPA 472.
- Annual payments to each team from the WEM under the appropriation created in 20.465(3)(dd), Stats.
- Requires a responsible party (i.e. person who possessed or controlled a hazardous substance that was released, potentially released, or who caused the release) to reimburse WEM for emergency response costs incurred by the Level A team. Note: In reality, the teams/sponsoring municipalities collect these costs and only refer problematic claims to WEM.
- Teams will be reimbursed for emergency response by WEM only if a team has made a good faith effort to identify the responsible party and that party is unknown, financially unable, or unwilling to pay, subject to available funding under 20.465(3)(dr), Stats.
- A member of the team who is acting under the contract is considered a state employee for purposes of workers compensation benefits.
- Civil liability exemption for team, sponsoring municipality, and team members for good faith acts and omissions in providing services under the contract. This does not apply to criminal conduct. Note: the civil liability language can be found in section Wis Stat., 895.483.

- WEM must notify the Joint Committee on Finance in writing before entering into a contractual agreement or renewing or extending contracts. Under the passive review process, the Joint Committee on Finance has 14 business days after WEM’s notification to schedule a meeting to formally review the proposed action. If no meeting is scheduled within that timeframe, the proposed contracts are approved by the Committee.

*Please note that the teams used to be referred to as Level A and Level B but are now labeled as Regional or County teams. The above language pre-dates this change.

D. Current Matrix for Call-Out

The matrix that teams use to determine what level of team to call for response was created after the 2002 LAB Report was released. Teams use the matrix, however the researchers have been told by numerous people in several different meetings that this matrix is of limited use because teams can make the matrix answer add up however they want. It was reported that it is seen by some as a way to justify their decision in how to respond, not as a guide for how to determine what type of response is needed. In fact this is occurring, it circumvents the intent of defining the appropriate resource response based upon the assessed data.



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 style="width: 50px; height: 20px; margin-top: 10px;" 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 style="width: 50px; height: 20px; margin-top: 10px;" 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 style="width: 50px; height: 20px; margin-top: 10px;" 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 style="width: 50px; height: 20px; margin-top: 10px;" 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	

E. Information About Limitations of Data Calls

During both the Phase I and Phase II Reports, the researchers tried to find useful data about hazmat response calls. In discussions with stakeholders and program managers at WEM, it became apparent that the existing data is not useful for making solid decisions. Responders choose what to report and to whom and there is little consistency throughout the state. There is not one single system that collects information on each hazmat call and then shares that information with others or uses it to make decisions about issues such as funding.

There are several agencies or people that responders are supposed to report to, including reporting to the WEM duty officer during an incident, reporting to the WEM hazmat point of contact with data on a quarterly basis, reporting incidents to the county EM director, reporting on the National Fire Incident Reporting System (NFIRS), and reporting an incident to the Department of Natural Resources (DNR). See Appendix F for the requirements for reporting to the DNR. Examples of others that may be involved and have reporting requirement are the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA) and Coast Guard.

In addition to assessing who responders report to, there is an issue about when responders report incidents. Responders may be reporting when they want to report in order to inflate or deflate response numbers. Some incidents could be unreported in order to avoid paperwork related to the NFIRS or DNR reporting. Other incidents get reported as a regional response team responding to an incident when a county level response or possibly even a local response would have sufficed. The teams that are both regional teams and county teams must choose what to report and how to

record who responded. Without clear guidelines, this allows teams to change the impact of data about whether county or regional teams are responding to hazmat calls. There is also a question as to how calls are recorded when a CAT responds. In order to adequately assess the system, there needs to be standardized reporting and decisions made about how to classify a particular response.

F. Comparison to Other States

Surveys were sent to 12 other states to inquire about their hazmat response system. Eight states replied to our request. States and systems were selected based on their location in the Midwest, the availability of information online, or known similarities to our system (WI based its system on Oregon when our system was created). The two page survey included sections about the system structure, funding, standards, and a miscellaneous section. The results can be found in Appendix D. Essentially, the surveys show that there is no consensus on how to structure the system, how to allocate teams around the state, how to fund the teams, or how to govern the teams. The following items are notable:

- None of the states that replied said that they use “GPR” funding for teams. Some states reference state money but do not explain where exactly that money comes from. It seems that Wisconsin is unique in its use of GPR
- Many states noted that they are struggling to maintain their system given funding constraints
- All states have some sort of tiered system but the specifics vary widely on how it is constructed and how teams are called out
- Some states had standards for all teams in the system and others were set on a per team basis (by the teams)
- Only a few states had a governance structure for the whole system
- Systems in other states were designed on a wide variety of goals- political, geographic, or response time for example
- Only one state reported established response time guidelines
- Outreach and education did not seem to be built into many other states’ systems
- Most states were unable to identify a total annual system cost or an annual per team cost

Case Study: Minnesota

The authors were intrigued by the survey response from Minnesota. Unfortunately, this survey was received after the second stakeholder meeting and the group was not able to talk about the issues and ideas in the survey. Below is a brief summary. See Appendix B for more detailed information.

- ❖ Recently reorganized their hazmat response system due primarily to funding constraints and run volume issues.
- ❖ Minnesota now has 11 teams; 10 Chemical Assessment Teams (CAT) and 1 Emergency Response Team (ERT)/CAT combination
- ❖ ERT is the statewide resource
- ❖ Teams have ability to combine several CATs as necessary to respond to an incident
- ❖ Each CAT is assigned a primary and secondary response zone
- ❖ SOGs were adopted to formalize operations

III. Stakeholder Discussion: The Assessment of Goals and Measures Utilizing Hazmat System Delivery Alternatives

A. Introduction of Scenarios

Five separate scenarios were designed to stimulate thought, among the stakeholders and those reading the report, about critical components that may or may not be applicable to the General's overall direction in designing a system. The five alternatives cover a range of response capabilities from no alterations in the existing system to others that would require significant changes to the existing system, and may increase or reduce the need for particular resources. There are many other alternatives that could be created, and parts of each of these alternatives could be eliminated or added to others to design the ideal system for Wisconsin. The following material was constructed to form the basis for a discussion on how to identify the characteristics that would be most desirable in a system, and create and sustain the best possible system for the State.

During the second stakeholder meeting, the authors introduced the five scenarios and the grid. The instructions given to the stakeholders was that each should be evaluated with an open mind to create constructive ideas related to key measurements under each goal. It was never the intent of the researchers to conclude that meeting with the stakeholder group identifying any one of the stated systems as the most appropriate. The purpose of the exercise was to utilize the goals that were identified at the first stakeholder meeting to ascertain important measures for a system and further promote critical discussions relating to a response system for Wisconsin.

Each alternative was analyzed in the context of the measurements set for each of the goals. There are a total of six goals with related measurements. See the grid below for a comparison of stakeholder comments related how each of the criteria could be implemented in the five potential scenarios. It should be noted that the goals are listed in order of importance for the hazmat system, as voted on by the stakeholder group.

Furthermore, it should be noted that the grid is not able to fully capture the discussion stakeholders had and there are caveats to the design of the goals and measures and some of the answers in the grid. Readers should keep in mind that without knowing exactly what an alternate system would look like and where teams might be placed, it is not possible to have definitive assessments for each goal and measure. This grid represents the work of the stakeholder group and the evaluation of that discussion and other research by the authors.

Grid of 5 Alternate Scenarios

Goal	Measures	Scenario 1: Maintain current system	Scenario 2: Reduce down to 6 Regional Teams	Scenario 3: Reduce down to 4 Regional teams	Scenario 4: Create one statewide team for Level A response	Scenario 5: Fund Co teams in place of Regional teams
Efficient System Structure	Incorporates 3 tiers: First responder, Co team, Regional Team	Yes	Yes	Yes	Yes	No
	Uses CAT teams	Yes, partially	Yes	Yes	Could be designed that way	Could be designed that way
	Has sufficient resources to respond in a timely manner (<i>timely not defined by group</i>)	Yes	Yes, probably	No	No	No
	Has an governance board	No, but should have one	No, but should have one	No, but should have one	No, but should have one	No, but should have one
	All teams trained to NFPA standards	Yes	Yes	Yes	Yes	Yes
	All teams engage in standardized refresher training	No but should be	Could be designed that way	Could be designed that way	Could be designed that way	Could be designed that way
	Teams purchase equipment from standardized list (specification, not brand)	No, but should	Could be designed that way	Could be designed that way	Could be designed that way	Could be designed that way
	Has an education/prevention component	Yes	Could be designed that way	Could be designed that way	Could be designed that way	Could be designed that way
Covers all Risk Factors*	Provides coverage for major roads ¹	Yes	Yes	Yes	Yes	Yes
	Provides coverage for railroad tracks	Yes	Maybe, depends on team placement	Maybe, depends on team placement	Yes, if Statewide team responds	No, based on current teams
	Provides coverage for major waterways ²	Yes	Depends on team placement	Depends on team placement	Yes, if Statewide team responds	No, based on current teams
	Provides coverage for major airports ³	Yes	Depends on team placement (yes for current teams)	Depends on team placement (yes for current teams)	Yes, based on current teams	Yes, based on current teams
	Provides coverage for differences in density of	Yes	Yes	Yes	Yes	No

	EPCRA facilities					
	Provides coverage for differences in population density	Yes	Yes	Depends on team placement	Yes, if Statewide team responds	No, based on current teams
	Provides coverage for areas that experience surges in population due to tourism/recreation or mass evacuation from another place	Yes	Yes	Yes	Yes	No, based on current teams
	Provides coverage for pipelines in state	Yes	Depends on team placement	Depends on team placement	Yes, if Statewide team responds	Not entirely, based on current teams
Equitable System Structure	Provides base funding level to local responders	No	No	No	No	No
	Provides base funding level to county responders	No, except CAT teams	No, except CAT teams	Yes	Yes	Yes
	Provides base funding level to regional responders	Yes	Yes	Yes	Yes	No, there are no regional responders
Has adequate funding	System financially supports response costs	Yes but not entirely	Yes, if applied systematically	Yes, if applied systematically	Yes, if applied systematically	Yes, if applied systematically
	Has multiple funding sources ⁵	Yes	Yes	Yes	Yes	Yes
	System financially supports availability for response (stand-by)	Yes	Yes	Yes	Yes	Yes
Political Feasibility	Requires change in legislation ⁴	No	No, not if one team remains in every WEM region & in LaCrosse County	Yes	Yes	Yes
Ease of Implementation	Would result in loss of institutional knowledge	No	Yes	Yes	Yes	Yes
	Further training is necessary for teams	No	No	No	Maybe, Statewide team should train	No, unless more teams are added

					together	
	Requires development of new teams	No	No	No	Yes, For best response should create more county teams	Yes, For best response should create more county teams
	Requires eliminating teams at current designation	No	Yes	Yes	Yes	Yes
	Results in reduction of response resources for catastrophic events	No	No	No	No	No, but reduction in 3 tier of response puts more responsibility on the county teams

1. Roads include U.S and State Highways and Inter-state system
 2. Waterways include Shores/Ports of Great Lakes and Mississippi River
 3. Airports include General Mitchell International in Milwaukee and Dane County Regional in Madison
 4. See p.10 for current legislation governing the system
 5. Funding includes \$1.4 million annually to Regional teams, HMEP (training) and EPCRA (equipment) grants, and EPCRA planning grants (EM offices)
- * See attached maps in Appendix G

The following caveats about the exercise should be noted.

Many of the stakeholders appeared to judge the measurements based on the current system instead of conceiving how the measurement would work or be affected in a new system. For example, one of the measurements under the ‘Ease of Implementation’ goal is “loss of institutional knowledge”. In the stakeholder meeting, the group asserted that any change to the system would result in a loss of institutional knowledge. However, the authors can see the possibility for institutional knowledge to grow, as an increase in the capability of county teams would create a better base of knowledge of local risk factors. A change in the structure may result in older members of regional teams being less involved in response. It could also be said that there may be some loss of response history in a region or the state, but loss of institutional knowledge does not seem to be a significant threat. Essentially, change from the current system was equated with loss, without there being consideration for what could be gained. The rest of the caveats are broken down by goal.

Efficient System Structure Caveats:

CATs were not clearly defined and the regional teams around the state used them in different ways. Surveys were sent to the fire chiefs of all the regional teams to determine how their team does or does not use CATs. Not every team responded and those responses that we received varied. See Appendix H for survey results. CATs, as reported in some areas, appear to save time and money which could offer efficiencies if institutionalized correctly in other regions.

Measure two references responding in a timely manner. Timely manner was not defined, as the group was hesitant to put a time expectation on response. In order to better judge how each of the policy alternatives would measure up, there should be a time identified. However, not including a specific response time as a goal is not unusual. Only one of the eight states that answered our survey had a clearly defined on scene response time expectation.

Covers all Risk Factors Caveats:

Footnotes attached to the measures associated with the risk factor goal explain the meaning for words like “major” or other ambiguous terms. These designations were made by the authors. Members of the stakeholder group may have disagreed with some of the designations and wanted to add other items but, as a group, could not reach consensus on how to designate or quantify ambiguous terms.

Additionally, there are some measures that the group came up with that were questionable in terms of importance. When no consensus could be reached about whether to include them or not they received no further attention. They are included in the summary below for the sake of illustrating all the important risk factors in the state and because these 5 scenarios are not meant to be the answer but simply a way to discuss how to choose the system.

Given how much discord there was over determining if a particular measure was met by the scenario in question, the authors have, in some cases, made the final yes/no decision for the sake of the grid. This was done using maps produced by WEM’s hazmat coordinator for the first stakeholder meeting. The authors identified such areas in the analysis below.

One of the measures is “provides coverage for areas that experience surges in population due to tourism/recreation or mass influx (from nearby evacuation).” The stakeholder group originally had the two reasons for population surges separated, but the authors put them in one measure. If one is talking about response capability, the reason for an increase in population is not the important factor; the important factor is the location of the team compared to the location the people. This measure did not identify the risk (the location of expected influx) and most alternatives do not identify exact locations of the teams, so separating the two measures in the opinion of the authors, is of limited use.

The stakeholder group had a discussion about including a measure that reads, “Provides coverage for high risk targets.” This is not included in the grid because despite an extensive discussion, there was no consensus on several key issues. First what constitutes a ‘high risk target’ and secondly, if defined what does it mean to provide coverage for it? Once again, the discussion did not define what constitutes every day response and what constitutes a catastrophic event.

Another measure that the stakeholder group briefly discussed including was “Provides coverage for military installations” and this was not put into the grid. During the discussion there was disagreement about whether non-military personnel would be even be allowed to or required to respond on a federal military base. Due to a lack of agreement about the importance of this measure, the authors took it out of the grid.

Has Adequate Funding Caveats:

Adequate funding was identified as an important goal; however the measures the group came up with are hard to measure. The first measure, “System financially supports response costs” is something that is not able to be determined by data. Overall, stakeholders during all stages of the research said that the \$1.4 million is not enough to cover the actual costs. In addition, it was reported that the funding for the county teams is insufficient. It was also reported that the grants for HMEP and EPCRA are competitive and so cannot be relied upon. Actually, no one has determined what the actual cost is for each team in the system, for different tiers of teams, and for the entire system on an annual basis. As mentioned earlier in the report, this is not unusual and most states that replied to our survey reported the same problem.

Political Feasibility Caveats:

A measure that the stakeholder group recommended: “System set up in a way that provides reassurance to hazmat responders and their politicians that their costs for standby and response will be covered” was eliminated. This criteria was difficult to rate and therefore removed. Currently, it appears to offer reassurances because teams do exist and in all other alternatives, the system could be structured to offer this reassurance. Furthermore, legislation could be worded that would provide the adequate political and financial coverage for local jurisdictions. Reports about how the current spiller legislation works and the amount of money contributed by municipalities to fund response indicate that some changes would be needed to any of the five scenarios to offer total confidence in the system.

