

RICHLAND COUNTY EMERGENCY SUPPORT FUNCTION (ESF) 10

OIL AND HAZARDOUS MATERIALS

LEAD COORDINATING AGENCIES: Richland County Emergency Management; Richland County LEPC

SUPPORT AGENCIES: Vernon County Type III HazMat Team; Richland County Public Health; Richland County Highway Department; Richland County Sheriff's Dept.; Richland County Forestry Unit – Wisconsin DNR; Richland County Conservation Wardens – Wisconsin DNR; Emergency Medical Services; MABAS Division 150.

I. INTRODUCTION

A. Purpose

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

1. A coordinated county response utilizing an all-hazards approach, when responding to a natural/manmade, actual or potential discharge or release of chemical and biological materials, including radioactive materials.
2. A coordinated county 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. Coordination between local, state and federal governments, and the private sector when responding to hazardous materials incidents or other threats to the environment and the public health.

B. Scope

1. Local response actions are determined by specific County 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.
2. County 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 appropriate county agency.
3. County 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.
4. County ESF 10 describes the lead coordination roles and specific responsibilities within county agencies and is applicable to all county departments and agencies with responsibilities and assets to support local response to actual or potential oil or hazardous materials incidents.

5. Under the Richland County Hazard Analysis, the release of hazardous materials has been identified and declared a hazard.
6. ESF 10 coordinates directly with the following Emergency Support Functions (ESFs):
 - ESF 1: Transportation
 - ESF 4: Firefighting
 - ESF 6: Mass Care, Emergency Assistance, Housing, and Human Services
 - ESF 7: Resource Support
 - ESF 8: Public Health and Medical Services
 - ESF 13: Public Safety and Security
 - ESF 15: External Affairs

II. POLICIES

- A. For the purposes of ESF 10, the term hazardous material is synonymous with hazardous substance:

Hazardous Substance: As described by the [National Contingency Plan \(NCP\)](#), any substance designated pursuant to section 311(b)(2)(A) of the Clean Water Act; any element, compound, mixture, solution, or substance designated pursuant section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act ([CERCLA](#)); any hazardous waste having the characteristics identified under or listed pursuant to section 3001 the [Solid Waste Disposal Act](#) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. § 6901 et seq. [RCRA](#)) has been suspended by act of Congress); any toxic pollutant listed under section 307(a) of the [Clean Water Act](#); hazardous air pollutant listed under section 112 of [Clean Air Act](#) (42 U.S.C. § 7521 et seq.); and any imminently hazardous chemical substance or mix with respect to which the EPA Administrator has taken action pursuant to section 7 of the [Toxic Substances Control Act](#) (15 U.S.C. § 2601 et seq.).

- B. Richland County Emergency Management is the designated authority to implement County ESF 10 in response to oil and hazardous materials releases. [WI SS. 323.60](#)
- C. Richland County Local Emergency Planning Committee is responsible for developing plans for response to the release of hazardous substances from a specific facility. [WI SS. 323.60\(1\)\(d\)](#)
- D. The Emergency Management Director or his/her designee may access resources from Wisconsin Emergency Management should County capabilities become exhausted during an oil or hazardous materials response.

- E. Incidents are managed utilizing the Incident Command System (ICS) as required under the provisions of the Presidential Directive #5.
- F. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and the Wisconsin Department of Natural Resources (WiDNR) have agency administrative authority with respect to sites over which they have jurisdiction. [Wi SS. 292.12\(1\)\(a\)](#)

III. CONCEPT OF OPERATIONS

A. **General**

County ESF 10 has been developed by Richland County in conjunction with support agencies to provide a framework for response actions and provides for a coordinated, effective and efficient response to a release through the implementation of protocols to request assistance of hazardous materials response teams. In the event of an actual or potential release of hazardous materials in Richland County, which presents a threat to public health and safety and the environment, this ESF or portions of it may be implemented.

