

# **HAZARDOUS MATERIALS ANNEX**

## **ACTIVATION:**

Upon receiving notification of potential hazardous material, Broomfield Communications Center will activate this Annex by dispatching North Metro Fire Rescue

## **MEMBER AGENCIES:**

Lead – North Metro Fire Rescue

Continuing Lead – Health and Human Services

Concurrent – Public Works Department - Stormwater Management / Street Operations

Broomfield Police Department / Emergency Management

Building Department

Finance Department

## **REFERENCE:**

City and County of Broomfield All-Hazard Emergency Operations Plan

Broomfield Municipal Code, Section 2-48-030

All Applicable Municipal Ordinances, State and Federal Statutes

Revised April 20, 2007

# CITY AND COUNTY OF BROOMFIELD

## All – Hazard Emergency Operations Plan

### HAZARDOUS MATERIALS ANNEX

#### I. PURPOSE

To provide general guidelines and areas of responsibilities for response and cleanup of a hazardous or nuisance material incident

#### II. DEFINITIONS

- A. "Hazardous materials" are substances presenting significant reactivity, imminent danger, fire or health risks, or materials that are of unknown nature and may present such risks, or any substance, material, waste, or mixture designated as a hazardous material, waste, or substance according to 49 Code of Federal Regulations Part 172, as amended, or by section 18-13-112 (2) (b), C.R.S., or as designated pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (PL 96-510) as in effect July 1, 1983.
- B. Nuisance materials are described as not presenting high fire risk, health risk, reactivity, or imminent danger.
- C. "Cleanup plan" means an informal or formal plan to correct the release of a hazardous substance and includes action steps necessary to prevent future releases. An informal plan may be a verbal plan, while a formal plan is written in detail.
- D. "Reporting" means verbal or written communications that includes information on the generator, physical location, substance released, response and cleanup measures, and an estimate of damage to agencies that have a regulatory or legal stake.

### III. CONCEPT OF OPERATIONS

- A. Response to and cleanup of a hazardous material or nuisance material incident requires a well coordinated response by the following agencies and departments: North Metro Fire Rescue (NMFR), Broomfield Public Health Division (Public Health), Broomfield Police Department (Police Department), Broomfield Public Works Department (Public Works) – Stormwater Management / Street Operations / Utilities, and Broomfield Finance Department (Finance).
1. In the event that a nuisance or hazardous material incident involves a structure, a response may also be required by the Broomfield Building Department (Building Department).
  2. In the event that a nuisance or hazardous material is found in a storm drainage system, a response may also be required by Broomfield Public Works Stormwater Management (Stormwater Management).
  3. In the event that a nuisance or hazardous material incident involves the need for the establishment of shelters, a response may also be required by the Broomfield Police Victim Advocates and Emergency Management Unit.
- B. NMFR is the Designated Emergency Response Authority (DERA) for all hazardous material incidents within the City and County of Broomfield. The Adams & Jefferson County Hazardous Response Authority provides specialized resources under the direction of the DERA **All suspect materials are considered hazardous materials until such time as NMFR determines with certainty the nature of the material.**
- C. The City and County of Broomfield agencies and departments retain responsibility for any additional tasks as determined by the All-Hazard Emergency Operation Plan (EOP).
- D. All party agencies shall be compliant with the guidelines set forth in the National Incident Management System (NIMS).

#### IV. METHOD OF ORGANIZATION

Response agencies shall organize under the Incident Command System (ICS) as described in the Command and Management Annex of the EOP and in accordance with National Incident Management System.

#### V. GUIDELINES / PROCEDURES / POLICIES

**NOTE:** All suspect materials are considered hazardous materials until NMFR responds to the scene and determines the nature of the material.

##### A. PHASE 1 - INITIAL RESPONSE

1. NMFR assumes command upon arrival and until such time as they identify and/or classify and/or contain the substance(s).
2. If possible, NMFR classifies the substance and/or categorizes it as hazardous or nuisance material. Then NMFR contains the substance as necessary.
3. NMFR requests other department and agency responses as necessary.
  - a. The Police Department is responsible for perimeter control, traffic control, and assistance with evacuation.
  - b. Street Operations assists NMFR with necessary containment materials and barricades; assists Police with traffic control.
  - c. Public Health provides technical assistance and initiates the required reporting.
  - d. If entry of any nuisance or hazardous material into the storm sewer system is imminent, NMFR notifies Public Works – Stormwater Management (Stormwater Management) immediately.
4. **For Hazardous Materials** (as determined by NMFR):
  - (1) NMFR maintains command and control of operations.