Ease of Implementation Caveats:

One of the measures identified in ease of implementation is “results in reduction of response resources for catastrophic events.” The first thing to note about this measure is that catastrophic events are not defined. Secondly, the group tended to focus on the idea that any change from the current system would be a reduction in resources for catastrophic events. This may not be the case. For example, if a response requires a regional team to travel an extra hour to get to an event, what is the impact? Or, if most counties in the state have a county team and there is a reduction in regional teams so an event requires 2-3 county teams to respond, does that mean that there are not the resources available for response? Could it mean that there are resources but that they might be called out differently to provide the necessary resources? Until there is a definition of an every day response, what a large event is, and what a catastrophic event is, this measure is of somewhat limited use. Additionally, because a system was built to a certain capability for ten years does not mean that that particular level of capability is the one that is needed or is most useful. If the majority of events are every day events handled by a county team, and one catastrophic event occurs every 7-10 years, then building a system to deal with that one instance may not be the best use of resources.

B. Detailed Description and Analysis of Scenario Alternatives

SCENARIO 1: Maintain Current System

BRIEF DESCRIPTION

This scenario is to maintain the current system and not change the structure of or funding allocations for the existing hazmat response system.

TOTAL NUMBER OF TEAMS

859 fire departments, 39 county teams, and 8 regional teams. The 39 county teams are reported to fluctuate as funding permits counties to fund them.

ANALYSIS OF GOALS

Efficient System Structure

Overall the group said the system was, for the most part, efficient. It incorporates three tiers, utilizes CAT teams, has sufficient resources, training is done according on NFPA standards and it includes an education component. The only real shortcoming discussed related to the system is not having standardized refresher training. It was also noted was that there was not an oversight board, something that was identified by the group that would add a level of efficiency (notice the information provided by other states about how they use a governance board). There was some ambiguity concerning equipment standardization. While in many cases the specifications were standardized and have received attention from the hazmat coordinators, there was no brand standardization. However, as a group, it was generally agreed this was not necessarily detrimental to an efficient system.

Coverage of all Risk Factors

The stakeholder group and authors agree that the current system provides good coverage of all the risk factors identified in the grid. The geographic spread of the teams covers major roads, rail road tracks, major waterways, major airports, differences in density of EPCRA facilities, differences in population density, could provide coverage for population surges, and provides coverage for the pipelines in the state. The footnotes at the bottom of the grid and maps in Appendix G explain or show the risk factors.

Equitable System Structure

The discussion centered on funding and basically saw this system as beneficial only for the regional teams. There was really no base funding for the county and initial responders. The county responders only received money if they operate as a CAT for a regional team. Compared to other policy alternatives, it could be said that this system is not equitable.

Adequate Funding

According to the stakeholder group, the system financially supports response costs but not entirely. Discussions in meetings centered around the fact that even with the \$1.4 million, HMEP and EPCRA grants, plus the opportunity to go after the responsible spiller, jurisdictions often help pay for the cost of response. The system does have multiple sources of funding and does seem to financially support availability for response (stand-by) since there are 8 regional teams and 39 county teams. In order to make this goal and its measures a more affective judge of the system, one would need to determine the costs for response and standby and see how the funding compares.

Political Feasibility

This goal has only one measurement: “requires change in legislation.” This system requires no legislation change and therefore it is the most politically feasible of all the five alternatives.

Ease of Implementation

This system already exists and would require no changes in order to implement it. Stakeholders asserted that maintaining the current system is the best way to prevent loss of institutional

knowledge, which they expressed concern over in the other alternatives. None of the teams require further training. There is no need to create or eliminate teams. Lastly, the group agreed that the current system was able to address a catastrophic event with the existing resources.

SCENARIO 2: Six Regional Teams

BRIEF DESCRIPTION

This alternative would reduce the number of regional teams down to six. The elimination of two of the regional teams would need to be determined based on data. The \$1.4 million in funding would be divided among the six designated regional teams.

TOTAL NUMBER OF TEAMS

859 fire departments, 39 county teams, and 6 regional teams. The 39 county teams are reported to fluctuate as funding permits counties to fund them.

ANALYSIS OF GOALS

Efficient System Structure

Generally this system received basically the same rating for efficiency as the current system. It included a tiered system, could use CATs, the resources probably would be sufficient to respond to calls in a timely manner, and the system could be designed to meet NFPA standards for training, engage in standardized refresher training, include a standardize equipment purchasing list, and include sufficient resources to do the education component. Once again a system with an oversight board was seen as creating a more efficient system and stakeholders suggested that refresher training as well as equipment should be standardized. The authors noted that the stakeholder's discussion seemed to indicate a comparison to the existing system. This coincided with the perception from the authors that a reduction in the numbers would not necessarily be an efficiency that would be welcomed.

Coverage of all Risk Factors

The stakeholders decided that this policy alternative would provide as good of coverage as the current system. The authors believe that this system could cover the major roads and depending on placement of the six teams, could cover the railroad tracks, major waterways, major airports, and pipelines in the state. Additionally, the authors believe that 39 county teams and six regional teams could provide coverage for differences in EPCRA facility density, differences in population density and could handle population surges.

Equitable System Structure

This system is not any more equitable than the existing system. It is designed to not provide any base funding for local responders, none for the county responders, unless they have CATs, as it only provides base funding for the six regional teams.

Adequate Funding

This alternative would still make several sources of funding available to the teams. The reduction of two regional teams would likely create more funding for the remaining teams, so finances should be able to better support response and stand-by costs. Of course, this is not a guarantee and without more exact budget numbers than were available to the researchers, it is hard to make a definitive judgment. The stakeholders did not discuss the funding in depth for the alternatives

outside of scenario one. It was not recognized at any time that reducing the number of regional teams could provide more money to the remaining teams or allow the transfer of funds to the county teams to help with their costs.

Political Feasibility

The stakeholder group viewed this alternative as politically feasible, as it would not necessarily require a change in legislation. In order to operate under the current legislation though, there would need to be one regional team in each of the WEM regions and a team in LaCrosse County. These requirements may hamper the ability to make changes to the system based on risk factors or other identified goals/measures. See page 10 of this report for a summary of the legislation.

Ease of Implementation

The stakeholder group felt that any change from the current system would lead to a loss of institutional knowledge, even if it is just a reduction in two regional teams. This does require eliminating teams, as noted above but the stakeholder and authors do not think this results in a significant reduction of response resources for a catastrophic event. This alternative does not require developing any new teams or any further training for the teams.

The stakeholders pointed out that with the elimination of two regional teams, the problem will be who remains and if there will need to be any realignment based upon risk factors. No suggestions were made about how to determine where the teams should be placed to best cover risk because the discussion was designed to be theoretical and remain at a systematic level.

SCENARIO 3: Four Regional Teams

BRIEF DESCRIPTION

This alternative would reduce the number of regional teams down to four. The elimination of four regional teams would free up money to help fund the county teams, in addition to the four remaining regional teams.

TOTAL NUMBER OF TEAMS

859 fire departments, 39 county teams, and 4 regional teams. The placement of the four regional teams is to be determined and should be done so based on data. Additionally, there may be more or less than 39 county teams as it has been reported that the number of county teams in the state fluctuates.

ANALYSIS OF GOALS **Efficient System Structure**

This alternative created significant discussion as it related to the goals and measurements. While the stakeholders acknowledged that it could be tiered and use CATs, and said it should have a governance board, they questioned the idea that it could have sufficient resources. A great deal of discussion centered on response times and that this type of reduction in regional teams would have serious ramifications of the efficiency of the system. During this discussion the idea of having quantifiable response times was raised. The group never really came up with an identifiable standard but returned to the idea that a reduction in regional teams would not be good for the system. These issues seemed to be agreed upon not only by representatives of the regional teams but also those who represented the county teams. It was strongly conveyed from

these individuals that the regional teams represented a safety net for the counties that would be seriously compromised if their numbers were reduced. For the first time, there was discussion about whether the county's ability to call their regional teams for advice on a problem would be reduced.

Coverage of all Risk Factors

The conversation with the stakeholders concluded that the risk factors would not be as well covered, however the authors think it is hard to make this determination, without talking about where teams would be placed. It cannot be determined if there is adequate coverage or not for major waterways and airports for example without discussing specific team placement. The maps in Appendix D show that there are clearly areas of the state that have more risk factors than other areas of the state.

Equitable System Structure

This option provides base funding for two of the three tiers of the hazmat response system. It is designed to provide base funding for both county and regional teams but not for local responders. This option is more equitable than alternatives one and two.

Adequate Funding

This scenario would still make several sources of funding available to the teams. The reduction of four regional teams would create more funding for the remaining regional teams and for the county teams, so finances should be able to better support response and stand-by costs. Of course, this is not a guarantee and without more exact budget numbers than were available to the researchers, it is hard to make a definitive judgment. The stakeholders did not discuss the funding in depth for the alternatives outside of scenario one. Maintaining funding for their individual teams for some of the participants may be a motive for the lack of any in depth examination; however, reducing the number of regional teams could provide more money to the remaining teams or allow the transfer of funds to the county teams to help with their costs.

Political Feasibility

This option was not seen as politically feasible as alternatives one and two because it would require a change in legislation.

Ease of Implementation

The stakeholder group felt that any change from the current system would lead to a loss of institutional knowledge. This alternative does require eliminating teams. The authors think this would not result in a significant reduction of response resources for a catastrophic event, however the stakeholder group disagrees. They noted that as the number of regional team decreases it would put more stress on the county teams to have adequate resources for catastrophic events. This alternative does not necessarily require developing any new teams; however the authors could see the increased demand for more county teams to create a more timely response across the state. Also, one must consider that more counties may want to create teams, if there is a stable funding source for them to use. New teams would require further training.

SCENARIO 4: One Statewide Team

BRIEF DESCRIPTION

This scenario would reduce the number of regional teams down to one, essentially creating a statewide team that would be called in for major incidents. All other incidents would be handled by county teams.

TOTAL NUMBER OF TEAMS

859 fire departments, 39 county teams, and 1 statewide team. The current 39 county teams may not provide adequate coverage though, if there is only one statewide team that would respond to major events. There may need to be more county teams or a way to have multiple county teams work together for a response that is large but does not rise to the level of the statewide team.

ANALYSIS OF GOALS

Efficient System Structure

For this scenario the stakeholders focused on the idea that there would be a very significant drop off in efficiency. While it could be tiered and training could be according to NFPA standards and there could be a CATs component, the timeliness of response was called into question. The stakeholder group asserted that one Level A response team would seriously affect efficiencies. The group once again indicated that any reduction in the regional network would seriously jeopardize the team safety net that it created for the counties. This alternative should be designed to incorporate a governance board, use CATs, train all teams to NFPA standards, use a standardized equipment list, ensure all teams engage in standardized refresher training and include an education component. The authors recognize the concerns of the stakeholders but think that it is hard to judge how efficient or inefficient this system would be compared to others, without seeing more data on who currently responds to calls now (county or regional teams) and identifying exactly how the state team would be utilized. This alternative would be similar to how Minnesota restructured their system recently and those making decisions should investigate Minnesota's system more closely.

Coverage of all Risk Factors

The stakeholders asserted that, yes it could cover the risk factors but it places a big burden on the county teams. This assertion was followed by questions about whether or not the county teams had the resources to deal with this increased expectation of response. The authors agree that it places an increased burden on the county teams but also raises the question of what the expectation is for response time. If a statewide team is available to respond, the question is how quickly it could respond to relieve the stress on the county team. This is an important consideration when looking at how well this alternative covers the risk factors identified.

Equitable System Structure

This option provides base funding for two of the three tiers of the hazmat response system. It is designed to provide base funding for both county and regional teams but not for local responders. This option is more equitable than options one, two and five.

Adequate Funding

This alternative has multiple funding sources and with a reduction in regional teams, it could allow more county and local response agencies to compete for the HMEP and EPCRA grants. The stakeholder group did not discuss the funding for this policy alternative because they seemed

to dismiss the alternative from the time it was mentioned. This particular scenario has the chance to better fund both response costs and stand-by costs, as there is only one statewide team and therefore the county teams would have access to more stable funding.

Political Feasibility

This alternative does require a change in legislation. There are two important considerations to think about in the political context; this scenario is a dramatic change from the current system and the funding to many jurisdictions will change so that will likely cause consternation. Additionally, this alternative does dovetail with the other statewide response initiatives, such as collapse rescue. At no point was there discussion about how the hazmat response system should or could work within other response systems within the state and the authors feel this needs further consideration.

Ease of Implementation

This would require a totally new concept to be initiated and will likely require new operational procedures as well. The system would need to be carefully designed to assess the impact of creating a new statewide team or choosing one of the existing regional teams to fill that role. This does require eliminating teams and it would likely require training for the statewide team (if that team was made up of responders from several places, instead of just one existing team). Like the other scenarios, the stakeholders think that this would result in the loss of institution knowledge and the authors do not necessarily agree. This alternative does not result in a reduction of resources for a catastrophic event, however, there would need to be some planning about how and when to call the statewide team.

SCENARIO 5: County Team System

BRIEF DESCRIPTION

This scenario would discontinue funding the regional teams and split the funding up among the county teams.

TOTAL NUMBER OF TEAMS

859 fire departments and a yet to be determined number of county teams. Currently there are 39 county teams but this would likely require more teams to provide adequate coverage. It also may require setting up and creating operational standards for more extensive CAT usage. And, with more funding available for the county teams, counties may begin to form teams, thereby increasing the number of teams that need funding.

ANALYSIS OF GOALS **Efficient System Structure**

This system received the least positive efficiency rating. The stakeholders did not see this alternative as a system that could work and be efficient. The idea of supporting the county teams with additional funding did not seem to influence the group's opinion favorably, in terms of whether this could be a proficient system. It was not seen as having a tiered approach and there was concern that in general this alternative did not have sufficient resources for timely response. Like the other alternatives, the authors feel that the system could be designed to address some of these concerns, including using CATs (as they are reported to be used by existing teams), it must have a governance board, it could have standardized re-fresher training, equipment list, and an education component. All teams would be required to fulfill NFPA training standards. The issue

of whether or not it has sufficient resources to support timely response is hard to judge since a response time has never been identified. However, an increase in the number of county teams and effective use of CATs could mitigate some concerns about response time.

Coverage of all Risk Factors

This scenario could cover many of the risk factors but it places the total burden on the county teams and the stakeholders doubt the ability of the county teams to live up to that burden. There are some risk factors that would not be adequately covered based on where the existing county teams are. Those risk factors are rail roads, major waterways, pipelines, and population surges. Lastly, while the map with the EPCRA facilities shows that the areas that have the most facilities have county teams, there are many counties that have facilities and no existing team. In order to cover all the risk factors, this system would need more county teams or existing teams would need the ability to respond outside their own county.

Equitable System Structure

This scenario only provides funding for the county teams and is therefore among the least equitable systems, using the measures set by the stakeholder group, because it provides funding for one of the three tiers. It is similar in equity terms to alternatives one and two.

Adequate Funding

This system has multiple sources of funding and almost all the resources, including the HMEP and EPCRA grants and the \$1.4 million in annual GPR funding would be directed toward the county teams. This scenario provides the most stable support to the county teams, although it is questionable whether or not it would provide adequate funding for response and stand-by if there are a large number of county teams splitting up the funding. As noted earlier in this report, the stakeholder group asserted that funding a team for both response and stand-by is costly and counties may not be able to fund this adequately on a basis that is sustainable. When discussing this alternative, the stakeholders started a conversation about system sustainability. They advocated that whatever system is chosen, needs to be sustainable because creating a system that is not sustainable will create more hardship.

Political Feasibility

This system would require a change in legislation. Like alternative four, it would need serious thought, considering the dramatic impact it would have on funding for many jurisdictions.

Ease of Implementation

The increase burden on the county and first responder fire departments would need to be carefully addressed. This could include creating more teams and training them. Furthermore, there would need to be a careful examination of what equipment is needed to make teams fully capable of responding to any incident they might encounter. While this does not necessarily reduce the resources for response to a catastrophic event, it places all the responsibility on the county teams and there needs to be some assurance that there is a way for a team or several teams to work together to handle such incidents. The stakeholders and authors agree that this would be the hardest policy to implement because it requires the most change and would need to work through issues like mutual aid, need for more equipment and training, and call out for major or catastrophic incidents.

