

ST. CROIX COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE
1101 Carmichael Road, Hudson, WI 54016
Phone: (715) 386-4751 Fax: (715) 386-4720

Policy Hazmat Response Expenditures

A policy on response costs reimbursements to assist emergency response agencies within the County.

INTRODUCTION

Pursuant to Wis. Statute 323.71, the St. Croix County Local Emergency Planning Committee is the designated reviewing entity for all claims that are reasonable and necessary expenses for emergency actions in response to the discharge of hazardous materials.

IDENTIFICATION OF PROCESS

The St. Croix County LEPC adopted the SERB guidance for this process, I & G Memo 2-2-91 SARA, at its 6/29/94 meeting (see minutes).

1. This process includes:
 - 2...Request for spill response payment letter
 - 3...Agreed to payment process between the SERB and DOJ
 - 4...Cost element comments
 - 5...Detailed cost breakdown form

Sample documentation is attached to this policy statement.

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REQUEST FOR SPILL RESPONSE PAYMENT

_____, 20____

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SUBJECT: Reimbursement of costs associated with the _____ spill in _____, Wisconsin.

Dear _____:

Enclosed is an invoice which details expenses through _____, 20____ associated with the emergency response to the _____ (spill name) spill in _____ (location) _____. (Indicate the basis for believing that the party is responsible for the spill - reference any pertinent prior correspondence or personal contacts with the responsible party).

Under s. 323.71 (5), Stats. a local agency has the authority to recover all actual and necessary expenses incurred in carrying out its duties, 323.71 (2), Stats. This letter and the enclosed invoice constitute the formal request for reimbursement of the costs associated with the response to the spill. Please remit the amount due in a check payable to the affected local agency(s) listed in the invoice within 30 days of invoice date. If you wish to discuss this request, please contact me prior to the end of those 30 days. Failure to respond will result in referral to the municipal attorney, county district attorney, or the County Corporation Counsel for collection of all costs incurred.

Your immediate attention to this matter would be greatly appreciated. You may contact St. Croix County Emergency Management at 715-386-4751 if you have any questions.

Sincerely,

St. Croix County
Emergency Management Director

Enc.

PAYMENT PROCESS FOR SPILL RESPONSE

The State Emergency Response Board and the Department of Justice have agreed on the following: Chapter 323.71, WI. Stats reimbursement procedures:

- I. Request for payment will be made by the St. Croix County Local Emergency Planning Committee (LEPC) for reimbursement by the responsible party. Agency claims should be received by the LEPC within a reasonable time period (such as 30 days). The request should include:
 - A. A brief summary of the facts which lead the LEPC to believe that the addressee is a responsible party:
 - 1) Indicate the date and approximate time the release occurred or was discovered;
 - 2) Indicate the location where the release occurred;
 - 3) Identify source or cause of release; and
 - 4) Identify the hazardous substance(s) released and estimated quantity.
 - B. A summary of the action taken by local agencies:
 - 1) Indicate the date and approximate time the response was initiated.
 - 2) Indicate the date of response completion.
 - 3) Indicate the jurisdiction in which the response occurred.
 - 4) Indicate whether the jurisdiction in which the response occurred has in place a local emergency response plan.
 - 5) Identify all agencies, including responders from neighboring agencies or contractors.
 - 6) Summarize all response activities, including the temporary emergency measures for which reimbursement is being sought. Provide information about which agency performed which aspects of the response.
 - 7) Indicate only the temporary emergency measures for which reimbursement is sought; and
 - 8) Attach any additional material pertinent to the response.
 - C. A statement of the County's authority to take action and to be reimbursed for costs incurred (Chapters.323.71 (2), (3), (4), (5), and (6), WI. Stats.)
 - D. A request for payment;
 - E. An invoice, which itemizes the expenses incurred by the local agency:
 - 1) Staff salaries
 - 2) Fringe benefits
 - 3) Indirect costs (Indirect costs are the overhead costs that the local agency incurs associated with staff time spent on the spill.)
 - 4) Supply and travel costs

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- 5) Contractor costs; and
- 6) Public Works Standardized Equipment Rental Rates (Contact the St. Croix County Highway Dept. for current State rates.)
- 7) Fire/EMS Standardized Equipment Rental Rates
- 8) The following are the Fire Equipment Rental Rates:

<u>Resource</u>	<u>Per Hour Costs</u>
Ladder	\$350.00
Engine	\$250.00
Engine/Tanker	\$250.00
Tanker	\$200.00
Grass Rig	\$125.00
Special Rescue	\$250.00
Light Rescue	\$125.00
Utility	\$75.00
Chief	\$75.00
Boat	\$150.00
EMS Equipment	\$150.00

- F. A date by which the responsible party must respond, either by payment or to review the request for payment. (The time period should be reasonable considering the amount requested); and
- G. Notice that failure to respond will result in referral to the municipal attorney, county district attorney, or the County Corporation Counsel for collection of all costs incurred.

II. If no response is received to the demand for payment a second demand may be made. The second demand should include:

- A. The same identification as the first request for payment
- B. A brief summary of the first request for payment
- C. Notice that their failure to respond has resulted in the LEPC starting the process to refer the matter to the municipal attorney, county district attorney, or the County Corporation Counsel for collection of the costs incurred by the local agency
- D. Explanation that if the responsible party cannot afford to pay the entire amount due immediately, the LEPC would be willing to discuss an installment payment plan; indicating that if the responsible party is interested in an installment payment plan, they should contact the LEPC immediately.

III. A referral package to the municipal attorney, county district attorney, or the County Corporation Counsel should be put together if no response is received to the first request

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for payment. Referral should be made as soon as possible after the response date for the first request for payment has passed.

All requests for payment and Administrative Orders must be sent certified mail. Bill payment requests should be reviewed by the LEPC, to ensure that adequate documentation exists, before any request for payment is made.

1	Personnel Compensation	Straight time and overtime for services in excess of the local agency's standard work day or work week. Experts and consultants for services rendered on a per diem or fee basis or for services of an intermittent, advisory nature	Compensation of Straight time and overtime costs incurred specifically for a response will be considered
2	Transportation	Passenger vehicle rental for transportation of persons during evacuation	Passenger and non-passenger vehicle rental costs will be considered.
3	Utilities	Utilities – for power, water, electricity and other services exclusive of transportation and communications	Utility costs will be considered.
4	Other Contractual Services	Contracts for technical or scientific analysis – for tasks requiring specialized hazardous substance response expertise Decontamination services – for specialized cleaning or decontamination procedures and supplies to restore clothing, equipment or other serviceable gear to normal functioning	May include such items as specialized laboratory analyses and sampling.
5	Supplies Materials and	Commodities – for protective gear and clothing, cleanup tools and supplies and similar materials purchased specifically for, and expended during, the response	May include such items as chemical foam to suppress a fire; food purchased specifically for an evacuation; air purifying canisters for breathing apparatus; disposable, protective suits and gloves; and sampling supplies
6	Equipment	Replacement or repair – of equipment damaged or lost as a result of contamination during the response. Rents – for use of equipment owned by others	Equipment replacement or repair costs will be considered Equipment rental costs will be considered.
7	Medical	Medical surveillance and consultation costs immediately following or subsequent to the release	Medical and consultation costs will be considered.

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Table 1
Detailed Cost Breakdown

Attach supporting documentation, i.e. invoices, sales receipts, rental agreements, etc.