Local Fire Departments may be the initial responding agency to a hazardous materials incident and will typically assume on-scene Incident Command. Fire department plans and procedures should detail local operational concepts and responsibilities within their level of training and resource capabilities. If the release is deemed to be from a crime scene, such a terrorist attack, unified command with law enforcement will be assumed. Local emergency responders will provide coordinated, effective response to a hazardous materials release. Services such as, but not limited to, rescue and medical treatment, evacuation of persons-at-risk, initial isolation of the area, identification of involved materials, financial and material resources to the affected area.

1. **EOC Activation** - County ESF 10 is activated at the Richland County Emergency Operations Center (EOC) in anticipation of or immediately following an incident of significant impact involving oil and hazardous materials, including radiological materials. Command of a hazardous materials incident will be initially from a field command post location. The EOC may be activated if, in the opinion of the Incident Commander, if it can be better controlled from the EOC, or if the operational period will greater than 12 hours and additional resources may be requested and/or if the Operations Section requests additional response coordination. During an emergency or disaster situation, the primary and support agencies of County ESF 10 will assign personnel to the County EOC when opened. County ESF 10 emergency operations will be staffed, as appropriate, during an activation of the Richland County EOC and will coordinate the resources of the County and mutual aid agreements with other jurisdictions. In addition, Richland County Emergency Management may request other resources from the State of Wisconsin through the Wisconsin Emergency Management 24-hour duty officer number (1-800-943-0003.)

2. **EPCRA** - EPCRA specifies the development of a comprehensive hazardous materials response plan. Planning for hazardous materials incidents is addressed in the County Wide Strategic Plan which is updated annually by Richland County. Offsite facility plans are a component of the County Wide Strategic Plan and address consequences should an Extremely Hazardous Substance (EHS) be released by a fixed facility or transportation incident and becomes a threat to the health and safety of the surrounding community and the environment. 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) administered by Wisconsin Emergency Management (WEM). The portion of EPCRA requiring the reporting of spills is administered by DNR.
3. **LEPC** - The Richland County Local Emergency Planning Committee (LEPC) addresses chemical hazards present at fixed facilities and on transportation routes and maintains information on facilities submitting Tier II information. Contact the Richland County Emergency Management Director for this information. Richland County may contact WEM for facility information as WEM maintains a database of information pertaining to facilities, which store hazardous chemicals and extremely hazardous substances (EHS). Public awareness of chemicals in the community is a requirement of EPCRA as well as allowing the public and local governments to obtain information about chemicals. This information is maintained by the LEPC and can be obtained from Richland County Emergency Management.
4. **EPCRA Plans** - County ESF 10 will refer to the EPCRA County Wide Strategic Plan for policies and procedures for responding to hazardous materials incidents and/or accidents in compliance with the requirements of [Title III of EPCRA \(SARA\) of 1986](#), as codified in [42 USC 11000 to 11050](#) and [Sec. 323.70](#), Wis. Stats. It defines the roles/responsibilities of government and private organizations in response to a hazardous materials incident and includes requirements for development/update.
 - a. The County Wide Hazardous Materials Strategic Plan forms a part of the Richland County Emergency Response Plan, by reference.
 - b. The Offsite Facility Plan component to the County Wide Hazardous Materials Strategic Plan is EHS-specific and addresses response activities for offsite consequences resulting from a spill/release at a fixed facility and transportation routes.
 - c. The Offsite Facility Plan contains chemical information, vulnerability zones, special facility locations, available resources and hazards analysis.

