

# **STATE EMERGENCY SUPPORT FUNCTION 10**

## **Oil and Hazardous Materials**

**LEAD COORDINATING AGENCY:** Department of Natural Resources (DNR)

**SUPPORT COORDINATING AGENCIES:** Wisconsin Emergency Management (WEM)  
Department of Transportation (DOT)  
Department of Military Affairs (DMA)  
Department of Agriculture, Trade & Consumer Protection (DATCP)  
Department of Health & Family Services (DH&FS)

**FEDERAL COORDINATING AGENCY:** Environmental Protection Agency  
United States Coast Guard

### **I. INTRODUCTION**

#### **A. Purpose**

The purpose of this Emergency Support Function (ESF) is:

1. To provide State support to local and tribal governments, in an all-hazards approach, when responding to a natural/manmade, actual or potential discharge or release of chemical, and biological materials, including the transportation of radioactive materials.
2. To provide a coordinated regional/statewide response to an actual or potential release of hazardous materials, resulting from a transportation incident, fixed facility incident, natural disaster (i.e. tornado, flood, etc.) and terrorist attack.
3. To provide coordination between federal, state, local and tribal governments and the private sector when responding to hazardous materials incidents or other threats to the environment and the public health.

#### **B. Scope**

1. ESF 10 provides for a coordinated response to actual or potential oil and hazardous materials incidents by placing the hazard-specific response mechanisms with the statutorily-appropriate state agency. ESF 10 includes the appropriate response and recovery actions to prepare for, prevent, minimize, or mitigate a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents
2. ESF 10 describes the lead coordination roles, the division and specification of responsibilities among state agencies. ESF 10 is applicable to all state departments and agencies with statutory responsibilities and assets to support state, local and tribal response to actual or potential oil or hazardous materials incidents.

3. State agency actions are determined by specific state statutes, state agency plans and policies. Appropriate response and recovery actions can include efforts to detect, identify, contain, clean up or dispose of released oil and hazardous materials.

## **II. POLICIES**

1. For the purposes of this ESF, the term hazardous material is synonymous with hazardous substance. Hazardous materials are those materials, wastes, substances and mixtures that are inclusive with the definition of a "hazardous substance" as provided under Clean Air Act , 40 Code of Federal Regulation. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) requires that oil and hazardous materials releases be reported to the National Response Center (NRC) as specified in 40 Code of Federal Regulation. Hazardous substance is defined in s. 292.11, Wis. Stats and s. 166.20, Wis. Stats.
2. The DNR is the lead state agency for incidents on federal, state, county and tribal lands. If the substance is an agricultural chemical, DATCP will respond consistent with 94.73, Wis. Stats., and the Memorandum of Understanding with DNR titled "Discharge of Hazardous Substances, March, 2005". DNR is authorized by s. 23.09 (4), Wis. Stats. to provide support to local and tribal governments at the request of the Chief Elected Official. Incidents are managed utilizing the Incident Command System (ICS) and shall function using the Unified Command System as required under the provisions of Executive Order 81, 2003 State Act 186. If the incident involves radioactive materials, the Department of Health and Family Services, Radiation Protection Section will also respond under their authority in ss. 254.31-.45, Stats. Incidents involving radioactive materials or exposure to radiation, will be handled by the Section of Radiation Protection.

## **III. CONCEPT OF OPERATIONS**

### **A. General**

1. ESF 10 provides for a coordinated, effective and efficient response to discharges and releases of hazardous materials by committing human, financial and material resources to the impacted area.
2. In the event of an actual or potential release of hazardous materials in the state, which presents a threat to public health and safety and the environment, this ESF or portions of it may be implemented.

### **B. Organization**

1. During an emergency or disaster situation, the primary and support agencies of ESF 10 will assign personnel to the State EOC. The DNR, as the responsible agency for implementing ESF 10 will respond directly to the Officer in Charge/Operations Officer in the EOC.

