



Emergency Responders Agreements For Fund-Lead Remedial Actions

Office of Emergency and Remedial Response
Hazardous Site Control Division 5203G

Quick Reference Fact Sheet
March 1994

The Superfund program's contractors frequently rely on responders from the local community to provide emergency support during remedial action. This fact sheet outlines recommended procedures to establish site specific agreements with local emergency responders for fund-lead remedial sites.

BACKGROUND

SARA Title I, section 126 and the Occupational Safety and Health Administration's (OSHA) standard for Hazardous Waste Operations and Emergency Response (HAZWOPER) establish worker protection standards for those engaged in hazardous waste operations. An important part of these regulations is the development and implementation of a Safety and Health Program at uncontrolled hazardous waste sites. The program includes a written Health and Safety Plan (HASP) which has a comprehensive Emergency Response Plan as a component.

During remedial action, the prime contractor is responsible for the development and implementation of the HASP. Proper implementation requires personnel capable of safely executing the Emergency Response Plan. This can be accomplished using either a private emergency response consultant or existing off-site organizations. After removal actions have taken place, most remedial sites do not pose immediate threat to the human health and environment to warrant fully staffed on-site security, medical, and fire fighting capabilities. Furthermore, full-time staff are not cost effective due to the long duration of most remedial actions. In that case, EPA may want to rely on the local community emergency response organizations. The Remedial Project Manager (RPM) should determine early in the design phase which approach is the most appropriate at the site. If the use of local responders is anticipated, the foundation for an agreement should be established immediately.

The HAZWOPER standards, specified at 29 CFR 1910.120, provide training requirements for emergency responders. Local responders may lack the level of training required by this regulation, or specialized equipment to respond at the site. However, an agreement with the local responders cannot be in place without compliance with HAZWOPER. Since construction activities

involving potential worker exposure cannot begin at the site without an implementable Emergency Response Plan, lack of emergency responder agreements may impact severely the project's cost and schedule. RPMs are encouraged to plan the site's "Emergency Response Strategy" well in advance to avoid costly construction delays. Following are guidelines to help RPMs develop a strategy for emergency responders agreements complying with the HAZWOPER requirements.

PREDESIGN

SARA Title III, or the Emergency Planning and Community Right-to-know Act, requires the local governments to create a Local Emergency Planning Committee (LEPC). The LEPC should have developed a local contingency plan coordinating police, fire, utility, and medical services.

During the pre-design phase, the RPM or his/her representative (US Army Corps of Engineers or US Bureau of Reclamation) must contact the LEPC to ensure coordination between the local contingency plan and remedial action plans. LEPCs may be identified through the State Emergency Response Commission. If the local community does not have a LEPC in place, the RPM must contact directly the pertinent organizations. During the initial contact, the RPM should get information on the local community's level of preparedness to deal with a hazardous waste emergency.

The RA contractor's site-specific emergency response plan must be consistent with the community contingency plan regardless of whether local responders are used during the remedial action.

REMEDIAL DESIGN

Early in the design phase, emergency response requirements should be determined. Identification and evaluation of possible providers is also done now.

The first task is to identify potential exposures, accidents, or events to determine the degree of required support. The data collected during the remedial investigation can be used to assess emergency response needs.

Note that there are five levels of support: awareness, operations, technician, specialist, and On-Scene Incident Commander level. Each level requires various degrees of training.

Training assistance, including instructional materials addressing OSHA requirements at the various levels of response are available from the EPA's Emergency Response Team (908-321-6740), the National Technical Information Services (703-487-4650), and OSHA.

The second task is to assess the capabilities of potential providers. When assessing the capabilities of a provider, the RPM should consider:

- Response time to the site, civil defense evacuation capabilities, communications system.
- Providers' manpower and resources (personal protective equipment, level of specialized training, materials, etc.).
- LEPC capabilities (including SARA Title III compliance status).
- Jurisdictional issues.
- Backup facilities and services including mutual aid agreements and Regional Hazmat agreements.

Once the assessment is complete, the RPM should select the provider most suitable to the site conditions. When selecting local responders, the RPM should contact the police, fire department, medical emergency services, emergency medical care facilities, utilities departments, etc. for a preliminary agreement. In many cases, this may be done through the LEPC chairperson. Further identification of equipment and/or training needs should be done as part of this preliminary agreement. EPA is authorized, on a case-by-case basis, to supplement the resources of local governments so that they can respond to the unique hazards associated with remedial action activities at the site. For example, EPA can provide site-specific training, backup construction equipment (for containment/rescue), emergency supplies, and specialized equipment loans.

REMEDIAL ACTION

The final agreement should be completed by the RA contractor once the RA contract has been awarded and the prime contractor has developed the HASP. Involvement of the local responders during the development of the HASP's Emergency Response Plan assures better coordination and implementation of the plan. A thorough discussion of the Emergency Response Plan and the potential hazards at the site should take place before the agreement is signed. If specialized equipment is kept on site for the responders' use, the agreement should include provisions for full availability of such equipment for training and familiarization purposes. Coordination and schedule of these activities is the contractor's responsibility.

The RA contractor must schedule a site visit and hold a kick off meeting with local responders providing information such as:

- **Layout of the site.**
- **Nature and scope of work.**
- **Schedule for construction activities.**
- **Properties/hazards of materials and places where on-site personnel will normally be working.**
- **Location of utility lines, entrances and roads inside the site.**
- **Emergency communications-command control.**
- **Decontamination procedures.**
- **Response time.**
- **Possible evacuation routes.**
- **A copy of the written HASP.**
- **Response constraints.**
- **Emergency Response Plan components.**

The prime contractor must notify the emergency responders of any change to the emergency response plan. Local responders participation in the contractor's emergency response drills is encouraged.

Attached is a sample emergency response agreement.

For further information contact:

USEPA
Environmental Response Team
2890 Woodbridge Avenue
Building 18 (MS-101)
Edison, NJ 08837-3679
(908) 321-6740

USEPA (5203G)
Hazardous Site Control Division
Design and Construction Management Branch
401 M Street SW
Washington DC 20460
(703) 603-8830

Agreement for Emergency Response Services

This agreement certifies:

That the Department [local HAZMAT team, fire fighting, police, emergency medical responder, health care providers, etc. organization responding at the site] received and reviewed the Emergency Response Plan for the [_____] Superfund site, located at [_____].

That on [date], the representatives from the [Department] participated in an on-site visit (or conducted a meeting, depending on the organization). During the visit, [Prime Contractor] explained the details of the site's Emergency Response Plan, including but not limited to, roads and evacuation routes, properties of hazardous materials handled at the site, locations where site personnel would normally be working [add any other special provision], and expectations for emergency response support.

The [Prime Contractor] will notify in writing the [Department and EPA] of any amendment or significant change in the Emergency Response Plan.

{If applicable:

That the U.S. Environmental Protection Agency (EPA) Region [#] provided (or will provide) the following:

- Description of any site specific training.
- Description of equipment and serial numbers, with their specific location.

The above mentioned equipment will be fully available to the [Department] for training and familiarization, but will remain EPA's property in accordance with SARA Title I Section 123 (b)(2).

- Location of information repository
- Reference material to be kept on-site. }

That through the above mentioned provisions the [Department] agrees to provide [service] in the event of an emergency or threat of an emergency at the _____ site. This agreement will remain in effect for the duration of [Prime Contractor] contract or until 90 days after written notice is given by either party justifying cancellation.

Department

Prime contractor

EPA (concurrence)

EPA's Contracting Party (concurrence)



United States
Environmental Protection
Agency
Washington, DC 20460

Official Use
Penalty for Private Use
\$300