IV. Stakeholder Group Recommendation

A. Customer Expectations

During the first meeting of the stakeholder group, members of the group decided that it was important to this report and process to decide what different groups of customers expect from Wisconsin's hazmat system. Several group members did research between the first and second meeting and came back to the group with documents for review. When the documents were reviewed at the second stakeholder group meeting, there was little discussion about them. All stakeholders seemed to agree with what the expectations were and how they were written up in the matrix and text version. One important point of discussion is that expectations differ greatly based on who the customer is. For example, the general public does not know what level of service to expect from what group so, as long as someone responds, even a first responder fire department, the general public is satisfied. Furthermore, most customers expect a timely response but could probably not identify a specific timeframe for response since they do not understand how hazmat response works. Lastly, the group agreed that the people that are in the best position to set standards/expectations are the hazmat responders themselves, since they understand the system. The discussion ended on this point. See Appendix I for a matrix and text version of what customers want.

B. Scenario Alternatives Recommendation

At the second stakeholder meeting, the group discussed goals and measures and ultimately voted on which goals they think were most important for determining what the system should be. The following goals were identified; efficient system structure, equitable system structure, covers all risk factors, has adequate funding, political feasibility and ease of implementation.

As noted above, a vote was conducted during the second stakeholder working group meeting to determine which goals were most important. The grid has since been organized in descending order of importance according to that vote. Each group member was given 2 stickers to place next to the goal(s) they thought was most important for creating a system. The vote count was:

Efficient System Structure-10

Equitable System Structure-4

Covers all Risk Factors-7

Has Adequate Funding-2

Political Feasibility-1

Ease of Implementation- 0

It is notable that efficiency and coverage of risk factors received far more votes than the other options but could be in opposition to each other in intent depending on how one defines efficiency. Having a system that is adequately funded only received two votes even though a lack of funding was identified as a major problem in the Phase I Report and in the first and third stakeholder meetings.

Ultimately, the authors concurred that the group continued to gravitate toward and defend the current system as the best option for Wisconsin.

V. Authors' Recommendation

The authors of this report have been involved, in addition to their regular responsibilities, in studying and researching this topic for the last nine months. Research methods have included interviews, surveys, reading past reports, legislation review, and conducting meetings with the Oversight Working Group and the Stakeholder Working Group. The knowledge acquired allows the authors to make recommendations about the hazmat response system in the State from a unique perspective. As reported earlier, constraints of the report create hardship for the authors' ability to make one recommendation about which system would be best for Wisconsin. In fact, at this point, there is no one perfect system that can be identified. Instead, we would like to take this opportunity to make several suggestions that should lead to an improved system, regardless of what that system might look like.

Governance Board

A governance board needs to be established and formalized that includes a cross section of all applicable parties. Such a governance board is consistent with the direction from the Adjutant General that the decision-making process needs to be transparent. This should serve as the pivot point for all items related to the system. This board should consist of no more than 10 people with the following possible make-up:

- Three elected officials (for example, County Executive or Mayor from place with team)
- Two representatives of the regional teams
- Two representatives of the county teams
- One representative from a county without a team
- One representative of the Wisconsin State Fire Chiefs
- One At Large representative to fill any gaps (for example, representation from first responder fire department or a relevant state agency with connection to hazmat response)

This Governance Board should be staffed by one person from the administrative agency, since the recommendations for program improvement will be carried out by the agency. Additionally, there should be term limits for serving on the board and not all term limits should expire at the same time.

System Structure

The use of GPR funding in Wisconsin for this program is an asset that most other areas of the country do not enjoy. This needs to be maximized by addressing the following:

- Serious consideration needs to be given to reducing the numbers of regional teams. It is clear that the system currently utilizes county responders for most incidents. It seems to be clear that, as related by the stakeholders, the education component is working to reduce emergency response. That component needs to be strengthened utilizing money that could be derived by eliminating regional teams as well as providing more support for the counties. It must be stressed that any planning efforts to re-strategize the number and involvement of regional teams needs to be done in a systematic manner that achieves the back-up component for the counties, as well as strengthens the education component that seem to be working. This must be done in a transparent, participatory manner.
- There needs to immediately be a formalization of the county response tier in the state. This group appears to be doing a great deal of work in education and response however they have no formal structure. This resource could be enhanced by organizing them into

a structure similar to the regional teams for standardization of processes and training, as well as opportunities for funding.

- First responder departments need to be brought into the discussion. Stakeholders noted that this particular tier of response is largely not consulted. One stakeholder pointed out that his knowledge of Ohio's system has made him aware of the importance of this. He stated that Ohio puts an emphasis on working from the bottom up regarding response. This makes for a more cohesive and organized system. Wisconsin should do the same by including first responder departments as an integral part of the system.
- As reported, the educational component seems to be working. This needs to be standardized and, if possible enhanced. Once again, this needs to be done under the guidance of the governance board. It needs to focus on a proactive approach with private industry, including transportation, to work for continual process improvements to minimize responses.

Data Collection

The collection of data for many factors related to hazmat is fractured and seemed to offer very little guidance in any meaningful way. The direct oversight of data collection needs to be a function of the governance board. For actual incidents, the National Fire Incident Reporting System (NFIRS) may offer the best source of information on this. There needs to be clear standards established as to reporting requirements to all levels of response in the state. These requirements need to be tied to funding. The governance board needs to establish and track this initiative, including reviewing data at regular intervals for quality and to make systematic funding decisions.

NFIRS is a modular reporting system that has the capability to include hazmat reporting. See <http://nfirs.fema.gov> for more information.

The authors recommend the following specific actions related to data collection:

- WEM should require all departments to standardize hazmat response reporting. It is our understanding that NFIRS may offer the best readily available standardized approach for collecting data related to response time and type of situation. WEM will need to be able to login to NFIRS or find a way to get the proper information out of the system and put into one collective report for Wisconsin.
- WEM should collect data on the education/outreach program that teams have. It should be collected at standard intervals (such as on a quarterly basis) and include information that tracks the number of presentations made by the department and number of outreach contacts to industry. The form should include a description of the activities, the date, and who received the education/outreach. Additionally, the form should include information about how much time is spent on this activity and what the cost is to provide this service. WEM should provide the collected information and assessment of the education component to the governance board, who can do further assessment and make a determination of what the role should be for education/outreach in the hazmat system.
- WEM should collect information on the telephone support function that teams provide. This includes working with the stakeholders to identify how to capture this information, as this is not something that is not reported in NFIRS. It should be collected at standard intervals (such as on a quarterly basis), it should include information pertaining to the number of times the department answered a call, a description of each call and the

outcome of the call. It is important to make sure the form captures whether or not the phone assist was the end of the service of the department provided or whether a team was sent to respond.

- All information collected by WEM will be submitted to the governance board for review.
- WEM should withhold any funding for teams that they administer if teams do not complete the reporting requirements. All funding should be special conditioned to include the reporting requirement.

The data collection steps outlined above cover the data that can be collected for activities done by the regional and county teams; however it has several large components that are missing. First, it does not capture data for local fire department hazmat response. These departments are the first responders called for every incident and data from these departments could show the true need for response by area of the state. Secondly, it does not capture data for contractor responses for areas of the state that rely on contractors for hazmat response. The authors recognize that WEM has no ability to withhold funding for these two groups. Designing a system for data collection in these instances can be done at the time that the first responder departments are incorporated into discussions and planning efforts.

Program Administration

WEM needs to formalize a hazmat department that includes all aspects as it relates to the hazmat program. This includes but is not limited to EPCRA reporting, grants and contract administration, and planning with regional and county teams.

Gathering information related to funding for hazmat in the state was particularly difficult, as WEM staff and stakeholder who receive money had different explanations of how the funding is allocated. The authors strongly urge WEM to use the suggested hazmat department to coordinate funding for all programs to eliminate this confusion. Staff should handle team contracts, grant funding, and website upkeep related to information about hazmat funding.

WEM, through their legal council, needs to investigate a user fee to supplement this initiative. This was explored at one time as related earlier in this paper. However the data needs to be explored from other states to assert this fee as a funding supplement. The fee needs to be utilized in a way that supports all levels of the tiered system.

Review of System

The Minnesota reorganization effort needs to be examined in one year. That may allow the State of Wisconsin to see how their efforts as outlined earlier in this paper fared and could offer a future model for this state.

Secondly, the surveys from other states should be reviewed for possible ideas. Follow up contact should be made to further investigate issues of how other states deal with a governance board and fund their systems.

Lastly, as suggested in the HERC Report, Wisconsin's system should undergo systematic review at pre-determined dates. The system should be reviewed every four years to investigate how well it is working, if there are efficiencies that can be gained, and if there are new best practices from

around the country that Wisconsin can adopt. The four your review is equal to reviewing the system every two contract periods (assuming the current GPR contract system is used).

Funding

In several places in the report, the authors state that there has not been an assessment of what it costs to run the system. Before major changes are made or new contracts are signed, data should be gathered to determine what is needed to fund the system. While other states have also not been able to determine an exact cost per team or for the system annually, many other states did say what they spend on teams. Wisconsin should see how it compares to those states and how what it spends compares to the needs of this system. The regional teams have asserted that their jurisdictions help cover the cost of the hazmat response and stand-by capabilities; this claim should be validated with records. Any request for more funding from the legislature will require a funding analysis and any request to change legislation regarding the placement of teams should be justified in part, on a fiscal basis. WEM, as the state’s emergency operations response agency and the agency that awards the HMEP and EPCRA grants, as well as administers the regional team contracts, should be the agency that keeps track of all fiscal records for all teams. The teams at all levels need to recognize the importance of keeping accurate records and reporting to WEM so that sound decisions can be made about the hazmat response system.

Training Standards

The National Fire Protection Association (NFPA) is an international nonprofit organization that works to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. NFPA codes 471, 472 and 473 address hazmat response.

Training standards were frequently mentioned in interviews and meetings in both the Phase I and Phase II Report activities. Standards need to be established beyond what NFPA requires. NFPA references “minimum competencies” for training. Note the lack of dictating the number of hours needed to earn and maintain certification. Wisconsin stakeholders said that the state complies with the job performance objectives identified by NFPA by providing a 40 hours training class. It was related that there were no standards for the number of hours needed for

refresher training. Standards need to be set at every level for those involved in hazmat response. Refresher training in particular was mentioned repeatedly as a place for improvement in standards for Wisconsin. However, the discussions held at the stakeholder meeting and in other meetings the authors attended made it clear that there is not agreement on the number of hours necessary to meet and retain competency. The governance board should set standards based upon a careful analysis of needs at each level.

Standard Operating Guidelines

In the Phase I Report, one of the recommendations was the creation of SOGs/SOPs. While there does not appear to be progress in this direction, the authors feel that this is critical to any future system. While researching what others states do, the authors received a copy of Minnesota’s SOGs. This document is impressive in its scope and level of detail and should be a starting point for a group of experts in Wisconsin to review. There is no need to reinvent the wheel when a neighboring state has clearly spent a lot of time writing up SOGs that may work for Wisconsin.

(Please note that the authors made multiple attempts during the Phase II study to make contact with an authorized person from Minnesota. Nothing was received until March 23, which was after the second meeting of the stakeholder group. The authors sent the stakeholders an email with the survey and SOGs attached.) Due to the considerable length of the document, it is not included as an appendix to this report; however, the authors can provide an electronic copy of the document and contact information for a person who can answer questions about Minnesota's system.

VI. Conclusion

The system of hazmat response in the state, is for the most part working. While there is not definitive data that necessarily supports this generalization, stakeholders on all levels seem to indicate just that. This does not mean to say that there are not possibilities for improvement along the lines outlined in the recommendation section to this research project. The opportunities for improvement need to be pursued within the boundaries of transparency and with full involvement of the stakeholders. This process needs to be ongoing and needs to confront the very real issues of the number of teams, standardization of processes and funding, as well as legislative considerations.

The issue that drove both of the studies related to funding and the inadequacies and inefficiencies that supposedly existed was really something that never received any serious consideration from the stakeholders. This was extremely perplexing. When the exercise was conducted in the second stakeholder meeting, none of the other systems really received serious support from anyone in the stakeholders group. This could suggest that some could be thinking in terms of political, operational and/or institutional barriers. It could also be attributed to the attitude of better the known rather than the unknown. That being said, the researchers, based upon the economics of today's public sector environment as well as the data collected from other states believe that this issue will need to be seriously considered.

The researchers want to stress that any changes in the current system will require fully engaged and involved participants that can look to process improvements. A system that provides the level of coverage that the citizens of Wisconsin deserve and need should always be directed by a fully involved, dedicated group that can look beyond their own situations. This along with the full, open participation of the administering agency is the only way this type of process can be successful. It should be ongoing, open and supportable through a cooperative effort.

Appendix A: Acronyms

CAT- Chemical Assessment Team
CST- Civil Support Team
DMA- Department of Military Affairs
DNR- Department of Natural Resources
EPA- Environmental Protection Agency
EPCRA- Emergency Planning & Community Right-to-Know Act
FEMA- Federal Emergency Management Agency
FTE- Full Time Equivalent
GPR- General Purpose Revenue
Hazmat- Hazardous Materials
HERC- Hazmat Emergency Response Committee
HMEP- Hazardous Materials Emergency Preparedness
LAB- Legislative Audit Bureau
LEPC- Local Emergency Plan Commission
NFPA- National Fire Protection Association
NFIRS- National Fire Incident Reporting System
OJA- Office of Justice Assistance
OSHA- Occupational Safety and Health Administration
POC- Point of Contact
RFP- Request for Proposal
RRT- Regional Response Team
SERB- State Emergency Response Board
TAG- The Adjutant General
WDOT- Wisconsin Department of Transportation
WEM- Wisconsin Emergency Management

Appendix B: Stakeholder Meeting 3- Feedback on Draft Report

Limitations of Study

Language on page 3 of report says: “There is a lack of reliable consistent statistical data about response.”

Stakeholder comments: It is by design that it is not standardized. Teams have never been required to submit a formal form. This is reported from both county and regional teams. It was clarified that the WEM regional directors do not get a copy of information or data about hazmat responses from the EM directors.

The EM directors are the only standardized way to report to DNR.

Responsible Party Law

Language on page 11 of report.

Stakeholder comment: There are instances where no responsible party identified and response agencies end up responsible for the cost of response.

Counties have been unable to make a successful, coordinated effort to put together consistent billing for response among counties.

There is no money left in pot noted in legislation, to help reimburse the teams who respond and are not compensated by the responsible party.

Cost to Teams

Language on page 12 of report.

Stakeholder comments: When it was related by the authors that the costs were not available, many members took exception and stated that they could indeed provide their costs.

When asked about administrative costs it was stated that there was no way to ascertain. Some stakeholders stated that they did report their costs to WEM.

The comment was also made that the system serves as an insurance policy and collecting costs related only to response ignores the question of what the state wants for insurance.

Current Legislation: Civil liability bullet point

Language on page 13 of report.

Stakeholder comments: The civil liability exemption only applies to the regional teams. Additionally all teams take on liability issues in every call.

Call-Out Matrix

Language on page 14 of report.

Stakeholder comments: The matrix does not differentiate between chemicals.

The matrix contributes to bad reporting.

The matrix by design creates ambiguities.

Caveats Under the Grid

Language on page 20 of report

Stakeholder comments: everything is relative to the existing system and that they did not try to push a preconceived idea.

It is too hard to judge systems when they only know the system.

Detailed Description and Analysis of Alternative Scenarios

Language on page 26 of report.

Stakeholder comments: Under scenarios 4 and 5 it was strongly stated that the counties did not have the human resources to provide the response capabilities.

It was not about money but personnel issues for smaller departments.

It was related that this was the consensus of the stakeholders who had conferred with their peers in many cases.

The fire departments already have so many other responsibilities taking on this one would place an undue burden since a system is already in place.

Authors' Recommendations.

Language on page 30 of report

Stakeholder comments: There were statements made that some of these sentences may be misleading but that they were correct.

Language on page 31 of report: Data Collection/NIFRS suggestion.

Stakeholder comments: There are multiple issues to think about with NIFRS

Departments need to do it to receive grant money.

Not all departments are using NIFRS.

The definition of hazmat is broad in NIFRS.

Some don't like using it so they only put the bare minimum.

As reported by the stakeholders it is possible the following identifies possible reporting requirements regarding NIFRS: Comm 14 and 2007 Wisconsin Act 75.