B. Organization

1. Richland County ESF 10, Oil and Hazardous Material releases, including radioactive releases, consists of:

- Command structure – The command structure works under the State of Wisconsin guidelines for response to a hazardous materials release. The first officer arriving on scene (law enforcement, fire or EMS), who becomes the Incident Commander, notifies Richland County Emergency Management, who then notifies Wisconsin Emergency Management (WEM) of the situation. Richland County Emergency Management may call for the Vernon County Type III Hazmat Team for response, at which time a Unified Command Structure will be put in place. If the hazardous material release warrants either a Type II or Type I response, Richland County EM will make the request to WEM for them to deploy the appropriate regional team.
- Appropriate county plans – Richland County has a hazardous materials response plan, as does the Vernon County Type III Hazmat Team.
- Regional Emergency Response Teams – These Regional Response Teams are typed according to NIMS resource typing guidelines and operate under the [State Statute 323.70](#) and are coordinated by Wisconsin Emergency Management.
- County Team – Richland County contracts with Vernon County Type III Hazmat Team.
- Mutual aid agreements – If a larger than regional response is required, the mutual aid would be requested through the Wisconsin Emergency Management duty officer at 1-800-943-0003, or MABAS Division 150.
- Private contractors – Any response and remediation of the affected area related to hazardous materials release is done through a private company, VEOLIA North America based in Port Washington, WI. There is currently not a contract, but requests are made on an as-needed basis. The spiller, or responsible party, is then billed for the cost of this response and remediation through the auspices of the Richland County Local Emergency Planning Committee (LEPC.) See [State Statute 323.71](#)

C. Procedures

1. The Richland County Emergency Response Plan and the Richland County County-wide Strategic Hazardous Materials Plan support the Richland County ESF 10.
2. The responsible party or Emergency Management Director will contact the Wisconsin Department of Natural Resources (DNR at 1-800-943-0003) according to state law in the event of chemical release.
3. The Richland County Department of Health & Human Services, Public Health may provide environmental response resources to assist local jurisdictions with the consequences of hazardous material incidents. The Richland County Public Health Department may contact the Wisconsin Department of

Health Services for advice and/or resources.

4. The responsible party or Emergency Management will contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) to respond to agricultural chemical releases as specified in [Sec. 94.73, Wisconsin State Statutes](#) and the Memorandum of Understanding with DNR titled "Discharge of Hazardous Substance" March 2005.

D. Mitigation Activities

1. Minimize environmental and natural resources damage through utilization of state and federal programs.
2. Maintain facility accountability and local/state knowledge of amounts and types of chemicals in the community through the County Wide Hazardous Materials Strategic Plan and Offsite Facility Plans.
3. Identify critical facilities and establish strong relationships with facilities vulnerable to emergencies or disasters, and assist them in evaluating their vulnerabilities and evacuation transportation routes.
4. Identify areas where mutual aid agreements and memoranda of understanding are needed.
5. Identify areas where public education and/or training are needed.

E. Preparedness Activities

1. Maintain and update locations where hazardous materials are stored, used and/or manufactured. Ensure that fire departments are supplied with the training and equipment necessary to respond appropriately if the identified materials were released.
2. Develop and/or participate in awareness workshops, hazmat training and exercises related to a hazardous materials release.
3. Response agencies should ensure that all personnel who have the potential of responding to a hazmat incident have the appropriate level of training.
4. All public safety agencies must have current copies of the US D.O.T. [Emergency Response Guide \(Orange Book\)](#). [WISER](#), or the Wireless Information System for Emergency Responder, is another recommended tool by emergency management to aid in responding to hazardous materials release.
5. Identify transportation/equipment resources. (See: Richland County's Local Resource Capabilities Study, available in the EOC)
6. Provide necessary data, via the County's GIS department and the [CAMEO Suite](#), to develop maps in order to enhance county-wide planning capabilities.

7. Identify public safety gaps pertaining to hazardous materials present throughout the County.
8. Utilize MABAS and maintain mutual aid agreements and memoranda of understanding with support agencies or contracted support agencies to ensure adequate response to releases or potential releases of hazardous materials.
9. Develop and maintain resources lists relating to the ability to adequately respond to a release or potential release of a hazardous material.
10. Develop a contact notification list with essential information (address, telephone, cellular, facsimile number and e-mail address).
11. Identify, develop and incorporate, as necessary
 - a. Private sector capabilities and resources
 - b. Backup response and recovery processes

F. Response Activities

1. In conjunction with Richland County support agencies, assess magnitude, extent and potential duration of incident.
2. Recommend activations of County ESF 10 and personnel based on incident assessment and local need.
3. Request monitoring, sampling and analysis services as required.
4. Minimize damage/impact to natural resources by allocating and coordinating resources in accordance with Richland County ESF 5.
5. Support law enforcement activities, as required.
6. Provide staff support to the County Emergency Operations Center and local jurisdictions or facilities, as requested.
7. Collect, document and maintain a record of actions taken.
8. Coordinate with Emergency Operations Center Staff.
9. Coordinate with Local and Regional Hazardous Material Response Teams.
10. Coordinate with appropriate federal agencies; such as, DHS, FBI, EPA per ESF 13.
11. Document during this phase (response), all of the information that will be needed during the initial phases of demobilization and recovery.