2. ESF 10 emergency operations will coordinate as appropriate during an activation of the State EOC and will coordinate the resources of DNR and other appropriate state agencies with Operations/OIC. In addition, DNR may request other resources from the Environmental Protection Agency (EPA) and Coast Guard, as needed.
3. DNR coordinates with local and federal responders and provides for implementation of the State Contingency Plan as specified in s. 292.11, Wis. Stats., National Contingency Plan and the Regional Contingency Plan for Oil and Hazardous Materials.
4. The Department of Health & Family Services (DH&FS) can provide environmental and radiological response resources to assist local and tribal jurisdictions with the consequences of hazardous material incidents. In addition, the DHFS may request additional resources from the Department of Energy, Centers for Disease Control and Prevention and other federal agencies with radiological response assets, as needed.
5. The Department of Agriculture, Trade and Consumer Protection (DATCP) has the authority to respond to agricultural chemical releases as specified in 94.73, Wis. Stats. and the Memorandum of Understanding with DNR.
6. The reporting of chemicals present at fixed facilities, planning, training, exercising and hazardous material team response are components of the Emergency Planning and Community Right-To-Know Act (EPCRA) and are administered by WEM. The portion of EPCRA requiring the reporting of spills is the responsibility of DNR.
  - a. WEM maintains a database of information pertaining to facilities which store hazardous chemicals and extremely hazardous substances (EHS) and the amounts and location of chemicals at each of those facilities. Each county in Wisconsin has a Local Emergency Planning Committee (LEPC) which addresses chemical hazards present at permanent facilities and on transportation routes.
7. EPCRA specifies the development of a comprehensive hazardous materials response plan. Planning for hazardous materials incidents is addressed in the County Wide/Strategic Plan (CW/SP) which is updated annually by each county. Offsite (OS) facility plans are a component of the CW/SP and address consequences should an EHS be released by a fixed facility and becomes a threat to the health and safety of the surrounding community and the environment.
8. There are eight Wisconsin Regional Hazardous Material Response teams contracted by Wisconsin Emergency Management (WEM) to respond to the most serious of releases, commonly referred to as Level A. The

Regional Hazardous Material Response Team will determine the Level of Response and will notify the WEM Duty Officer. If assistance is needed from additional regional response team(s), the initial regional response team is responsible for notifying the WEM Duty Officer that a second regional response team has been called in for assistance.

9. There are 38 designated County Wide Hazardous Material Response Teams and 11 counties have contracted with neighboring counties to respond to chemical releases of a lesser nature, commonly referred to as Level B. County Wide Hazardous Material Response Teams are contacted according to local response protocols.
10. Disposal of hazardous materials (waste) may be handled by a licensed private clean-up contractor, with the responsible party being liable for the costs of the response and remediation of the affected area.

### **C. Procedures**

1. The DNR maintains a 24-hour duty officer who responds to incidents when notified. In addition, a member of the DNR Bureau of Law Enforcement staff is on-call at all times to assist with emergencies. A schedule of on-call duty officers is maintained by DNR and provided to WEM on a quarterly basis. A listing of key federal contacts is maintained and communication is made, as specified in the DNR Regional Response Plan, according to the nature of the emergency
2. The DNR duty officer will notify the Department of Agriculture, Trade and Consumer Protection when there is a release or potential release of an agricultural chemical. DATCP will respond to that release on an as-needed basis.

### **D. Mitigation Activities**

1. Minimize environmental and natural resources damage.
2. Maintain facility accountability and local/state knowledge of amounts and types of chemicals in the community through the EPCRA County Wide/Strategic Plan and Offsite Facility Plans.
3. Identify critical facilities vulnerable to emergencies or disasters, evaluate vulnerabilities and transportation routes.
4. Assist LEPCs with going beyond minimum planning guidance through the Federal Hazardous Material Emergency Preparedness Planning Subgrant, administered by WEM. The Subgrant is used for projects, such as, enhancement of existing plans, conduct commodity flow studies, mapping, using CAMEO more efficiently.

5. Identify areas where mutual aid agreements and memoranda of understanding are needed.
6. Identify areas where public education and/or training are needed.

**E. Preparedness Activities**

1. Develop and maintain resource lists to support and identify transportation/response equipment resources.
2. Create hardcopy and electronic maps or provide necessary data for the development of maps, to enhance state and local officials' planning capabilities.
3. Develop and conduct awareness, training and exercise programs relating to the release or potential release of hazardous materials.
4. Address safety issues pertaining to hazardous materials by developing public education programs.
5. Develop and maintain mutual aid agreements and memoranda of understanding with support agencies or contracted support agencies to ensure adequate response to discharges or potential discharges to hazardous materials.
6. Develop a notification list of response contacts with essential information (address, telephone, cellular, facsimile number and e-mail address).