Language on page 33 of report: Funding.

Stakeholder comments: They reported that the locals know what it costs to run the teams but the state doesn't collect that data.

Several stakeholders stated that they could get this information immediately.

It was suggested that the data may not be uniform.

Language on page 34 of the report: SOGs.

Stakeholder comments: The consensus was that they were needed for high level decisions but not for boots on the ground departmental issues. One stated that what did it matter if the services were being provided. It was stated that Minnesota owns the equipment and Wisconsin it was owned by the locals and that this could impact the SOGs.

Conclusion

Language on page 34 of the report.

Stakeholder comments: Issue about funding is not perplexing because there were only two meeting to discuss this before the draft report. It was further stated that all issues can not be covered. The meetings had different goals which it made it difficult include this in the discussion.

Other people agreed there was not enough time.

Clearly the system is working as per the stakeholders because there was not any evidence to the contrary.

Appendix C: 7 Recommendations from Phase I Report

The following language is directly from the Phase I Report:

After reviewing all the data, the Hazmat Working Group concluded that the following seven recommendations will improve the process of contract and fiscal for Wisconsin's hazmat teams. Some of the recommendations will serve a two-fold function; they will improve the contractual process and can be a starting point for future possible improvements to the structure of the hazmat response system in Wisconsin.

Some of the recommendations below will most appropriately be implemented through the Phase II study, which will establish a working group of stakeholders to assess the substantive needs of the program. However, work should begin on implementation of the below recommendations prior to beginning the Phase II study. Accumulating the necessary data now and implementing new processes will help drive Phase II of the study, which will fully engage all stakeholders in discussing the best way to structure hazmat response in Wisconsin.

1. Define DMA/WEM staff role and assign program to a single WEM point of contact.

We recommend that a team of WEM staff work to administer the hazmat program but that there be one point of contact. Establishing a single point of contact will ensure that all information is collected and routed through one source, and the day-to-day responsibilities for program coordination will clearly rest with that individual. It is also important for this position, whether it is an existing position or a new position, to fit within the existing WEM organizational structure with clear lines of responsibility and authority. Recognizing that creation of a new position would be difficult under current budgets, the hazmat training coordinator appears to be the most appropriate choice for this role within the current WEM organization. See Appendix I for the WEM Organizational Chart. The hazmat coordinator currently runs the hazmat training program, works with hazmat team coordinators, and collects much of the data necessary for the administration of the program.

As point of contact (POC) for the Level A response program this position should:

- Report to the planning and preparedness Bureau Director through the Training Section Supervisor. This position fits within the existing organizational structure at WEM.
- Implement the hazmat program and serve as the daily point of contact for the hazmat team coordinators.
- Collect data on a quarterly basis.
- Approve data reports and requests for reimbursement. Work with fiscal staff to send/coordinate payments to teams.
- Attend the Hazmat Coordinators' Working Group meetings to discuss issues.
- Update WEM website with hazmat information.
- Publish guidance for program.

Additionally, WEM fiscal staff should be involved in the fiscal administration of the program. This person should be responsible for:

- Making payments to the teams.
- Keeping the single official file for each contract for each team.
- Work with the program POC to ensure coordination of fiscal and programmatic requirements.
- Assist in the development of program and fiscal guidance.

The Planning and Preparedness Bureau Director should:

- Supervise the Hazmat Training Coordinator's program implementation through the Training Section Supervisor.
- Attend the quarterly Fire Chiefs' Working Group meetings.
- Resolve issues with the fire chiefs, as they arise.
- Keep the WEM Administrator informed about the program.

The WEM Administrator:

- Supervise the Planning and Preparedness Bureau Director.
- Coordinate the effort between WEM staff and the DMA Legal Counsel to review legality of contracts.

It is essential that the WEM Administrator have direct involvement in the initial development of these process changes, and involvement on an as-needed basis in the future, with responsibility delegated to the Bureau Director and Hazmat Training Coordinator.

DMA Legal Counsel also has a role in the contractual process. This position should:

- Draft and review contract language.
- Ensure compliance with legislation.
- Oversee passive review process.
- Draft any changes to legislation governing the program.
- Review program and fiscal guidance for legislative compliance.

With four people at WEM and the DMA legal counsel all involved, there must be clear division of roles, lines of authority, and open communication to administer the program. The hazmat program team should meet periodically throughout the year and particularly during the contract negotiation process to ensure consistency of internal program policies, procedures, and communications with stakeholders.

Furthermore, in order to facilitate communications between WEM and the fire chiefs, we suggest that WEM administer a hazmat webpage on the WEM website. This site should host the program guidance and forms and other relevant details, such as the NFPA standards for the program. This will add transparency to the process.

WEM could begin to implement this recommendation immediately, with full implementation, including a necessary revision to work assignments, position duties, and meeting schedules, within 2-4 weeks.

2. Define the roles of the stakeholder working groups.

Currently, there are two working groups for the fire service that deal with Level A hazmat response; a Fire Chiefs' Working Group and a Hazmat Coordinators' Working Group. It was unclear from discussion what the role of each group is and how they interact with each other and with WEM.

- With stakeholder involvement, the fire chiefs' roles and responsibilities and their interactions with WEM need to be clearly defined. These should be outlined in a written format and reviewed on an annual basis.
- With stakeholder involvement, the hazmat coordinators' roles and responsibilities and their interactions with WEM need to be clearly defined. These should be outlined in a written format and reviewed on an annual basis.
- WEM and both working groups need to meet on a regular basis to facilitate communication.
- Clear points of contact need to be designated for WEM and the working groups to establish transparency and accountability.

It is important to note that these working groups should include WEM in discussions they have, at the appropriate time. WEM should be invited to meetings and kept up to date on decisions made by the Fire Chiefs' Working Group. More open communication from the fire chiefs to WEM will be a benefit to all.

It is feasible for this recommendation to be implemented in a short timeframe. The written document outlining roles and responsibilities of the Fire Chiefs Working Group and the Hazmat Coordinators' Working Group could be drafted within two months. Points of contact for the fire chiefs and WEM could be designated immediately.

3. Establish standards for team size, equipment, training and data collection.

As reported in interviews, there are not standards as they relate to all facets of the teams. All agreed that standards are necessary for the integrity of the system. WEM should define standards with input from the stakeholder working groups. These standards are needed in order to develop statewide capability focus, as opposed to an individual department focus.

- Utilizing a collaborative effort the stakeholders should define the common terminology they use.
- Stakeholders must set standards and agree upon a justification for team size.
- Standardization of equipment should be a priority.
- Explore options for cost effective training.
- Data collection is critical to the contractual process. The working groups and WEM need to determine what data needs to be collected (risk, response, etc) and what that data will mean for funding decisions.
- WEM should publish an authorized equipment list once standards are set.
- WEM, in cooperation with the Fire Chiefs' Working Group, should establish a validation mechanism to document team competencies.

It is feasible for the necessary conversations and justifications to occur immediately. However, the Phase II study will examine these issues outside of the current structure.

4. Establish funding formula model based on data collected and standards set for the teams.

It is vital that decisions related to the hazmat program be made on mutually agreed upon criteria between the administering agency and the teams. This will assure accountability and effective program management as well as provide a basis for clearly understood decision making process.

- WEM, as the administrative agency, should coordinate with the fire departments a process that establishes a formula model for the distribution of the contract funds.
- The formula models need to be based upon a clear understanding of mutually agreed upon factors that include but are not limited to risk, need criteria, and consistent data evaluation.

It is feasible for this recommendation to be implemented before the next round of contractual negotiations.

5. Establish process for data collection, reporting and tracking.

Several types of data should be collected in order to allow for evaluation of the teams and the response system as a whole. At a minimum, WEM should collect team information such as rosters and expenditure data including training and equipment purchases. This ensures accountability and effective program management.

Data should be collected in a formal and orderly process.

- WEM should create a process for collecting the mutually agreed upon data and publish this in a guide. The guide should indicate who the data should be submitted to and when. Furthermore, there should be electronic forms for each of the teams to fill out so that each team is using a standard reporting mechanism. This will allow for accurate data collection and reporting and fair comparison during evaluations. It is critical that the guide outline the consequences for non-compliance with the reporting requirements. Contract payments should be tied to reporting. Regular reporting should be required and the teams reimbursed upon WEM receipt of reports.
- WEM should create an internal process for managing the data. The data should be kept on file (as submitted electronically by teams) and then entered into a database. This process should be managed by the hazmat program POC. Fiscal data should be shared with the appropriate WEM fiscal specialist. The teams should have one point of contact. The WEM hazmat POC must be responsible for sharing information internally by notifying fiscal staff of when to make payment to teams.
- WEM should institute a way for distributing the data with the teams. This will help facilitate discussion on program needs and drive decision-making. As noted in recommendation number one, this type of information should be shared on an electronic venue that is accessible to WEM and the fire chiefs. The guide should also be posted to a designated spot.
- This data must be reviewed with the Fire Chiefs' Working Group, the Hazmat Coordinators' Working Group, and WEM on an annual basis.

WEM should begin implementing this recommendation immediately, with partial completion of reporting guidelines, forms, databases, and sharing processes, achievable within 3 months. These will be further enhanced in Phase II of the study.

6. Engage stakeholder working group in contract process and formalize communications

Contract negotiations should be formal and transparent.

- WEM, in cooperation with the Fire Chiefs' Working Group, should draft a formal communications plan.
- As recommended by the fire chiefs, the administrating agency should include the Fire Chiefs' Working Group in contract discussions. This will ensure that there is one clear message being communicated to all stakeholders.
- These discussions should occur at scheduled times, as required by a defined time table, which should be detailed in the program guide.
- The contract negotiations should begin at least six months in advance of the current contract expiring.
- The passive review process needs to be open and transparent, take place on a set schedule and WEM and the fire chiefs need to be co-partners in this process.

It is feasible for a timetable to be published immediately. Additionally, contract negotiations for the next contract should begin by January 2011.

7. Publish formal contract guidance with a timeline and specific requirements

- WEM should publish one guide that covers all aspects of how the Level A regional hazmat response system works. This guide on program implementation will create transparency and ensure a minimum level of communication between WEM and the teams.
- The guide should include sections on standards, the allocation formula model, data reporting, contract guidance and requirements, contract review schedule and the passive review process. This guide should be posted to an electronic venue that WEM and the fire chiefs have access to and should be sent out to the teams.
- In the event of changes to the guide, clear communications between all stakeholders need to take place.
- Teams will be responsible for complying with the program guidelines outlined in the document.

It is feasible to implement this recommendation immediately. However, it is likely that there will be revisions to the guide after Phase II of the study is completed.

Appendix D: State Surveys

Survey for State of Idaho

System Structure

How many teams do you have?

The State of Idaho has seven (7) Regional Haz Mat Response Teams (RRTs).

How did you determine the structure?

The structure was determined based on response time of the RRTs, proximity of metro areas that could support a RRT, and state-wide distribution of this resource.

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

Do you have tiered response? Yes

If yes, what are the tiers/types?

Basically, the tiers are: (1) local responders, (2) Regional Haz Mat Teams and other State Resources, and (3) Federal Resources such as Civil Support Team, EPA START, RAP from DoE, etc.

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons

Transportation Corridors

Hazardous Facilities

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not?

No, there are other agencies/methods for addressing mitigation of hazardous materials. This is strictly an “emergency” response.

Funding

How are teams funded?

Locally **Please Identify:** Local FDs provide personnel, housing for apparatus, and administration of their program.

State Funds **Please Identify:** The State of Idaho, Bureau of Homeland Security provides limited state funds, coordination, grant administration, and some oversight.

Federal Funds **Please Identify:** The Federal government provides grant funds from various locations that support equipment, training, and exercise functions of the RRTs.

What is the total system cost to your state annually?

This varies depending on the number of incidents every year that are cost recovered. The main funds are from federal grants.

How much does it cost to fund each type of team annually? See the above answer.

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system?

The State of Idaho has legislation that allows for the cost recovery for first responders for their response to a hazardous materials emergency. We do not charge any fees for this.

Standards

Do you have standards for training, equipment, and exercising? Yes

If yes, please briefly explain. Obviously, national standards such as 29 CFR 1910.120, NFPA 471, 472, 473, and DHS capabilities give guidance. Additionally, the RRTs develop internal team standards for positions within each RRT.

Do the teams have SOP/SOGs? Yes

What is the expectation for response (time, geography, transportation corridors, and facilities)? This is situational dependent, but basically no more than 4 hours from call to “on-scene” is the goal. Generally speaking, the response times are much less than the above, usually no more than an hour.

Who determined those standards?

This was determined by the RRTs and the State, jointly.

How are the teams evaluated?

The RRTs are evaluated in several manners: (1) Individual evaluation conducted by the hosting department, (2) Exercise evaluations conducted by peer evaluators in regional exercises, (3) drill evaluations, conducted by peer evaluators.

How often are the teams evaluated?

The RRTs are evaluated constantly at various levels. The team is evaluated every time it responds to an event/exercise/drill.

Miscellaneous

Is there a governance structure for the system? How are decisions made?

Each team is sponsored by a local fire department and has that governance structure. As a group, the RRT Leaders from each department govern the system as far as SOPs, equipment, and methodologies are concerned.

Has your structure changed/evolved? If so, why did you change it?

The structure has evolved and adjusted to changing political circumstances, grant funding, and number of teams.

What are the benefits of your system?

Benefits include: (1) every citizen of the State of Idaho has access to the same resource, (2) these RRTs are supported by a dynamic State Haz Mat Plan and cost recovery mechanism that provides for a common operating picture, and (3) provides for more timely notification of the non-emergency response that occurs after the event.

What are the drawbacks of your system?

Probably the primary drawback has to do with limited financial resources.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work?

Yes, all members of the RRTs are considered state employees when they respond. They are paid through the cost recovery mechanism by the State who then goes after the responsible party for recovery. At any rate, the response community is made whole. Liability is therefore covered by the state.

Do you have agreements to work with other states in the border regions of your state? Yes & No

Please explain.

We have those agreements for things like EMAC and some individual departments have agreements with communities right across the state line.

Are teams in your state required to do outreach/education?

RRTs are encouraged to do outreach/education, but not required.

Survey for State of Illinois

System Structure

How many teams do you have? 43

How did you determine the structure? It had been left up to the teams but it is evolving. MABAS is now asking all teams to give info on their Coordinator, team leaders and training officer. We are also looking for copies of SOG's or by-laws which govern the team and starting to mandate more team training standards.

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

Do you have tiered response? Yes

If yes, what are the tiers/types? The initial call can be interdivisional from a neighboring team. If a request is mad for a response under the state-wide plan, a package of 5 teams is dispatched to the incident and can be reinforced by subsequent 5 team packages.

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons

Transportation Corridors

Hazardous Facilities

The goal was to have a hazmat team within one hour from any place in the state. There are more teams in the Chicago metro area than downstate.

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not? So far, yes. We have not identified any weaknesses.

Funding

How are teams funded?

Locally **Please Identify:** Teams are locally controlled and supported by MABAS

State Funds **Please Identify:** State homeland security funds

Federal Funds **Please Identify:** UASI funds are used in UASI jurisdictions

What is the total system cost to your state annually?

How much does it cost to fund each type of team annually? MABAS spends approximately \$12,000 each year per team for consumables and equipment maintenance. Teams also have local budgets they work with outside of what MABAS supplies.

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system? No, We have (spiller pays) ordinances to recover costs from incidents.

Standards

Do you have standards for training, equipment, and exercising? Yes

If yes, please briefly explain. Team members must document 24 hours of technician level training per year and meet a minimum inventory list of equipment.

Do the teams have SOP/SOGs? yes

What is the expectation for response (time, geography, transportation corridors, and facilities)? For a statewide plan activation the expectation is they are responding within 1 hour. For local responses the expectation is immediate response.

Who determined those standards? MABAS, Hazmat steering committee and Illinois Terrorism Taskforce training sub-committee.

How are the teams evaluated? Annually they get a paper audit and inventory. Every three years they will go through a validation exercise.

How often are the teams evaluated? See above

Miscellaneous

Is there a governance structure for the system? How are decisions made? MABAS Hazmat Committee develops guidance and submits for approval to the Executive Board

Has your structure changed/evolved? If so, why did you change it? No.