G. Recovery Activities

1. All agencies will operate under the Incident Command System and provide resources and technical assistance as requested and provide staff to the EOC if activated..
2. Coordinate decontamination and other clean up efforts, as necessary.
3. Ensure agency personnel have been decontaminated, when applicable.
4. Coordinate with Emergency Operations Center Staff on deactivation.
5. Ensure that staff is properly debriefed, if appropriate. During the debriefing, all notes and documentation that pertain to future recovery actives should be kept, organized and secured.
6. Coordinate with Wisconsin Department of Health Services and other agencies to assess long-term impacts and, if necessary, help the affected community develop a long-term recovery plan.
7. Conduct an after-action review of the overall response and recovery efforts.

IV. RESPONSIBILITIES

A. Lead Coordinating Agency

1. Richland County Emergency Management
 - a. Serve as the lead coordinating agency for all oil and hazardous materials incidents, including those involving radiological materials with input from the LEPC.
 - b. Act as a resource provider when requests are made for contacting private companies for offsite cleanup of hazardous materials or wastes.
 - c. Ensure the hazmat incident has been reported (DNR/DATCP). Report the spill to the 24 hour hotline number 1-800-943-0043.
 - d. Communicate with the DNR logistical and chemical information regarding the potential for waters of the state to be contaminated by an emergency/disaster situation (hazmat release).
 - e. Coordinate staff support to the Richland County Emergency Operations Center during an emergency/disaster situation and local jurisdictions as necessary.
 - f. Coordinate with state and federal agencies, as appropriate.
 - g. Coordinate with county agencies for consistency in the planning process.

B. Support Agencies

1. Local Fire Departments
 - a. Establish an on-site command post and maintain direct communication and coordination with local agencies affected by the emergency or disaster situation operating under ESF 4. Utilize MABAS Hazardous Materials Release card.
 - b. Establish IC/UC with emphasis on command staff positions of Safety and Liaison; and, in the general staff positions of Operations and Logistics; the LEPC will provide staff for the Planning Section. Emergency Management will provide staff for PIO.
 - c. Provide staff support to the County Emergency Operations Center.
 - d. Coordinate with state/federal agencies in accordance with ESF 5.
 - e. Initiate evacuation orders as directed by the IC/UC.
 - f. Contain spill, to stop it from spreading, if appropriately equipped and trained (i.e., booms, pads, heavy equipment, etc.)
2. Vernon County Type III HazMat Response Team will:
 - a. Establish and maintain direct communication with the Incident Commander in charge of the scene.
 - b. Provide technical support and equipment for operations personnel.
 - c. Provide guidance on mitigation strategies.
 - d. Contain spill, to stop it from spreading, with appropriate equipment (i.e., booms, pads, heavy equipment, etc.)
3. Richland County Sheriff's Department & Municipal Law Enforcement
 - a. Provide deputies and support staff for traffic control, site security, patrol, EOC operations and critical infrastructure protection.
 - b. Initiate evacuation orders as directed by the IC/UC.
 - c. Provide the drone and drone operator(s) as requested by IC/UC.
 - d. Ensure adequate staffing in the 911 center during the release.
4. Richland County Public Health Department
 - a. Provide liaison to the County Emergency Operations Center and Incident Command Post, as necessary.