**F. Response Activities**

1. In conjunction with locals, assess magnitude, extent and potential duration of incident.
2. Recommend activations of ESF 10 and agency personnel based on incident assessment and local need.
3. Provide monitoring, sampling and analysis services as required.
4. Minimize damage/impact to natural resources by allocating and coordinating resources in accordance with State EOC action plan.
5. Support law enforcement activities, as required.
6. Provide staff support to the county EOC and local jurisdictions or facilities, as requested.
7. Collect, document and maintain a record of actions taken.

8. Coordinate information with State/Federal/County personnel to coordinate ESF information.
9. Coordinate with EOC Staff.
10. Coordinate with Regional Hazardous Material Response Teams.
11. Coordinate with appropriate federal agencies; such as, DHS, FBI, EPA per ESF 13.

**G. Recovery Activities**

1. Coordinate decontamination and other clean up efforts, as necessary.
2. Ensure agency personnel have been decontaminated, when applicable.
3. Coordinate with EOC Staff on deactivation.
4. Ensure that staff is properly debriefed, if appropriate.
5. Coordinate with DH&FS & other agencies to deal with long term impacts and develop a long term recovery plan.
6. Conduct after-action critique of the overall response and recovery efforts.

**V. RESPONSIBILITIES**

**A. Lead State Coordinating Agency**

1. Department of Natural Resources
  - a. Minimize environmental and natural resources contamination.
  - b. Minimize damage/impact to natural resources and the environment.
  - c. Serve as the lead agency for response to oil and hazmat response and hazardous substance releases except for agricultural chemicals (SEE: DATCP authority below).
  - d. Serve as the lead agency for offsite cleanup of hazardous materials of wastes.
  - e. Monitor state waters suspected of contamination due to an emergency/disaster situation.
  - f. Provide staff support to the State EOC during an emergency/disaster situation and local jurisdictions as necessary.

- g. Provide technical assistance for the identification, containment, removal and disposal of pollutants and hazardous materials from the environment.
  - h. Coordinate with federal and state agencies, as appropriate.
1. Wisconsin Emergency Management
- a. Dispatch Regional Directors to establish contact with local jurisdictions, as necessary.
  - b. Establish and maintain direct communication and coordination with local governments affected by the emergency or disaster situation.
  - b. Coordinate assistance with other State Agencies as requested by DNR.
  - c. Provide staff support to the State EOC as requested or needed.
  - d. Coordinate with state agencies for consistency in the planning process.
  - e. Coordinate with federal agencies in accordance with ESF 5.
  - f. Coordinate with regional response teams.
  - g. Coordinate with county wide teams.
2. Department of Transportation
- a. Provide liaison to the State EOC, and incident command post.
  - b. Participate in the planning process for a response to the incident.
  - c. Coordinate assistance with other state agencies as requested.
  - d. Assist with law enforcement support.
  - e. Provide as well as assist with traffic control (detours, road closures, etc.) as required.
3. Department of Military Affairs
- a. Provide liaison to State EOC, County EOC and Incident Command Post, as necessary.
  - b. Participate in all planning for response to an incident.

- c. During non-terrorist related radiological releases, provide monitoring teams to assist and augment the State Radiological Coordinator.
- d. After a terrorist event involving the release of chemical, biological, radiological or nuclear material, assist with the identification, assessment of the consequences, advise on response measures, and assist with requests for additional support.
- e. Upon activation by the Governor, provide support in the following areas:
  - 1. Support to law enforcement:
    - a. Traffic control, road block, and check point
    - b. Quarantine enforcement
    - c. Site security and critical infrastructure protection
    - d. Presence patrol
  - 2. Transportation
    - a. Ground
    - b. Air
  - 3. Medical
    - a. Transport
    - b. Limited treatment
  - 4. Engineer
    - a. Debris clean-up
    - b. Structure stabilization
    - c. Damage assessment
  - 5. Command and Control of National Guard forces
- f. Questions or requests for assistance should be directed to the Joint Operations Center Duty Officer at the DMA 24-hour number.