What are the benefits of your system? Provides a certain level of trained technicians and equipment to all of Illinois within 1 hour.

What are the drawbacks of your system? Some local teams have access to more team members and equipment than others. Some team equipment is owned locally and other teams equipment was state funded, this created some discourse among teams.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work? For any incident that is a local response the team members are paid and insured by their own departments. In the event the statewide plan is activated, the team members are still

paid and insured by their own departments but the state reimburses each department for costs.

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain. Yes, Local mutual aid, interdivisional requests and EMAC

Are teams in your state required to do outreach/education? No.

Survey for State of Iowa

System Structure

How many teams do you have?

The state of Iowa currently has 20 regional hazmat teams.

How did you determine the structure?

This structure was a result of the need to provide HazMat response capability to the larger cities in the state starting in the late 1980's. From there the response areas grew as the teams matured and grew in their capabilities. There was not a plan at the beginning, it just resulted from the location of the cities.

How are teams designated? (pick all that apply)

- Statewide**
 Regionally
 Locally

Do you have tiered response? Yes/No

Most areas have a tiered response. I know that several departments operate at the Operations level and would call their regional team for Technician level response.

If yes, what are the tiers/types?

Localities would either be Awareness or Operations level and respond. They would upgrade to the regional hazmat team if it was beyond Operations level response, and then upgrade further to the State sponsored WMD team if the incident met the requirements of the state team protocol.

How are the teams allocated throughout the state? (pick all that apply)

- Geography**
 Response Time
 Political reasons
 Transportation Corridors
 Hazardous Facilities

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not?

The rural areas of the state have larger regions, thus there could be response time issues – I am unsure to what extent as we are in a more urban part of the state. There are higher concentrations of teams in the areas where larger population centers are in proximity to one another.

Funding

How are teams funded?

- Locally** **Please Identify:**
State Funds **Please Identify:**
Federal Funds **Please Identify:**

What is the total system cost to your state annually?

At this time the standard HazMat Team system does not cost the State anything. Individual team costs are dependant upon the size of the team and financial capabilities of their sponsoring organizations. The WMD team is sponsored solely by Homeland Security Grants and funds from the local sponsoring agencies.

How much does it cost to fund each type of team annually?

I think this varies. Des Moines Hazmat I know has quite a large budget for their operations due to the retainer fee for the counties they serve. Cedar Rapids has a very limited budget and we basically charge for equipment used and don't have a set budget beyond this.

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system?

Most all of the HazMat teams have local ordinances that allow them to charge back for materials used and sometimes for labor to the responsible party.

Standards

Do you have standards for training, equipment, and exercising? Yes/No

If yes, please briefly explain.

NFPA 472 and OSHA 1910.120

Do the teams have SOP/SOGs?

We have SOP's.

What is the expectation for response (time, geography, transportation corridors, and facilities)?

To respond in a timely manner. There is no set time.

Who determined those standards?

How are the teams evaluated?

Each team self-evaluates.

How often are the teams evaluated?

The goal is for annual evaluations.

Miscellaneous

Is there a governance structure for the system? How are decisions made?

We have the Iowa Hazmat Task Force which is more of an oversight group made up of representatives from each team. They don't have governance per se over the teams but it is an attempt to interact and be aware of each others strengths and needs as well as champion hazmat issues at the state level.

Has your structure changed/evolved? If so, why did you change it?

No.

What are the benefits of your system?

Each county decides which team in their region of the state will respond to hazmat events in their area.

What are the drawbacks of your system?

The rural areas have lengthy response times. Additionally, it does not necessarily give uniform response to all areas and the number of teams can make it difficult to maintain standardized response capabilities.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work?

They are local employees paid by, and liable to, their home jurisdiction. The exception would be our WMD Response Teams (of which there are seven host municipalities) which is a state asset funded through the HSGP.

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain.

Some of the border communities do.

Are teams in your state required to do outreach/education?

No.

Survey for State of Minnesota

System Structure

How many teams do you have?

11 Teams – 10 Chemical Assessment Teams (CAT) and 1 Emergency Response Team (ERT) CAT combination -

How did you determine the structure?

This was originally determined by legislation and consisted of 11 total teams with 4 ERT. This was changed based upon funding and run volume to the current 10 CAT and 1 ERT/CAT. In addition the legislative change allowed for CATs to be combined to form an ERT on scene. This allowed for greater flexibility in determining response in the State and created the ERT depth without having to fund and staff 4 complete ERTs.

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

CATs are regional and the ERT is designated Statewide

Do you have tiered response? Yes

Upon determining the incident needs an initial CAT response can be upgraded or enhanced with multiple CATs or the ERT.

If yes, what are the tiers/types?

CAT response once the on call HSEM Hazmat specialist determines need based upon an interface with the on scene IC or multiple CAT or ERT as the incident develops or initial if required.

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons

Transportation Corridors

Hazardous Facilities

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not?

Yes – will continue to adjust the plan/program as experience and funding dictate

Funding

How are teams funded?

Locally **Please Identify:** Local CATs or the ERT can add to or enhance the capabilities if the deem appropriate.

State Funds X **Please Identify:** MnDOT hazardous materials transportation/carriers charge appropriate and dedicated to hazmat response program (\$90,000 each team for 2010)

Federal Funds X **Please Identify:** State Homeland Security Grant Program with funding allocated for the Strengthening State Teams Investment. (\$55,000 for CATs and \$65,000 for ERT)

What is the total system cost to your state annually?

MnDOT hazardous materials transportation/carriers charge appropriate and dedicated to hazmat response program (\$90,000 each team for 2010)

State Homeland Security Grant Program with funding allocated for the Strengthening State Teams Investment. (\$55,000 for CATs and \$65,000 for ERT)

How much does it cost to fund each type of team annually?

The following are adjusted depending on grant allocations and MnDOT charge revenue. MnDOT hazardous materials transportation/carriers charge appropriate and dedicated to hazmat response program (\$90,000 each team for 2010)

State Homeland Security Grant Program with funding allocated for the Strengthening State Teams Investment. (\$55,000 for CATs and \$65,000 for ERT)

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system?

Yes as stated before. In addition we have state legislation that allows for billing for responses to the responsible party (shipper, spiller, generator, etc.)

Standards

Do you have standards for training, equipment, and exercising? Yes/No

If yes, please briefly explain.

NFPA/ODP approved/AEL equipment list/HSEEP exercise

Do the teams have SOP/SOGs?

Yes (will try to forward a version)

What is the expectation for response (time, geography, transportation corridors, and facilities)? 30 minutes wheels up – out the door. On scene will vary depending on location, weather, and number of CATs/ERT deployed

Who determined those standards?

Contractual issue between the CAT/ERT jurisdictions/providers and Minnesota Homeland Security and Emergency Management Mn HSEM.

How are the teams evaluated?

AAR after each response and at quarterly Tactical meetings with all CATs and ERT representatives in attendance.

How often are the teams evaluated?

At least quarterly

Miscellaneous

Is there a governance structure for the system? How are decisions made?

Each response agency has their own structure and each team reports to Mn HSEM

Has your structure changed/evolved? If so, why did you change it?

Fewer ERTs and increased the capabilities of the CATs. Changed due to cost factors and the number of responses that could be and were handle by CAT response rather than a full ERT.

What are the benefits of your system?

All public safety in the State has the ability to tap the teams for emergency response to hazmat incidents.

What are the drawbacks of your system?

Fluctuations in fee based and grant based funding schemes.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Yes - Who are they paid by and how does the liability work? They are paid by their own jurisdictions through the contract amount allocated. Work comp and liability is covered by the State and covered under the Mn HSEM budget.

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain. EMAC and then cooperative mutual aid agreements with border teams/counties/cities.

Are teams in your state required to do outreach/education?

All teams are required to do site visits/preplans within their response areas to include local response agencies in the visits. They will also train with local response agencies and utilize them for decon support and operational level support for incidents.

Survey for State of Missouri

System Structure

How many teams do you have?

9 Homeland Security Regional Response Systems (comprised of several local teams in each region) and the State Department of Natural Resources.

How did you determine the structure?

The Governors Homeland Security Advisory Council established a statewide steering committee to determine the structure.

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

Do you have tiered response? Yes/No Yes

If yes, what are the tiers/types? Local, regional, state.

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons

Transportation Corridors

Hazardous Facilities

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not? A system to address all the needs for hazmat mitigation within this or any state would be too costly to operate. To ensure all hazmat mitigation had taken place statutes, legislation and a fee structure would have to be implemented. We believe that our system is the best structure for the state that we can support currently. Not all hazmat has been nor will it be mitigated in any reasonable time frame.

Funding

How are teams funded?

Locally **Please Identify:** Each team connected to the HSRRS receives local funds to support their team

State Funds **Please Identify:** Several teams receive funds from the Chemical Emergency Preparedness fund for preparedness and training.

Federal Funds **Please Identify:** Each team receives Homeland Security Funds to sustain (\$1 million in Missouri's Homeland Security allocation) for their teams as well as enhancement funds voted on regionally by their regional councils. These funds are based

on statewide risk analysis. Federal funds are also used from the HMTA for planning assistance and training.

What is the total system cost to your state annually? The current cost to the state from CEPF funds for 2009 was approximately \$ 192,000 (this does not include any federal funds received that were attached to the DHS or HMTA. With the short time request of this survey, the state hazmat response lead, Department of Natural Resources was unable to provide exact costs but would be willing to do so if given additional time – this was also not included in the \$192,000.00.

How much does it cost to fund each type of team annually? This will vary by region/risk and hazard totaling approximately \$4 million dollars of combined funds. Local, state and federal. For an approximate cost of \$444,444.00 per region (this will fluctuate greatly for those regions in metropolitan areas). This includes \$1 million of Missouri's Homeland Security Funding allocation.

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system? Yes, but very limited in what activities can be funded. Transporters are given credit based on federal transportation fees that they are assessed. These fees are then received via the Hazardous Materials Transportation Act grant.

Standards

Do you have standards for training, equipment, and exercising? Yes/No Yes
If yes, please briefly explain. Training is required to be compliant with OSHA 1910.120 and set by the state steering committee of the HSRRS and the Missouri Emergency Response Commission.

Equipment standards must meet the Homeland Security funding requirements.

Exercises due to the teams receiving federal funds must comply with HSEEP.

Do the teams have SOP/SOGs? Yes

What is the expectation for response (time, geography, transportation corridors, and facilities)? The expectation for response by providing these funds is that the teams will respond if available and called upon throughout the state if necessary.

Who determined those standards? The Homeland Security Regional Response System Steering committee.

How are the teams evaluated? The HSRRS has 2 coordinators assigned to them that reviewed their inventories, training records and Standard Operating Guidelines. Upon completion of the reviews, the teams were resource typed by FEMA guidelines.

How often are the teams evaluated? The current plan is every 3 years.

Miscellaneous

Is there a governance structure for the system? How are decisions made? yes

Has your structure changed/evolved? If so, why did you change it? Originally all individual team members were participants and voting members. The structure changed to allow only 2 representatives per region to be represented and have voting rights.

What are the benefits of your system? The system allows for the locals to address common issues across the state for consistency where applicable.

What are the drawbacks of your system? As Homeland Security Funding decreases, the ability to continue to maintain the teams to the level that they currently are is becoming much more difficult. While the Chemical Emergency Preparedness Fund and HMTA is able to assist with basic medicals/physicals and hazmat training, sustainment funds as well as enhancement funds are continuing to be sought after.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work? Due to Missouri not having any statutes that allow for these teams to be considered state assets, the teams are deployed under the statewide mutual aid system. Therefore all team members are considered local employees and liability resides with the local team.

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain. The state has a statute that allows for responses to other states, however while some border states also have this legislation not all do – other than EMAC. /several counties do work routinely with border states/regions through this statute and several LEPC's are working with border states/regions who do not to develop mutual aid response agreements for hazmat response.

Are teams in your state required to do outreach/education? While they are not required to do outreach/education, a website was established, brochures were developed and each steering committee member was encouraged to do outreach within the region they represent.

Missouri also has a spiller pays law that is similar to federal law allowing for reimbursement from the spiller to those who respond to an incident. There is no mechanism other than an appeal process that would quantify this figure on the local level. There is a cost-recovery method for the Department of Natural Resources when a contractor is secured for cleanup of hazardous materials.

Survey for State of North Carolina

System Structure

How many teams do you have?

30 Public Safety Hazmat Teams

How did you determine the structure?

The teams include seven Regional Response Teams (coordinated and funded through North Carolina Emergency Management) and 23 local or Department of Defense teams.

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

Do you have tiered response? Yes/No Yes

If yes, what are the tiers/types?

The Regional Response Teams may be dispatched in a tiered response manner, ranging from a consultation by telephone call to a response of twelve Hazmat Technicians.

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons

Transportation Corridors

Hazardous Facilities

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not?

The combination of RRT and local teams allows for an adequate coverage of the state with little duplication.

Funding

How are teams funded?

Locally **Please Identify:** Through municipalities or other jurisdictions.

State Funds **Please Identify:** Through the RRT program.

Federal Funds **Please Identify:** Through Federal Grants.

What is the total system cost to your state annually? NCEM would have to answer that.

How much does it cost to fund each type of team annually? NCEM would have to answer that.

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system? Yes, and several local jurisdictions have done likewise.

Standards

Do you have standards for training, equipment, and exercising? Yes/No

Yes, at state and (individually) at local levels.

If yes, please briefly explain.

The seven RRT's have standards for training, equipment, and exercising. Local teams have individually developed their standards, with certification standards set by the North Carolina Fire and Rescue Commission.

Do the teams have SOP/SOGs?

Yes, at the state and local levels.

What is the expectation for response (time, geography, transportation corridors, and facilities)?

Varies according to location.

Who determined those standards?

For RRT's - The RRT Teams and the RRT Advisory Council.

Local Teams - Individually

How are the teams evaluated?

RRT's - Through exercises and equipment audits.

Local Teams - Through exercises.

How often are the teams evaluated?

Variable

Miscellaneous

Is there a governance structure for the system? How are decisions made?

The RRT's are managed by an RRT Coordinator and overseen by the RRT Advisory Council.

Has your structure changed/evolved? If so, why did you change it?

Not greatly.

What are the benefits of your system?

The combination of RRT's and local teams works well and allows for a timely expansion of resources.

What are the drawbacks of your system?

No major drawbacks.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work?

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain. Some local teams have such agreements.

Are teams in your state required to do outreach/education?

The RRT's are required to do so.

Survey for State of Oregon

System Structure

How many teams do you have?

14 Regional Teams

How did you determine the structure?

We have a state response system. In 1989 we surveyed various Fire Depts. to determine interest. Out of that came a 15 team response system. Most jurisdictions have a 2-2.25 hour response time at its greatest boundary.

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

Oregon has 14 State Regional HM teams

Do you have tiered response? Yes/No Yes

If yes, what are the tiers/types? see SOG # T006

http://www.oregon.gov/OSP/SFM/ERU_RHM_Teams.shtml

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons

Transportation Corridors

Hazardous Facilities

See Attached Map

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not?

Yes, we have response in every area of the state. Each team is trained to the same level and use the same state equipment.

Funding

How are teams funded?

Locally

Please Identify:

State Funds

Please Identify: Oregon Petroleum Load Fee

Federal Funds

Please Identify:

What is the total system cost to your state annually?

\$2.8 million

How much does it cost to fund each type of team annually?

Depending on the size each team receives approx \$85,000 in state funds for equipment, training (personnel costs) outreach and medical surveillance. Generally the OSFM supports the teams greater than the contracted rate in terms of equipment and training if we have additional funds available.

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system?

Yes, Petroleum Load fee.

Standards

Do you have standards for training, equipment, and exercising? Yes/No

If yes, please briefly explain.

Yes we require each technician to be trained in HM weeks 1-4. We require each technician to complete our task book every two years. Each team drills monthly or weekly.

Do the teams have SOP/SOGs?

Yes scroll to SOGs

http://www.oregon.gov/OSP/SFM/ERU_RHM_Teams.shtml

What is the expectation for response (time, geography, transportation corridors, and facilities)?