- b. Participate in all planning for response to an incident.
 - c. During non-terrorist related radiological releases coordinate with the LEPC in making contact with the State Radiological Coordinator actions that are deemed necessary to minimize the public health and human service impacts to residents, business owners and local government.
 - d. Work with state health and human service agencies (DHS and DCFS) and organizations in the event that state resources or assistance in these areas are deemed necessary or desirable.
 - e. Wisconsin Department of Health Services maintains a 24 x 7 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 Department of Health Services staff in the event of public health and human service emergencies. Local technical staff can be contacted by DHS depending upon the nature of the incident being reported. Department of Health Services emergency staff contacts the WEM Duty Officer in the event such emergencies may involve other state agencies who may have a role in these emergencies. The WEM Duty Officer contacts Department of Health Services staff when the WEM Duty Officer is notified about local emergencies that may have public health and human service concerns.
5. Richland County Highway and Municipal Public Works
- a. Provide barricades, personnel, etc., for traffic control.
 - b. Provide heavy equipment.
6. EMS
- a. Ensure that EMS members are trained in hazmat awareness.
 - b. Provide appropriate PPE to individuals after decontamination.
 - c. Provide triage, medical care and transport of injured persons.
7. Regional Type I and II Hazmat Teams
- a. Provide response support during a hazmat release that exceeds the capabilities of the Type III team.
8. Wisconsin DNR
- a. The Wisconsin Department of Natural Resources works closely with municipal and county 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.

- b. Hazardous material spills must be reported using the 24-hour hotline 1-800-943-0003.
 - c. Assist in initiating public safety measures necessary to protect public health and the environment.
 - d. DNR has the authority to identify, locate, monitor, contain, remove or dispose of the hazardous substance or take any other emergency action which it deems appropriate under the circumstances, if a responsible party is unable or unwilling to provide adequate response.
 - e. DNR may enter any property, premises or place at any time for the purpose of taking removal or other emergency action if the entry is necessary to prevent increased damage to the air, land or waters of the state. Notice is not required if the delay would result in imminent risk to public health, safety or the environment.
 - f. Provide a contracted (with DNR) emergency response company to provide emergency response services to discharges of hazardous substances when responsible parties are unable or unwilling to take necessary actions to respond to an emergency situation.
9. Wisconsin Department of Trade and Consumer Protections (DATCP)
- a. Specifically regulates the cleanup of agricultural pesticides and Commercial fertilizers .
 - b. Along with DNR, manage the cleanup of releases of pesticide and fertilizer spills to prevent these products from reaching the groundwater.
10. Wisconsin Department of Health (DHS)
- a. [Section 254.41](#) of the Wisconsin Statutes requires the Department of Health (DHS) to collect and test environmental samples for radiation emission in any area of the state within 20 miles of a nuclear power plant.
 - b. DHS staff respond to incidents involving radioactive materials not of nuclear power plant origin and provide advisory assistance on radiation issues.

C. All Other Agencies

- 1. Wisconsin Emergency Management
 - a. 24-hour duty officer number is 1-800-943-0003.
 - b. Contact Wisconsin Department of Natural Resources using the WEM 24-hour duty officer number.
- 2. Volunteer Agencies
 - a. Richland County may utilize the services of organized volunteers as appropriate to their training or skills.

V. PLAN DEVELOPMENT AND MAINTENANCE

Richland County Emergency Management is responsible for the initial development and distribution, periodic review, and the updating of ESF-10 and its attachments. Each agency/service with emergency assignments is responsible for assisting with the development and maintenance of their own portion of this ESF, the appropriate attachment, and their own SOGs. Each agency/service is also responsible for assigning personnel, equipment and providing training necessary to carry out emergency functions.

This ESF will be reviewed annually and updated based on deficiencies identified by drills and exercises, post-disaster critiques, self-assessments, audits, administrative reviews, changes in local, state or federal government structure and regulations, technological changes or any other reasons that necessitate revisions. Copies will be furnished to all affected entities/agencies and updates will be furnished to copyholders of record.

VI. RESOURCE REQUIREMENTS

Resources will be distributed according to appropriate SOPs and manuals of the responding HazMat Type III Team resources.