#### 4. Department of Agriculture, Trade and Consumer Protection

- a. Serve as the lead agency for response to discharges or potential discharges of agricultural chemicals.
- b. Regulate the use and sale of pesticides and fertilizers.
- c. Implement the agriculture chemical cleanup program, for assisting in the response to releases of agricultural chemicals.
- d. Respond through the Toxic Response Team to deaths of food production animals associated with potential discharges of hazardous or unknown materials.
- e. Provide the use of the consumer protection hotline in an emergency for the public to call for information relating to the discharge of an agriculture chemical.
- f. As specified in ESF 11, serve as the lead agency for response to animal health and crop safety relating to a CBRNE event.
- g. As specified in ESF 11, serve as the lead agency for response to a food product that may be adulteration by a hazardous substance.
- h. Provide recovery assistance through the Farm Center to farmers affected by a release of hazardous substances, including CBRNE events.
- i. Serve in the EOC and provide assistance to DNR for DNR-lead events that may impact agricultural activities.
- j. Provide support to other agencies and the public during an emergency to ensure that consumers are protected from unfair practices (i.e. gas gauging, etc.)
- k. Provide a mechanism for household hazardous materials to be collected through the implementation of clean sweep programs.
- l. Provide laboratory analyses of unknown materials or hazardous substances as part of an investigation, especially as it relates to food, feed or other consumer products.
- m. Issue stop sale and movement orders on materials that may be considered hazardous substances per s. 100.37, Wis. Stats.
- n. Review DATCP required emergency response plans at agri-chemical facilities.
- o. Coordinate with state agencies for consistency in the planning

process.

#### 5. Department of Health & Family Services

- a. Work with local agencies (public health, human/social, others) and health care providers to assess the impacts or potential impacts regarding releases/threatened releases of oil and hazardous materials to the environment.
- b. Provide technical information, environmental radiation monitoring, coordination of radiological response activities, assistance and actions that are deemed necessary to minimize the public health and human service impacts to residents, business owners and local government.
- c. Work with federal health and human service agencies and organizations in the event that federal resources or assistance in these areas are deemed necessary or desirable..
- d. DHFS also maintains a 24X7 Emergency Telephone Hotline. This hotline number has been provided to local public health, human/social service agencies, hospitals, clinics, veterinary clinics and other health care providers for the direct notification of DHFS staff in the event of public health, human service emergencies, and incidents involving events dealing with radioactive materials.. DHFS emergency staff contacts the WEM Duty Officer in the event such emergencies may involve other state agencies which may have a role in these emergencies. The WEM DO contacts DHFS staff when the WEM DO is notified about local emergencies that may have public health and human service concerns.
- e. The Section of Radiation Protection will coordinate response efforts with the Lead Coordinating Agency and all state support agencies.

#### **C. All Other Agencies**

1. Federal Government
  - a. Per the NRP ESF 10, DNR works closely with agencies; such as, EPA, FEMA, United States Coast Guard and Tribal Governments to assure all emergency incidents involving pollutants and hazardous materials are investigated promptly and proper cleanup actions are taken.
2. Local Government/County Emergency Management Organizations/Tribal Government

- a. DNR works closely with municipal, county tribal governments during an incident. Since local public safety organizations are generally the first government representative at the scene, they would be expected to initiate public safety measures necessary to protect public health and welfare. The responsibilities could include directing evacuations, fire suppression and hazardous material support where available, identification of drum or contaminated debris staging areas and arranging disposal of abandoned containers that contain non-hazardous waste.
3. Volunteer Agencies
    - a. DNR may utilize the services of organized volunteers as appropriate to their training or skills.

#### **IV. RESOURCE REQUIREMENTS**

Resources will be distributed according to appropriate SOPs and manuals.

#### **V. REFERENCES**

Department of Natural Resources:

ss. 292.11, 23.09 (4), 227.1(2), 289.01 (3), 166.20, Wis. Stats.; Wisconsin Administrative Code NR 702

Wisconsin Emergency Management:

Chapter 166, Wis. Stats.

Department of Transportation:

s. 110.07, Wis. Stats.

Department of Military Affairs:

Chapters 21 and 166, Wis. Stats.

Department of Agriculture, Trade and Consumer Protection:

Chapters 93, 94, 95, 97, 100, Wis. Stats.

#### **VI. ACRONYMS**

See Wisconsin Emergency Response Plan, Basic Plan, Appendix 7.

#### **XII. APPENDICES**

See DNR State Contingency Plan