See Map

http://www.oregon.gov/OSP/SFM/docs/HazMat_Teams/OregonHazMatTeamMap.pdf

Who determined those standards?

The OSFM in conjunction with the Departments that make up the HM team program.

How are the teams evaluated?

Each team is required to complete the technician training as well as the task book. We require the teams to report their progress on an annual basis. The Office of State Fire Marshal maintains responsibility for the program and works with each team on needs. We meet quarterly with each team rep to discuss administrative issues, equipment, training etc.

How often are the teams evaluated?

Once a year they need to submit their task book completion form. We attend drills throughout the year.

Miscellaneous

Is there a governance structure for the system? How are decisions made?

We have a technical training group and advisory group. These two groups meet quarterly. The Office of State Fire Marshal maintains responsibility for the program. We work under a consensus. Decisions are made by the Office of State Fire Marshal with input from this group as well as our Ad-Hoc committees.

Has your structure changed/evolved? If so, why did you change it?

At the inception of the program our Training group and Advisory group did have chairs. Over the past 20 years we have evolved to a position where all 14 members attend these meetings and the OSFM facilitates the meetings. We have added Ad-Hoc committees over the years (Conference Committees, SOG review committees and Equipment committees).

What are the benefits of your system?

The State of Oregon has an organized response system for every area of the state. Each team is trained to the same level and has the same equipment. Each team knows the other and we are able to provide the same level of state response in any area of the state.

What are the drawbacks of your system?

Some departments have a harder time (smaller teams) getting folks to drills and keeping them motivated to stay on the team.

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work?

They are considered agents of the state and the Office of State Fire Marshal pay for their response costs.

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain.

One of our border teams has mutual aid responsibility into Idaho.

Are teams in your state required to do outreach/education?

Yes, each team has an outreach budget.

Survey for State of Washington

System Structure

How many teams do you have?

33 including local, federal and private

How did you determine the structure?

Determined by the AHJ that controls and funds the team

How are teams designated? (pick all that apply)

Statewide

Regionally

Locally

Do you have tiered response? Yes/No

Some do, others no

If yes, what are the tiers/types?

Vancouver Fire response starts at the phone advisory, then a two-person team for air monitoring, small team response to full team response

How are the teams allocated throughout the state? (pick all that apply)

Geography

Response Time

Political reasons – Local control

Transportation Corridors

Hazardous Facilities

Does the current structure answer the needs for Hazmat mitigation in your state?

Why or why not?

No. There are still major gaps in timely hazmat response in Central Washington and NE Washington

Funding

How are teams funded?

Locally **Please Identify:** Individual agencies fund their own teams

State Funds **Please Identify:**

Federal Funds **Please Identify:**

What is the total system cost to your state annually? unknown

How much does it cost to fund each type of team annually? unknown

Does your state have legislation that allows you to charge transporters or other companies for maintenance of the hazmat system?

Department of Ecology collects fees for their Model Toxics programs that fund cleanup and other programs

Standards

Do you have standards for training, equipment, and exercising? Yes

If yes, please briefly explain.

It varies. All work under NFPA 472 and 473 Competencies as well as WAS 296-824, the State Emergency Response Standards. 29 CFR 1910.120 is for private facilities

Do the teams have SOP/SOGs?

I am sure they all do. Developed at the local level

What is the expectation for response (time, geography, transportation corridors, and facilities)?

All locally directed. Some Teams have mutual aid/interlocal agreements to respond out of their area

Who determined those standards?

Locals

How are the teams evaluated?

Locally

How often are the teams evaluated?

Annually per standards

Miscellaneous

Is there a governance structure for the system? How are decisions made?

Each team is run under their own governance structure

Has your structure changed/evolved? If so, why did you change it?

What are the benefits of your system?

Good hazmat response coverage in areas where teams exist or have interlocal agreements

What are the drawbacks of your system?

Gaps in coverage in the state; Duplication of effort (there are areas that are team rich while others have nothing); expensive, no standard coordination of effort

Are the hazmat team members considered state employees or local employees when they respond to an incident? Who are they paid by and how does the liability work?

Local employees

Do you have agreements to work with other states in the border regions of your state? Yes/No

Please explain.

Vancouver has agreements with some Oregon cities, i.e. Portland. I am unaware of any other agreements

Are teams in your state required to do outreach/education? No

Currently the Office of the State Fire Marshal and other agencies are working on development of a Regional CBRNE response program. While all are in agreement of the need, there have been several roadblocks that have been raised, the main being state financing. We are in another year of record deficits and the Legislative folks have balked about funding. I am not especially optimistic that we will make any further progress over the next couple years.

Appendix E: Corrections to EPCRA and HMEP Grant Information

The following language was provided by Mr. Bill Clare of WEM, as a correction to language that the authors and stakeholders agreed upon, relating to funding for hazmat in Wisconsin.

The following funding sources are the only sources of funding for hazmat responders to help build capacity for emergency response.

General Purpose Revenue for Regional Teams

The \$1.4 million allocated annually for the teams has not changed since 1991. Prior to the passage of the legislation that designated this appropriation, the HERC report identified that it would take more than that to fund regional teams. Wisconsin Emergency Management administers this funding through bi-annual contracts with each of the eight regional teams. Other states generally do not pay for hazmat response out of GPR and instead collect fees, charge responsible spillers, have locals fund their teams, or rely on grant funding. See Appendix D for more information about how other states pay for their hazmat system.

EPCRA Computer and Hazmat Response Equipment Grant

WEM administers this grant. "The Equipment Grant provides an 80% match for computer equipment and hazardous materials response equipment. The match can be either a dollar match or an in-kind match. This grant funds eligible computer and hazmat response equipment. WEM determines eligibility based on the legislative intent and items are added to the list annually. This is a state grant that is funded entirely from GPR. The annual allocation for the grant currently stands at \$463,300. The maximum that can be reimbursed for hazmat response equipment, or for hazmat response equipment and computer equipment combined is \$10,000. The computer portion of the grant is based on a 4-year cycle, with a maximum of \$6,000 for 1 year and \$2,000 for the other 3 years. All counties/LEPC's are eligible for computer equipment. Only those counties with designated level B teams are eligible for hazmat response equipment. If sufficient funds are not available then the grant is prorated based on the amount that was requested. In 2010 the prorated percentage is 95.786%.

It was reported by the stakeholders that the \$10,000 allocation has not gone up in 15 years and this is the main source of funding for county teams. The lack of grant funding increase to keep pace with inflation has created a burden for county teams. The county team stakeholders reported a need for more flexibility in how this funding can be spent and a need to find another funding mechanism for teams. The allocation originally was set at \$720,000. It was reduced significantly twice because not all teams were eligible for hazmat response equipment and because the entire allocation was not being used. Recently it was reduced by smaller amounts due to the budget shortfall.

Hazardous Materials Emergency Preparedness Planning and Training Grants (HMEP)

HMEP grants are available annually and are funded on a competitive basis. This grant is not intended to fund hazmat team costs. However, planning and training expenditures

under this grant can assist hazmat preparedness. WEM administers this grant. This grant is a federal U.S. DOT grant and eligibility is determined by U.S. DOT.

Planning: The purpose of HMEP Planning Sub-Grant is to improve and enhance the development and implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of SARA (Superfund Amendments and Reauthorization Act). Specific planning activities that have been identified by Congress as being eligible for HMEP grant funding include conducting the following activities; commodity flow assessments (Hazardous Materials Transportation Analysis); hazards analysis; exercises; assessment of local response capabilities; select WMD planning activities, and other enhancement efforts.” “It is anticipated that LEPC HMEP Planning Sub-Grant awards will range from approximately \$2,000 to \$17,000. HMEP Grants can include multiple jurisdictions for regional projects. The current allocation for county/LEPC HMEP Planning Grant awards is in the amount of \$138,411.53, for 2010. This is 87% of the total planning award in the amount of \$158,966.00.

Training: Training funds are available as part of the Hazardous Materials Emergency Preparedness Grant (HMEP), but teams are not allowed to directly apply for this grant. Local Emergency Planning Commissions (LEPC) must apply for this grant. HMEP Continuation Training funding is requested in order to continue to enhance existing hazardous materials training, and to provide additional hazardous materials training opportunities for various training audiences as may be provided for under the provisions of the grant guidelines. Training will be provided in the areas of response functions, planning, and prevention, with emphasis on transportation response functions. Through the HMEP training funds, the State will be able to complement the hazardous materials response and planning, training activities being conducted under the Office of Homeland Security training funding program and state training funding. The current allocation for county/LEPC HMEP Training Grant awards is in the amount of \$262,418.00, for 2010. This is 92% of the total training grant award in the amount of 284,424.00.

The following funding sources can be used to fund hazmat response equipment but hazmat responders are not allowed to apply for the funding. In fact, the eligible applicants for the following grants are LEPCs and County EM offices.

Emergency Planning and Community Right- to- know Act Grant (EPCRA)

EPRCA Planning grants are available on an annual basis to counties/LEPC's. The grant award amount is determined by a grant formula. It is not a competitive grant and provides funding to assist LEPC's to meet the requirements of EPCRA. The funding is provided by program revenue generated from fees paid by facilities covered under EPCRA. In general this grant is not intended to provide funding for hazmat response teams. However, up to \$3,000 per year may be used for the purchase of disposable hazmat supplies.

In summary, the funding for hazmat planning and response is fractured, in some cases it is reported that funding is not adequate to help cover costs for teams, and in other cases, not all the money is being used to engage in planning efforts at a county or regional level. Additionally, there are questions about how funding is managed and allocated at WEM. During the third stakeholder meeting, the group members asked questions about why the EPCRA Computer and Hazmat Response Equipment Grant was reduced recently and what the total allocation of funding from the federal government to WEM is for hazmat and how the money is spent. For these three grants, the HMEP grant is the only grant that is federally funded. The total grant award for 2010 is in the amount of \$443,390.

In addition to GPR and grant funding, Wisconsin has a law that allows responders to charge the responsible spiller for incident cost recovery.

Appendix F: Reporting Requirements for the DNR

Wisconsin Spill Reporting Requirements - *Condensed Version*

ALL discharges of hazardous substances that adversely impact, or threaten to adversely impact public health, welfare or the environment must be IMMEDIATELY reported to the DNR.

De Minimis Exemptions in Chapter NR 706, Wis. Adm. Code (effective 3/1/97):

Only apply when the discharged substance:

- √ has evaporated or been cleaned up in accordance with NR 700 - 726;
- √ does not adversely impact or threaten to adversely impact the air, lands, waters of the state as a single discharge, or when accumulated with past discharges
- √ does not cause or threaten to cause chronic/acute human health impacts
- √ does not present or threaten to present a fire or explosion or other safety hazard

PUB-RR-560

December 2007

1. Petroleum compounds:

- gasoline or another petroleum product completely contained on an impervious surface.
- < 1 gallon of gasoline onto a pervious surface or runs off an impervious surface.
- < 5 gallons of other petroleum products onto a pervious surface or runs off an impervious surface.

2. Agrichemical compounds:

- < 250 pounds dry fertilizer
- < 25 gallons of a liquid fertilizer
- pesticides that would cover < 1 acre of land if applied according to label instructions.

3. Federal reportable quantities:

- < the federal reportable quantity for a specific substance

Statutory Exemptions - no reporting is required for:

- discharges within the limits authorized by a valid permit or program (Chs. 281, 285, or 289 - 299, Wis Stats)
- law enforcement /fire departments using hazardous substances to protect human health, safety, welfare;
- proper applications of a registered pesticide or a fertilizer

Call 24-hour Hotline 1-800-943-0003 to report a spill of a hazardous substance

Notes:

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240

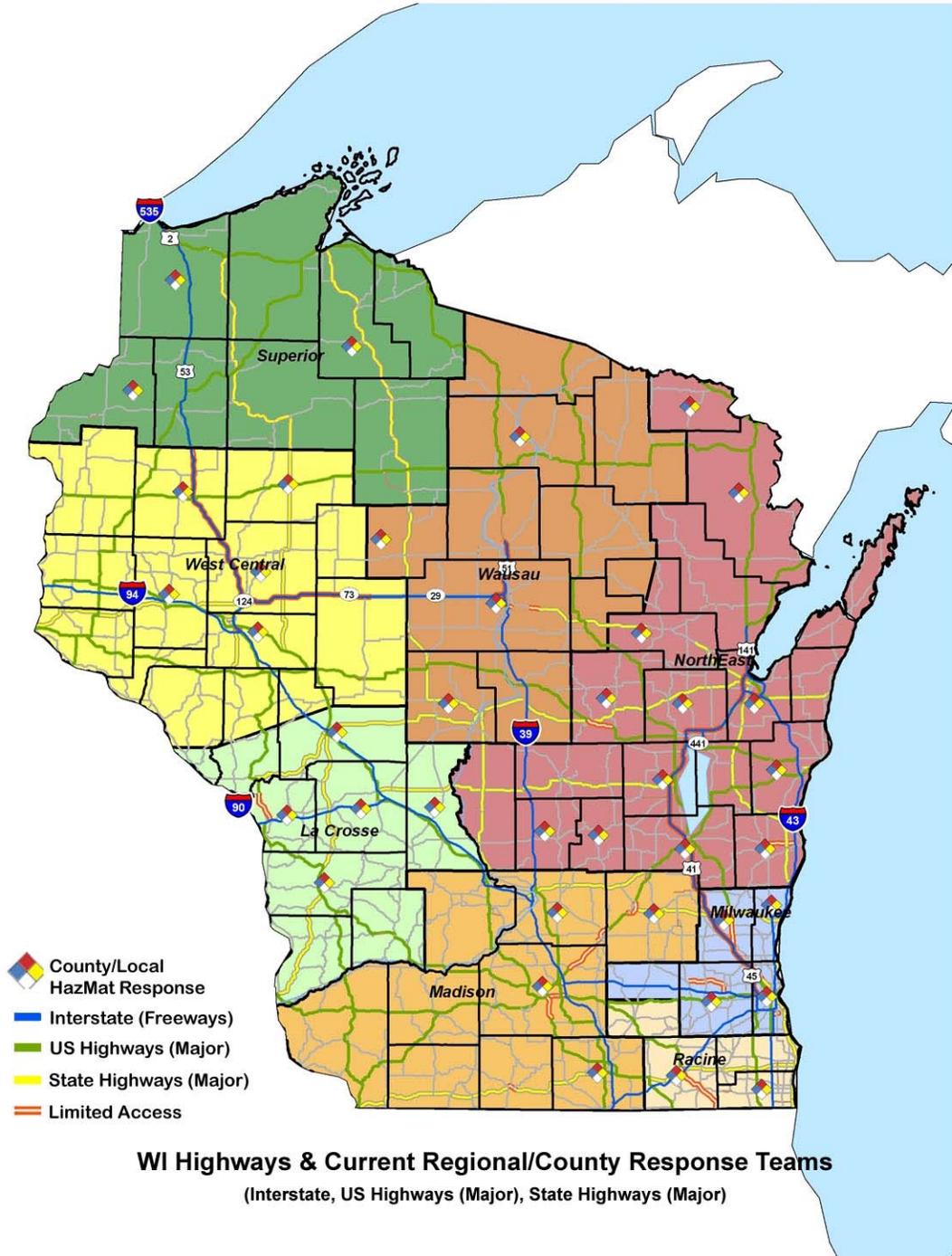
This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