VII. REFERENCES

<u>Name of Agency</u>	<u>Primary Telephone</u>	<u>Secondary Telephone</u>
Local Fire Department	911	608-647-2106
Richland County Sheriff's Department	911	608-647-2106
Local Ambulance Service	911	608-647-2106
Richland Center Police Department	911	608-647-2103
Viola PD	911	608-627-1831
Richland County Emergency Management	608-647-8187	608-647-2106 (page 31)
Local Emergency Planning Committee	608-647-8187	608-604-6972
Richland County Public Health Dept.	608-649-5965	608-647-8821
Richland Hospital	608-647-6321	

<u>Name of Agency</u>	<u>Primary Telephone</u>	<u>Secondary Telephone</u>
Wis. Emergency Management Duty Officer	800-943-0003	
DATCP/DARM	800-943-0003	608-224-4519
National Response Center	800-424-8802	
ARES/RACES	608-475-0320	608-647-4981
DNR Spill Response District	608-647-2678	
Boaz & RC Septic Services	608-647-8215	
Emergency Contractor (Ewers)	608-583-3961	608-583-2603
Emergency Contractor (Randy Olson)	608-647-4184	608-475-1234
Richland County Highway Commissioner	608-647-4707	608-604-7624
Richland Center Street Department	608-649-3376	
Gas Company (We Energies)	800-292-7098	
City Utilities Richland Center	608-647-3844	
Diggers Hotline	800-242-8511	
Richland County HazMat (John Heinen)	608-604-6972	
RC LEPC Chairman (Brandon Fetterly)	608-475-3223	
EPA-V	800-535-0202	

VIII. GLOSSARY / ACRONYMS

See *Richland County Emergency Response Basic Plan*.

IX. ATTACHMENTS

Attachment 1: Agency Approval Signature Sheet

X. APPENDICES

Appendix 1: Vernon County Hazmat Contract

ATTACHMENT 1 – Agency Approval Signature Sheet

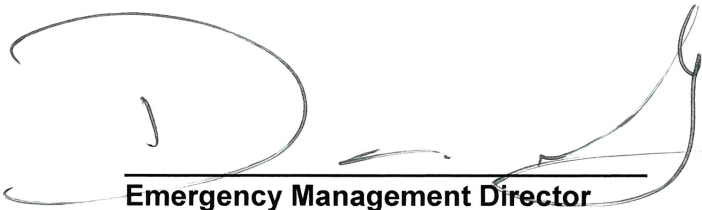
The undersigned have hereby reviewed and approved Emergency Support Function 10 (Oil and Hazardous Materials) of the Richland County Emergency Response Plan.



County Administrator

5 May 2022

Date



Emergency Management Director

5-25-2022

Date



LEPC Chairperson

6-13-2022

Date



Health & Human Services Director

5-4-2022

Date



Public Health Officer

May 4, 2022

Date

APPENDIX 1: – Vernon County Hazmat Contract

See: “2019.2.21 - 2019 HAZMAT Response AGREEMENT FINAL” for full document. The policy portion follows:

AGREEMENT FOR HAZARDOUS MATERIAL (HAZMAT) RESPONSE SERVICES

Pursuant to the Vernon County HAZMAT Emergency Response Plan (hereinafter the “Plan”), the general emergency response requirements in Chapter 323 (Subchapter VI 323.60 and 323.61), Wis. Stats. And in consideration of the mutual covenants hereinafter set forth, the County of Vernon (hereinafter referred to as “Vernon”); the County of Richland (hereinafter referred to as “Richland”); the County of Iowa (hereinafter referred to as “Iowa”); and the County of Crawford (hereinafter referred to as “Crawford”), hereby agree as follows:

WITNESSETH;

WHEREAS, Richland, Crawford and Iowa desire to provide fiscal resources as specified in Section 4.01 of this Agreement and Wis. Stats. 66.0301 for intergovernmental cooperation pursuant to the Vernon County HAZMAT Emergency Response Plan; and

WHEREAS, Vernon is able and willing to provide such services in accordance with the Plan (attached hereto) upon the request of the Emergency Management Director or his/her designee.