(2) NMFR works in conjunction with Public Health, as necessary, to advise citizens of any potential risks to their health and/or the environment.

(3) NMFR makes safety recommendations for the cleanup plan and provides fire suppression and technical assistance.

5. **For Nuisance Materials** (as determined by NMFR):

(1) Public Health assumes command and control of operations.

(2) NMFR remains on scene, as necessary for assistance with containment and safety measures.

6. The Police Department makes every reasonable effort to determine the responsible party and the need for any criminal investigation and/or arrest. Depending on the type of incident, other agencies, including NMFR, may assist in the investigation as necessary.

B. PHASE 2 – CLEANUP PLAN

1. The task of cleanup rests with the responsible party and any of its contractors. Public Health may hold the responsible party accountable, track progress of cleanup, and assist with cleanup plan development. NMFR, Stormwater Management, and/or the Building Department may also assist in this planning.

2. The City and County of Broomfield cannot recommend cleanup contractors to the responsible party as it creates an unfair advantage for businesses.

3. For incidents occurring on City/County property where there is no known responsible party, the City and County of Broomfield may endeavor, as appropriate, in assuming costs associated with the response and cleanup.

4. If the City and County of Broomfield is the responsible party, or has chosen to assume the costs associated with cleanup and disposal, Public Health will request the contracted environmental company.

5. Public Health may call upon any outside technical resources as required to assist in

developing a cleanup plan and correcting any regulatory or worker safety issues.

Those resources include but are not limited to:

- Colorado Department of Public Health and Environment (CDPHE)
- Environmental Protection Agency (EPA)
- Occupational Safety and Health Administration (OSHA)

C. PHASE 3 - COST RECOVERY

Regardless of whether the incident involves nuisance or hazardous materials, costs associated with the cleanup and response are handled in the following manner:

1. Should the identity of the responsible party or private property owner become known, that responsible party or private property owner may be held liable for all costs associated with the response and cleanup.
  - a. Risk Management, in conjunction with the City and County Attorney, makes every reasonable effort to hold any known responsible party or private property owner accountable for all costs associated with the response.
2. For incidents occurring on City/County property where there is no known responsible party, the City and County of Broomfield is the responsible party, or the City and County of Broomfield has chosen to assume all costs associated with the response and cleanup, Public Health is the point of contact and point of billing for any third party vendors.
3. Regardless of the responsible party: On the next business day following the incident, Public Health notifies Risk Management of the incident and forwards to Finance any associated costs and financial charges incurred by the City/County by filing a Risk Management Incident Report found on Baxter (Broomfield's Intranet)..
  - a. All other departments and agencies are responsible for forwarding their costs and financial charges to Risk Management the next day after invoices are received and must be accompanied with a complete check request form, as appropriate.
  - b. Risk Management seeks all possible reimbursement for City/County-incurred costs associated with response and cleanup, including those costs incurred and forwarded by NMFR. This includes reimbursements available from all appropriate federal, state, local government, and third parties.

- c. Risk Management disburses, as appropriate, any costs reimbursed to the appropriate agencies, departments, and/or third-party vendors.

D. SPILL REPORTING

Regulations require that all hazardous materials events be reported to the applicable regulatory agencies for follow-up inspections, investigations, cost recovery, and the provision of additional resources. Responsibility for making reports rests with the generator or responsible party. However, to ensure that the proper steps are taken, supplemental reporting will be handled in the following manner.

- 1. Public Health shall maintain a list of reporting requirements and deadlines that are applicable to the type of spill or release.
- 2. Public Health may report all nuisance or hazardous materials releases to the proper regulatory agency and conducting any follow-up reports.
- 3. The listings that follow are the agencies usually contacted for reporting. There may be others that require reporting based upon the circumstances of the release.
  - a. National Response Center  
24-hour 1-800-424-8802
  - b. Colorado Department of Public Health and Environment  
24-hour 1-877-518-5608
  - c. Broomfield Local Emergency Planning Committee  
720-887-2081