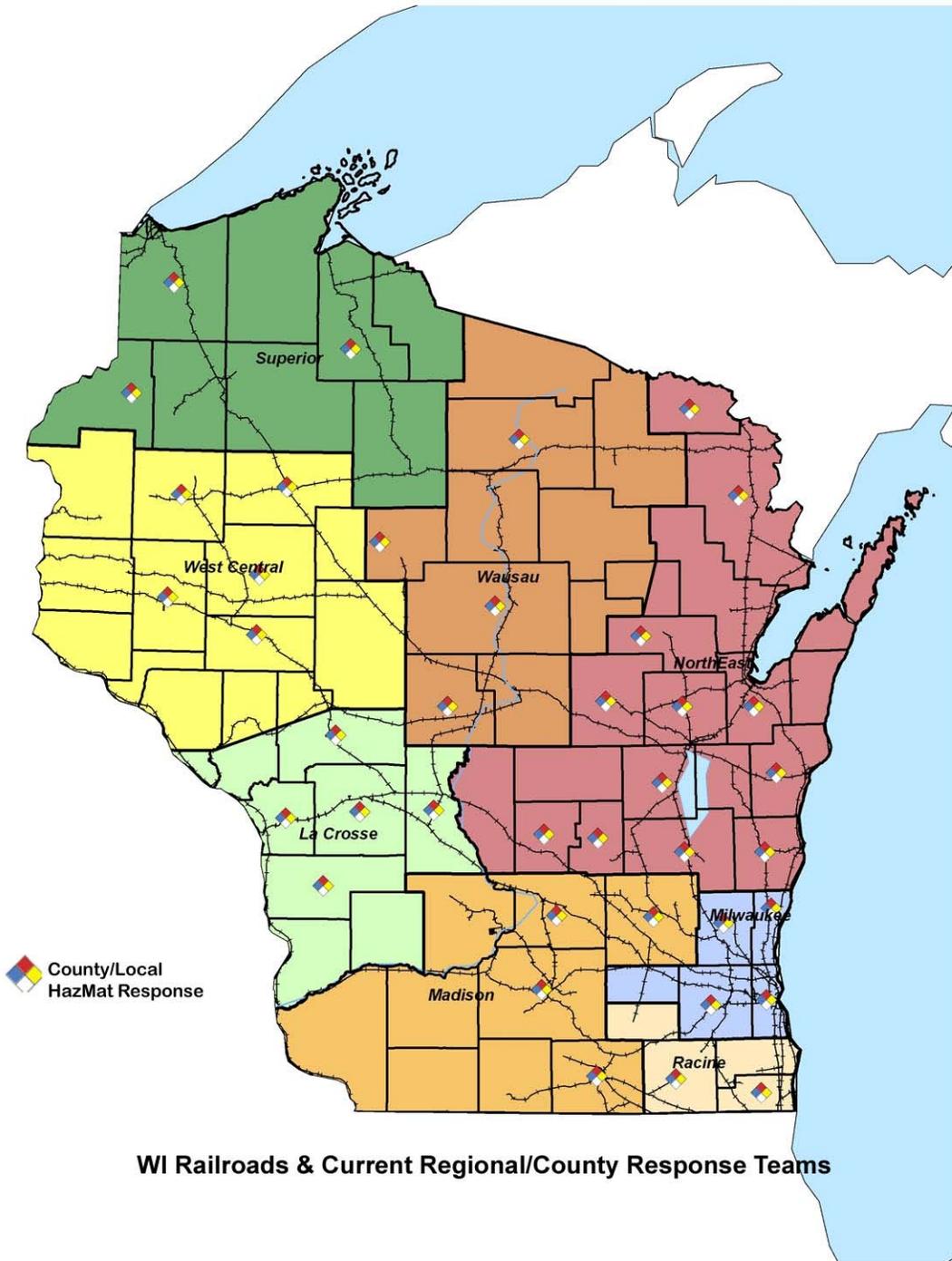
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To order this and any other publications, or to find out more information about the Remediation and Redevelopment Program, please check out our web site at <http://dnr.wi.gov/org/aw/rr/spills>

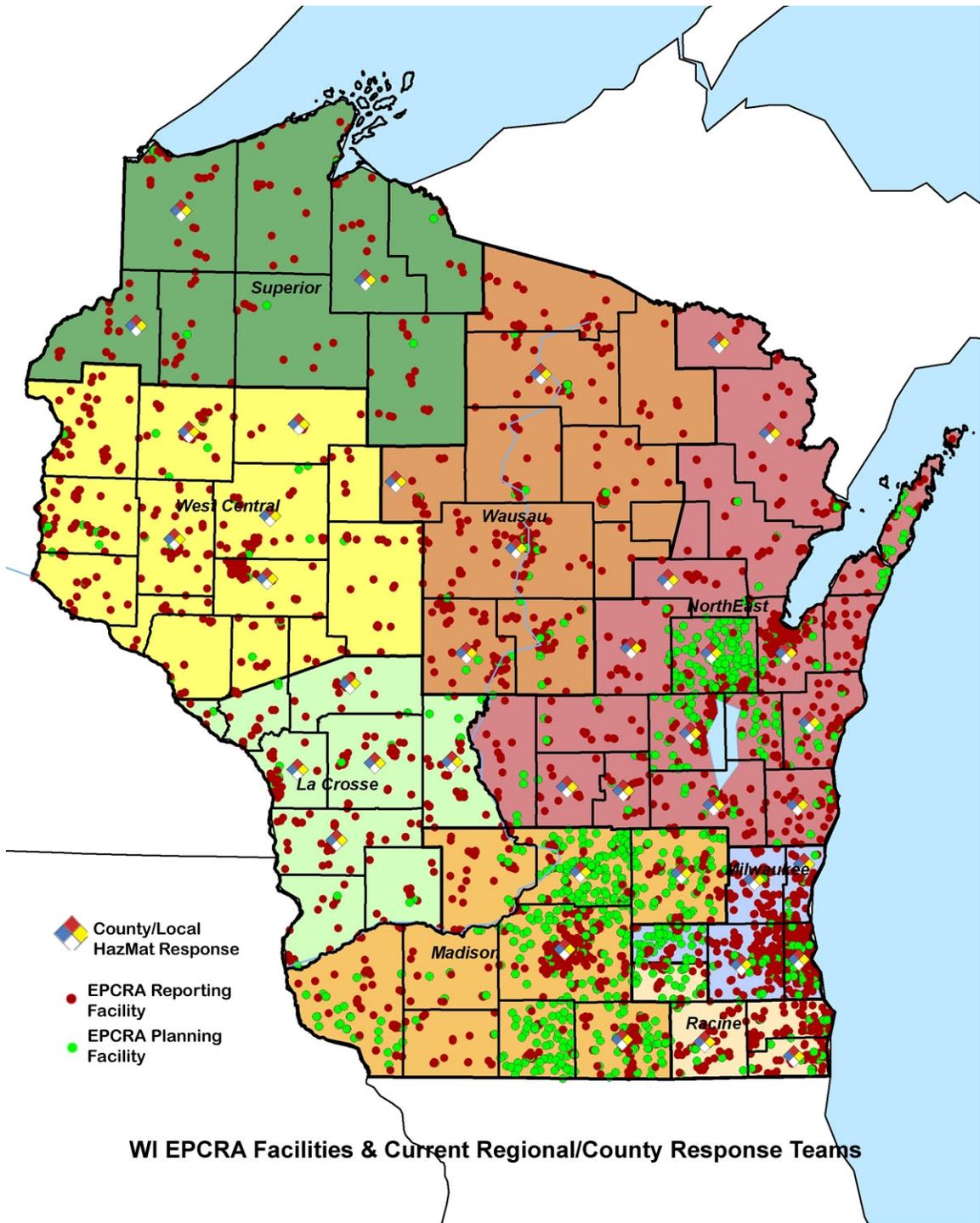
Appendix G: Maps of Risk Factors for Hazmat in Wisconsin

All of the following maps were created by Steve Fenske of WEM during the course of this study. The following maps are geographic illustrations of Risk Factors identified in the Policy Matrix.

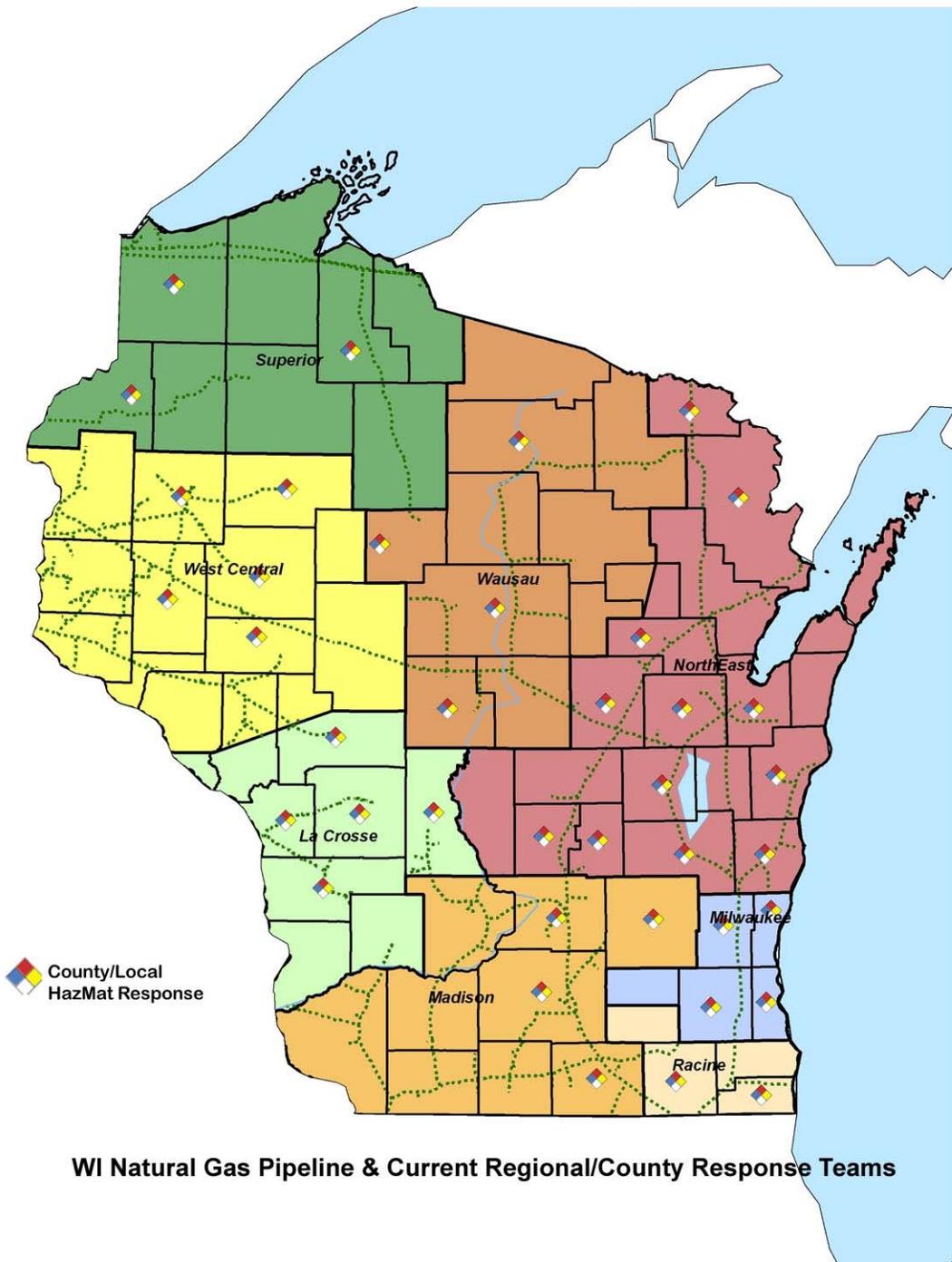




WI Railroads & Current Regional/County Response Teams



WI EPCRA Facilities & Current Regional/County Response Teams



WI Natural Gas Pipeline & Current Regional/County Response Teams

Appendix H: Wisconsin CAT Survey Results

Regional Team: 4 (Milwaukee)

Person filling out survey: Assistant Director Lt Gregory Marris

Reviewed by: Director Capt Michael J. Olinger

1. What is the function of a CAT?

A CAT or Chemical Analysis Team is one of the response options utilized by a Regional Hazardous Materials Response Team. In the Milwaukee Fire Department, we typically assign Hazmat 2 for CAT runs with 1 or 2 team members. However, Hazmat 1, Hazmat 2 or Engine 25 could be utilized with up to 5 members for a CAT response, if deemed appropriate. The CAT option is used to provide onsite advice, reconnaissance, analysis, product identification, provide equipment resources and in some cases, assist with mitigation.

2. How are CAT's used in the response structure?

CAT assistance is generally determined by assigning a value or score for each incident. This is done through filling out a *Hazardous Materials Incident Response Matrix*. A total score of 0-7 means that the regional team will provide phone assistance only. A score of 8-13 will warrant a CAT response and a score of 14-21 will result in a Full "Level A" response.

3. Who requests and sends out CATs?

Within the City of Milwaukee, if a limited Hazmat response is requested through the dispatcher by an on scene Fire Company, the Company officer assigned to Engine 25 makes the decision whether or not to send out a CAT. If the request is from a jurisdiction outside of the City of Milwaukee, a *Hazardous Materials Incident Response Matrix* is filled out by the Company Officer assigned to Engine 25 and he determines what level of response is appropriate.

4. Do you have designated CAT's as part of your Regional Team Response?

As the Regional Response Team we are the designated CAT.

5. Who are the CAT's in your response structure?

As the Regional Response Team we are the designated CAT.

6. Do you share your annual funding?

No. In fact none of our annual funding is earmarked for CAT responses as stated in the current contract between the City of Milwaukee and the State of Wisconsin.

Regional Team: Northeast (Appleton FD)

Person filling out survey: Ethan Kroll, Battalion Chief

1. What is the function of a CAT?

To provide a timely response, on behalf of the Regional team, to assess the situation, provide on-scene guidance to the on-scene responders, and request a full team response – if needed. They do not take mitigation actions.

2. How are CATs used in the response structure? Who requests and sends out CATs?

The “parent” Regional Team makes the assignment and sends the appropriate CAT – based on the assigned counties (within our region).

3. Do you have designated CATs as part of your Regional Team Response?

Yes, two (2). Marinette FD and Brown Co. HazMat

IF YES CATs

4. Who are the CATs in your response structure? Include the following information: name of dept, career, combo, or vol dept status, and if this CAT is also a County Team.

Marinette FD, Career, - yes, also the Marinette Co. Team.

Brown Co., Career (mostly GBFD, with a couple personnel from other career depts.), - yes, they are the Brown Co. Team.

*Appleton & Oshkosh are also assigned specific counties and can/do respond at the CAT level.

5. Do you share your annual funding (from the \$1.4 million) with them? How much do you give to each CAT? Do you share because you are required to or because you choose to?

Yes, both CAT’s receive \$15,000 each, annually, to provide the service (separate contract between each CAT and Appleton/Oshkosh FD’s).

Mutually agreed upon that the CAT’s get funded (don’t know the history).

Regional Team: Superior

Person filling out survey: Jim Rigstad

1. What is the function of a CAT? To make a rapid response and determine whether further resources are required.

2. How are CATs used in the response structure? Who requests and sends out CATs? The CAT team determines whether a full team response is necessary or if the incident can be handled on a local level. Any emergency response agency may request a CAT, the regional team determines the appropriate response.

3. Do you have designated CATs as part of your Regional Team Response? Yes

IF YES CATs

4. Who are the CATs in your response structure? Include the following information: name of dept, career, combo, or vol dept status, and if this CAT is also a County Team. Superior Fire designates three people every day as their CAT team. The Ashland Fire Department outreach team can be called as a CAT team also. The Brule Fire Department, Sawyer County Hazmat, and Burnett County Hazmat volunteer members may also be called on to do CAT duties.

5. Do you share your annual funding (from the \$1.4 million) with them? How much do you give to each CAT? Do you share because you are required to or because you choose to? All outreach team members receive compensation from our funds as well as their biannual physicals.

Regional Team: Wausau Fire Department
Person filling out survey: Fire Chief Gary Buchberger

1. What is the function of a CAT?

To respond immediately to situations in our region above highway 64 and evaluate the situation and determine to what degree regional team response and mitigation is required. If situation is determined to be small enough, the CAT team handles it themselves and reports to the regional team what they encountered and what they did to mitigate the situation.
Respond to situations below highway 64 at the request of the regional hazmat team leadership to assist as needed in handling situations that arise.

2. How are CATs used in the response structure? Who requests and sends out CATs?

If a request comes into the regional team of a situation north of highway 64 the CAT team is notified and requested to make initial contact and determine extent of situation. They are trained and equipped to the same level as the regional team and their members and equipment can be interchanged with the regional team. The CAT teams are requested and sent out by the regional team leadership unless the call comes directly to the CAT team, in which case they may respond directly and report their finding to the regional team.