NOW, THEREFORE, in consideration of the above premises and mutual covenant’s for the parties hereinafter set forth, and the Agreement for HAZMAT response, the receipt and sufficiency of which is acknowledged by each party for itself, the undersigned to agree as follows:

Section 1 Definitions

1.01: “Emergency Response” means “Type III” activities associated with fire, HAZMAT, medical and police and limited initial emergency services to protect life and property from a substance release which occurs in Crawford, Iowa, Richland or Vernon Counties.

1.02: ”HAZMAT Type III Response Team” means Vernon personnel who have been certified and trained as Hazardous Materials Technicians and Operations in accordance with EPA 165.15 and NFPA 472.

1.03: “Substance Release” means the release or spill of an extremely hazardous substance included in the list published by the administrator of the U.S. Environmental Protection Agency under 42 U.S.C. 11002 or a hazardous substance as defined under 42 U.S.C. 9601 or designated by the administrator of the U.S. Environmental Protection Agency under 42 U.S.C. 9602 and in conformity with Chapter 323, Wis. Stats.

1.04: “Substance Release Response” means the “Type III” activities undertaken by and authorized by the HAZMAT team.

Section 2 PURPOSE

2.01: It is the intended purpose of the parties to comply with the goals of the parties' Plans for "Type III" HAZMAT Emergency response capability through the financial assistance of Crawford, Iowa, and Richland to Vernon in order to enable Vernon to provide HAZMAT Team Services.

2.02: Vernon agrees to send equipment, resources and personnel, if acquired, in the event specific equipment is requested by Crawford, Iowa, or Richland.

Section 3: TERM. This Agreement is for a term of two (2) years. The Agreement will automatically renew at the end of each term unless any one or more parties gives the other parties written notice of termination at least ninety (90) days prior to the end of the relevant term.

Section 4: DUTIES OF THE COUNTIES

4.01: Emergency Response Funding.

4.01(a) HAZMAT Fund: Each calendar year during the term of this Agreement, Crawford, Iowa, and Richland shall each pay Vernon the sum of \$2500 which will primarily be used for in kind match for the EPCRA HazMat Computer and Equipment grants when applicable. Secondary use can be for operating costs and maintenance. Any remaining and uncovered costs of operating or maintenance shall be borne by the County receiving the benefit resulting from the costs and/or maintenance.

4.01(b) Type III Emergency Response Fund: All EPCRA equipment and computers grant monies received by each county shall be paid to Vernon for equipment purchases, unless otherwise agreed to in writing by Vernon. If any county makes a request to retain a portion of the grant funds, Vernon will provide written notice to all counties. The \$2,500 will still be used for in kind match.

4.02: Renegotiation of Agreement. Upon written notice by either party on or before August 1 of any Agreement year, the parties hereto agree to renegotiate in good faith the terms and conditions of this agreement.

Section 5 DUTIES OF VERNON COUNTY

5.01: Emergency Response to Hazardous Substance Release.

5.01(a): Upon request by an incident commander, Vernon shall provide to Crawford, Iowa and Richland limited initial "Type III" response to protect life and property when there is a declared hazardous substance release incident to Crawford, Iowa, or Richland.

5.01(b): Vernon will respond, unless at the time of request, all HAZMAT units and personnel are unable due to existing emergency conditions, including but not limited to major incidents such as HAZMAT, fires, or other disasters. In the case where the Vernon Emergency Management Director or HazMat team leaders are unavailable to respond the Incident Commander may, upon written approval of the Vernon Emergency Management Director or a HazMat team leader, request a regional response team through Wisconsin Emergency Management.

5.02: Personnel. Vernon agrees to secure all personnel necessary to competently carry out its obligations under this Agreement subject to the conditions set forth in Section 5.01 including:

All responsibilities to pay wages, provide employee benefit insurance coverage, including Worker's Compensation, and other similar employer responsibilities shall be covered by Vernon.

Section 6 Miscellaneous

6.01: Advisory Committee. Each County LEPC shall appoint three persons to form an advisory committee, which shall consist of the County Emergency Management Director and two members from the LEPC committee. The advisory committee shall meet biannually to review the four County HazMat agreement. The advisory committee shall have the right and authority to review and advise the parties as to all aspects of the parties' agreement and any other contractual matters between the parties.