3. Do you have designated CATs as part of your Regional Team Response?

Yes –Wausau has one (1) CAT team

4. Who are the CATs in your response structure? Include the following information: name of dept, career, combo, or vol dept status, and if this CAT is also a County Team.

Rhineland Fire Department is our designated CAT team.
It is a career department
It is also part of the Oneida County Hazmat Response Team.

5. Do you share your annual funding (from the \$1.4 million) with them? How much do you give to each CAT? Do you share because you are required to or because you choose to?

Yes we share our annual funding with them.
We pay them \$16,500 from our hazmat budget per year.
We are required to by WEM direction but we would choose to so if we were not required to.

Regional Team: La Crosse

Person filling out survey: Captain Greg Temp

1. What is the function of a CAT?

The function of the CAT is to gather information, assess the scene, start reference work, isolate the area, establish zones, start air monitoring, make rescues if they can be done safely and mitigate the incident if it can be done safely.

2. How are CATs used in the response structure? Who requests and sends out CATs?

We only have an internal CAT. It is sent out by our Shift Commander.

3. Do you have designated CATs as part of your Regional Team Response?

Yes, but internal only.

IF NO CATs

6. If you do not have CATs, is this a system that you could use?

Possibly.

7. Are there times that your Regional Team responds as a CAT (as opposed to as a Regional Team)?

Sometimes we respond with only the CAT vehicle and four technicians. It depends on the call.

8. If yes, how does this differ from a full Regional Team response and why do you send a CAT?

A CAT is our first out response for all hazardous materials calls because they can be deployed rapidly. We would deploy only the CAT when we feel that the CAT is capable of handling the incident by themselves. If the CAT feels that they need the support of a full team response it is immediately dispatched to the scene. The team is put on stand-by when the CAT is sent out.

Regional Team: West Central Regional HazMat Team
Person filling out survey: Chief Ed Kassing

1. What is the function of a CAT?

Initial hazmat response to a given geographic area. Will assess and confirm the request for full team deployment by conducting a hazard assessment, provide technical assistance to local fire department within the region and supervise emergency rescue and decontamination procedures, when necessary.

2. How are CATs used in the response structure? Who requests and sends out CATs?

Upon arrival at an incident, designated CAT team members will conduct a hazard assessment. If the assessment determines a full regional team response is required, the West Central Wisconsin Regional Response Team shall be dispatched to the scene.

While the regional response team is en route, designated CAT members will:

- Establish protective zones and maintain security of those zones.
- Begin site safety and evacuation plans in accordance with NFPA 471/472 and OSHA 1910.120.
- Research materials involved for proper level of protective equipment.
- Keep in contact with regional team for new information and updates.
- Institute a liaison with the Incident Command System of the local authority have jurisdiction.
- Initial the set-up of a decontamination corridor.

3. Do you have designated CATs as part of your Regional Team Response?

Two remote CAT teams, Rick Lake Fire Departments and Menomonie Fire Departments along with Eau Claire who has a first response CAT vehicle that is immediately deployed on any event.

IF YES CATs

4. Who are the CATs in your response structure? Include the following information: name of dept, career, combo, or vol dept status, and if this CAT is also a County Team.

Rick Lake Fire Departments (Career) and Menomonie Fire Departments (Career) along with Eau Claire who has a first response CAT vehicle that is immediately deployed on any event. All assets are for the Regional deployment.

5. Do you share your annual funding (from the \$1.4 million) with them? How much do you give to each CAT? Do you share because you are required to or because you choose to?

Both Rice Lake and Menomonie each receive \$16,000 per year for their services.

Hazmat Regional Team CAT Survey

Regional Team: Madison

Person filling out survey: Lt. Doug Rohn

1. What is the function of a CAT? Quick response team sent to gather information prior to the arrival of the remainder of the hazmat team.

2. How are CATs used in the response structure? Who requests and sends out CATs? We do not use the designation CAT, but our Core Team of four responders could be used to gain site information as the remainder of the Team is gathered. The Core Team response is used by agreement of the Hazmat Group Leader and the Officer in Charge.

3. Do you have designated CATs as part of your Regional Team Response? We do not currently use the acronym CAT, but our Core Team response is built into *our system*.

IF YES CATs

4. Who are the CATs in your response structure? Include the following information: name of dept, career, combo, or vol dept status, and if this CAT is also a County Team. Core Team members are stationed at Madison Fire Station #6 and are career firefighters trained to NFPA 492. Madison FD is currently the Dane County designated response team.

5. Do you share your annual funding (from the \$1.4 million) with them? How much do you give to each CAT? Do you share because you are required to or because you choose to? Our Core Team is part of the MFD budget.

IF NO CATs

6. If you do not have CATs, is this a system that could use? Our Core Team functions as a CAT.

7. Are there times that your Regional Team responds as a CAT (as opposed to as a Regional Team)? Yes.

8. If yes, how does this differ from a full Regional Team response and why do you send a CAT? The Core Team would be sent to gather information and coordinate resources. The Core Team might also be sent to function as a resource to a local department that need additional technical help.

Hazmat Regional Team CAT Survey

Regional Team: Racine

Person filling out survey: Fire Chief Steve Hansen

1. What is the function of a CAT? Our CAT team is part of the regional haz mat team structure and are used to assess smaller Level A incidents where there may be some question on what type of incident is at hand. We also assist Level B teams in our Level A response area with the verification of safety zones (hot, warm, cold), communications capabilities, computer assessment capabilities, advance monitoring and chemical identification when necessary. Additionally we make sure appropriate protocols are being followed, and provide consultation to the host fire department on issues related to the incident. Typically this is a four person team.

2. How are CATs used in the response structure? Who requests and sends out CATs? Our CAT team is dispatched based on the Matrix and the total points or upon request of a Level B team in the area. If a Level B team makes the request and it appears the incident will not rise to a Level A response the state may or may not be notified depending on the circumstances. Generally a CAT response to a Level B team request is handled through MABAS. CAT teams for Level A incidents will be dispatched ahead of the main team in a rapid response vehicle to establish on scene communications with the Incident Commander, help verify Hot, Warm, and Cold zones are established and relay critical information back to the main responding Regional Team. Battalion Chiefs are responsible for evaluating CAT responses and they are responsible for initiating a CAT responses as appropriate.

3. Do you have designated CATs as part of your Regional Team Response? All 50 members of our (Racine) Regional Team are fully capable, and trained to carrying out the CAT function. This gives us about 16 members for every 24 hour work shift, seven days a week.

IF YES CATs

4. Who are the CATs in your response structure? Include the following information: name of dept, career, combo, or vol dept status, and if this CAT is also a County Team. -0-

5. Do you share your annual funding (from the \$1.4 million) with them? How much do you give to each CAT? Do you share because you are required to or because you choose to? -0-

IF NO CATs

6. If you do not have CATs, is this a system that could use? Our CAT team consists of members of the Racine Fire Department who are also members of the State Regional Response Team. We have no outside fire departments involved in our Regional Team

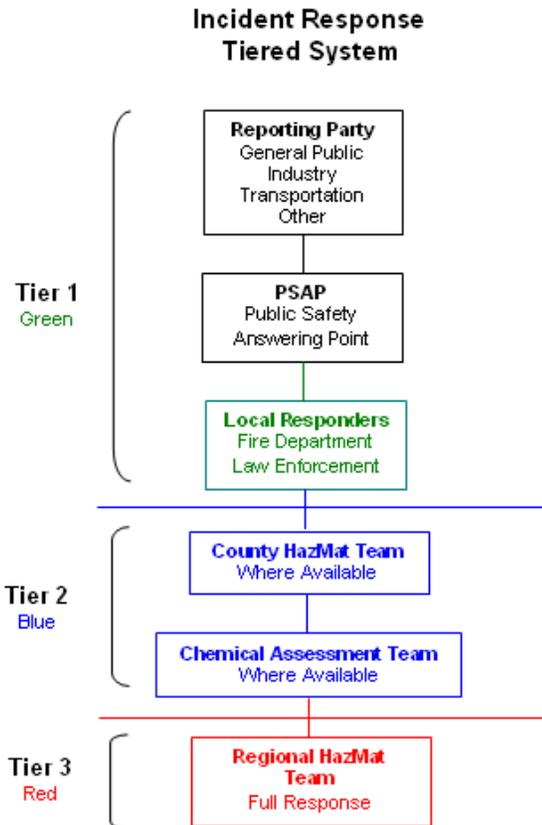
due to constant, ongoing training, and the lack of state funding to support additional personnel.

7. Are there times that your Regional Team responds as a CAT (as opposed to as a Regional Team)? Yes, see note in Item 2 above.

8. If yes, how does this differ from a full Regional Team response and why do you send a CAT? See the note in Item 2 above. The response is dependent on the outcome of the Matrix assessment.

Appendix I: (Hazardous Material Incident Expectations) Matrix created by Ken Kortenhoff, March 2010

Tiered Response Expectations



Reporting Party Expectations of PSAP	<ul style="list-style-type: none"> Initial personal contact with a Call Taker (Dispatcher). Proper Emergency Responders would be notified in an appropriate time frame. Immediate Personal Protection Advice. Incident resolution within an appropriate time frame.
PSAP Expectations of Reporting Party	<ul style="list-style-type: none"> Incident description and location. Any additional information regarding the incident that may assist in the response.
PSAP Expectations of Local Responder's	<ul style="list-style-type: none"> An appropriate, timely response within their level of training. Requests for additional resources. Incident Resolution.
Local Responder's Expectations of PSAP	<ul style="list-style-type: none"> Initial incident information collected from the Reporting Party. Scene safety information if available. Any additional information from sources other than the Reporting Party. Process additional requests directed by Incident Command.
Local Responder's Expectations of County HazMat Team (If Available)	<ul style="list-style-type: none"> Respond in an appropriate time frame. Provide trained personnel. Provide appropriate equipment. Incident resolution within capabilities. Request additional resources if exceeds capabilities.
County HazMat Team's Expectations of Local Responders	<ul style="list-style-type: none"> Initial incident information and scene safety information Scene Size-up and description of actions have taken place. Establish and maintain an Incident Command System. Provide a sustainable water supply. Miscellaneous resources if required. Responsible Party information.
County HazMat Team's Expectations of Regional HazMat Team	<ul style="list-style-type: none"> Assistance with research and response recommendations. Additional equipment and man power if appropriate. Activation of Chemical Assessment Team (CAT) if appropriate. An appropriate timely response. Incident resolution.
Regional HazMat Team's Expectation of County HazMat Team	<ul style="list-style-type: none"> Incident information. Comprehensive scene size-up. Specific resources requested. Miscellaneous resource requests.
Emergency Responder's Expectation of Responsible Party	<ul style="list-style-type: none"> Full cooperation with Emergency Responders. Notification of a spill or potential spill as soon as possible. Immediate notification of health and safety concerns for responders. Access to MSDS and any preplan information that may exist. Reimbursement for response expenses.
Emergency Responder's Expectation of State of Wisconsin	<ul style="list-style-type: none"> Financial assistance to maintain Regional and County HazMat Teams. Response assistance as needed. Reimbursement for response costs when there is no Responsible Party reimbursement. System of tracking and reporting incidents

Document submitted to the Stakeholder group by Robert Goplin – March 22, 2010

I have attached a rough draft of what I feel the “customer expectations” are of the hazardous materials response teams.

I based my answer on input from members of our Local Emergency Planning Committee and from the Brown County Fire Chiefs Association. I presented them with the following questions and incorporated their responses in to the attached document. Feel free to rip it apart!

Questions:

1. What are the reasonable expectations of the citizens in your community regarding a hazardous materials response?
2. What are the reasonable expectations of the first responders in your community (Fire Department, Law Enforcement, Emergency Medical Services) regarding a hazardous materials response?

(Note: you may want to provide expected response times, knowledge levels, skill sets, personal protective equipment, etc.)

3. What are the reasonable expectations of industry or businesses in your community regarding hazardous materials response?

(Note: consider this question from the perspective of an industry or business as the spiller and from the perspective of one who might be affected by the spill)

4. What are the reasonable expectations of insurance companies representing industry or businesses in your community regarding hazardous materials response?
5. Please provide any comments or opinion you have regarding how hazardous materials response is managed, or should be managed, in Wisconsin or in your community.

Expectations:

General Public: The general public expects that the municipality in which they reside will have an effective plan for responding to accidental releases of hazardous materials. Generally, the public would expect that initial responders will have the knowledge to ensure the public’s safety. Furthermore, the expectation of a hazardous materials response team, from the public’s perspective, would most likely be that they can either handle any incident or that they are knowledgeable in accessing resources that can handle incidents beyond their capabilities. Public expectations for response times would probably be between 5 and 15 minutes for local responders (fire/police/e.m.s.).

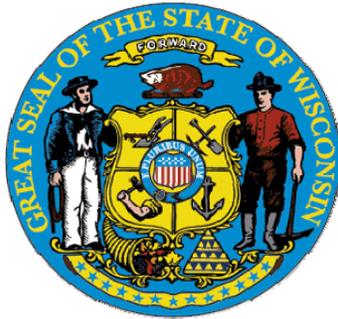
Responders: Local responders expect that personnel from a hazardous materials response team will be in phone contact with them within 5 to 10 minutes of a request for response. The phone call is intended to serve as initial consultation, advisement, and situation briefing. Local responders also expect that a fully trained hazardous materials response team would have a response time of 30 to 60 minutes. The definition of “fully trained” probably requires refinement, but most local responders expect that a hazardous materials response team will be able to mitigate all but the most serious incidents, thereby implying technician level capabilities. At a minimum, local responders would expect that the hazardous materials response team could minimize the impact to lives, property, and the environment. Local responders also expect that, in the event a response team cannot handle an incident, they know who to contact for immediate assistance and what to do until that assistance arrives.

Elected Officials: Elected Officials expect that hazardous materials incidents within their municipalities will be mitigated quickly with little interruption to commerce and daily activity. They also expect that this will be accomplished in a fiscally responsible manner. The general expectation among elected officials would be that a hazardous materials response team arrive as quickly as possible and mitigate the situation as quickly as possible. They would also expect full protection of the citizenry. Most local elected officials will probably believe that any hazardous materials response team can mitigate any incident occurring within their municipality, while a smaller number of them would probably understand that there may be a need to utilize additional hazardous materials response teams with more or different capabilities.

Industry: Industry expectation of hazardous materials response teams likely vary with the size and type of the business. Most industrial occupancies expect that personnel from a hazardous materials response team will be in phone contact with them or with local responders within 5 to 10 minutes of a request for response. As with local responders, the phone call is intended to serve as initial consultation, advisement, and situation briefing. Smaller industrial occupancies are more likely to expect that hazardous materials response teams are able to respond within 30 to 60 minutes. These smaller occupancies are also more likely to expect that local hazardous materials responders will be able to mitigate their incident with little or no assistance. Larger industrial occupancies are probably more likely to understand the need for additional resources. Larger occupancies will probably expect a response time of 30 to 60 minutes for operational personnel and 60 to 120 minutes for technical or specialist personnel. Some of these differing views may be the result of varied levels of involvement with Local Emergency Planning Committees or interaction with response agencies.

In the event that the industrial occupancy in question is not the spiller, their expectations are likely to change. In this case, they would probably expect that responders from local agencies will understand their emergency plans in the event that they need to activate them, and that the hazardous materials response team will be able to quickly mitigate the incident with little impact to their business.

Insurance Companies: Insurance companies will expect professional response to any incident. This will include the expectations of minimal response times, immediate protective actions if the conditions warrant, and rapid mitigation of the incident in order to minimize impact that they may be financial accountable for. They will also expect comprehensive documentation of all actions and cost justification. Furthermore, they expect competent responders who will function up to the limits of their training, providing what is expected and no more or less.



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The logo for the Office of Justice Assistance (OJA) features a stylized black silhouette of the state of Wisconsin inside a circle, followed by the letters "OJA" in a large, bold, serif font. Below this, the words "OFFICE OF JUSTICE ASSISTANCE" are written in a smaller, all-caps, serif font, separated from the "OJA" by a horizontal line.

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