6.02: Equipment divided if a party discontinues.

6.02(a). In the event that Vernon voluntarily withdraws from this Agreement, including by opting to not renew the Agreement, under circumstances wherein the other parties wish to otherwise continue this agreement, then all equipment purchased with funds provided by the parties shall be divided in a pro rata fashion such that each party receives a share of equipment that is in relative proportion to the respective party's contribution. A party's contribution shall be defined as all contribution by that party from October 1, 1997 through the date of Vernon's withdrawal.

6.02(b) If a party other than Vernon withdraws from this Agreement, such county shall not receive any property or monies.

6.03: Events of Default and Remedies. In the event one party shall fail to fulfill in a timely and proper manner its obligations under this Agreement, any one or more of the non-breaching parties shall thereupon have the right to terminate this Agreement by giving a thirty (30) day written notice to the breaching party of such termination and specifying the claimed breach and effective date of termination. The agreement shall terminate thirty (30) days from the date on which written notice was provided to the breaching party unless the breaching party has rectified and remedied the purported breach to the satisfaction of the party that gave notice of the breach. The non-breaching party(ies) may seek any other remedy available by law including the right to recover from all damages incurred because of the breaching party's Default. There shall be no other

termination or cancellation of the Agreement during its term without prior written consent of all parties.

6.04: Assignment. Parties shall not assign or transfer any interest or obligation in this Agreement, whether by assignment or novation, without the prior written consent of all parties.

6.05: Correspondence, Communication, and Notices.

6.05(a) All notices required to be sent by this Agreement shall be deemed delivered on the date sent by email or fax, or as of the date of postmark if deposited in a United States mailbox, with sufficient first class postage attached and addressed as follows:

Crawford County

224 N. Beaumont Road
Prairie du Chien, WI 53821
jhackett@crawfordcounty.org
Telephone: (608)326-0266
FAX: (608)326-0702

Iowa County

1205 N. Bequette Street
Dodgeville, WI 53533
Keith.hurlbert@iowacounty.org
Telephone: (608) 935-0329
FAX: (608) 935-0321

Richland County

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Vernon County

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Viroqua, WI 54665
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6.05(b) It shall be the duty of a party changing its address to notify the other parties in writing within a reasonable time.

6.06: Construction of Agreement

6.06(a) This Agreement is intended to be solely between and among the parties hereto. No part of the Agreement shall be construed to add, supplement, amend, abridge, or

repeal existing rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the parties.

6.06(b) The entire Agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof.

6.06(c) This Agreement may be amended only by written consent of all parties hereto.

6.06(d) Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Wisconsin, without regard to the principles of conflicts of law. Each of the parties hereto submits to the exclusive jurisdiction and venue of any state or federal court sitting in the County of Vernon, Wisconsin.

6.06(e) Severability Clause. In the event any provision or part of this Agreement is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire Agreement, will be inoperative.

6.07: Affirmative Action and Non-discrimination. In connection with the performance of work under this Agreement, the parties agree not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, developmental disability as defined in Section 51.01(5), Wis. Stats., national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this state. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The parties further agree to take affirmative action to ensure equal employment opportunities. The parties agree to post in a conspicuous place, available for employees and applicants for employment, notices to be provided by the Counties' Contract Administrator setting for the provisions of the non-discrimination clause.

6.08: Standard Operating Guides. The Type III response team will provide Standard Operating Guides (SOGs) to Crawford, Iowa, Richland and Vernon Fire Department as to the procedures to call out the response team.

Section 7 Counterparts and Effective Date. This Agreement may be signed in any number of separate counterparts, no one of which need contain all of the signatures of the parties, and as many of such counterparts as shall together contain all of the signatures of the parties shall be deemed to constitute one and the same instrument. A set of the counterparts of this Agreement signed by all parties hereto shall be lodged with the LEPC. This Agreement shall become effective upon the receipt by the LEPC of signed counterparts of this Agreement from each of the parties hereto.