



# *Oil and Hazardous Materials*

## *ESF 10*



*Wisconsin Emergency Response Plan*  
**Oil & Hazardous Materials**

ESF 10

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**Table 1-1: Coordinating and Support Agencies**

<b>Lead Coordinating Agency</b>	Department of Natural Resources (DNR)
<b>Wisconsin Governmental Support Agencies</b>	Department of Agriculture, Trade and Consumer Protection (DATCP) Department of Justice (WI DOJ) Department of Health Services (DHS) Department of Transportation (WisDOT) Department of Military Affairs/Wisconsin Emergency Management (DMA/WEM) Department of Military Affairs/Wisconsin National Guard (DMA/WING) Department of Transportation/Wisconsin State Patrol (WisDOT/WSP)
<b>Non-Governmental Support Organizations</b>	Mutual Aid and Box Alarm System – Wisconsin (MABAS WI) Wisconsin Hazardous Materials (Hazmat) Response System
<b>Federal ESF Coordinating Agencies</b>	Environmental Protection Agency (EPA) U.S. Coast Guard (USCG) Federal Bureau of Investigation (FBI) U.S. Department of Homeland Security (US DHS) Federal Emergency Management Agency (FEMA)

## 1. Introduction

### 1.1 Purpose

ESF 10 describes the coordinated state response providing support to local and tribal governments when responding to a natural or manmade, actual or potential release of chemical or biological materials. This includes a response to an actual or potential release of hazardous materials (hazmat) resulting from a transportation incident, fixed facility incident, natural disaster, or terrorist attack. It also describes the state response to serious hazmat incidents that are not defined as disasters. ESF 10 promotes coordination between federal, state, tribal, and local governments, as well as the private sector, when responding to these types of incidents.

*Radiological hazardous incident response is not a part of this ESF but is addressed in the Radiological Nuclear Annex of the WERP.*

### 1.2 Scope

- 1.2.1 ESF 10 describes the lead coordination roles and responsibilities among state agencies. It 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.
- 1.2.2 State agency response 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.



- 1.2.3 The term hazardous material is synonymous with hazardous substances. Hazardous materials are those materials, wastes, substances, and mixtures that are inclusive with the definition of “hazardous substance” as provided under the Clean Air Act, Title 40, Code of Federal Regulations.
- 1.2.4 The legal definition of a hazardous substance and hazardous waste is found in § 292.01(5) and §299.01(6) of the Wisconsin Statutes, while hazardous substance spills are defined in § 292.11 of the Wisconsin Statutes.

### **1.3 Policies**

- 1.3.1 The DNR is authorized by § 23.09(4) of the Wisconsin Statutes to provide support to local and tribal governments and is the lead state agency for hazmat incidents on federal, state, county, and tribal lands, unless it involves agricultural chemicals.
- 1.3.2 The DATCP is the lead agency when the substance is an agricultural chemical. DATCP will respond consistent with § 94.73 of the Wisconsin Statutes and the Memorandum of Understanding, titled “Discharge of Hazardous Substances, March 2005,” with DNR.
- 1.3.3 Wisconsin Statutes § 254.02 names DHS as “the lead state agency for health risk assessment”. Further, Wis. Stat. § 254.02 directs DHS to “assess the acute and chronic health effect from occupational or environmental human health hazards exposure” and for state agencies and local health departments to “report known incidents of environmental contamination to the department”.
- 1.3.4 Incidents are managed utilizing the Incident Command System (ICS) and function using the Unified Command System.
- 1.3.5 The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) requires that a release of oil and hazardous materials be reported to the National Response Center (NRC) as specified in Title 40, Code of Federal Regulations.
- 1.3.6 The request for local fire resources is accomplished through the use of local/county dispatch, automatic aid, mutual aid and/or the activation of the Mutual Aid Box Alarm System—Wisconsin (MABAS WI) once local resources are exhausted.
- 1.3.7 For the purposes of this ESF, the term ‘Local/County Hazmat Team’ means ‘Local Emergency Response Team’ as defined in Wis. Stat. § 323.70(1)(c).

## **2. Concept of Operations**

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### **2.1 General**

In the event of an actual or potential release of hazardous materials in the state, which presents a threat to public health and safety or the environment, this ESF or portions of it may be implemented. ESF 10 provides for a coordinated response to discharges and releases of hazardous materials by committing the needed resources to the impacted area through various local, state, and federal agencies.



## **2.2 Organization**

- 2.2.1 Emergency scene management shall be in accordance with the ICS.
- 2.2.2 The DNR, as the responsible agency for implementing ESF 10, will respond directly to the SEOC and report to the SEOC manager or WEM Duty Officer if the SEOC has not been activated. If the incident involves agricultural chemicals, DATCP will be the lead agency, working within a unified command system with the DNR, based upon a Memorandum of Understanding (MOU) between these two agencies.
- 2.2.3 The DATCP has the authority to respond to agricultural chemical releases as specified in § 94.73 of the Wisconsin Statutes and the MOU with DNR.
- 2.2.4 ESF 10 emergency operations will coordinate the resources of the DNR and other appropriate state agencies with the SEOC manager. In addition, DNR may request other resources from the EPA and USCG for the Great Lakes and Mississippi River, as needed.
- 2.2.5 The DNR coordinates with local and federal responders and provides implementation of the State Contingency Plan as specified in § 292.11 of the Wisconsin Statutes and the EPA National Oil and Hazardous Contingency Plan (NCP).
- 2.2.6 The reporting of chemicals present at fixed facilities, planning, training, exercising, and hazmat team response are components of the Emergency Planning and Community Right-To-Know Act (EPCRA), as administered by WEM. Under EPCRA, it is the responsibility of the DNR to report spills to WEM.
- 2.2.7 WEM maintains a database of information pertaining to facilities that store hazardous chemicals and extremely hazardous substances (EHS) as well as the amounts and location of chemicals at each of those facilities. Each county in Wisconsin has a Local Emergency Planning Committee (LEPC) that addresses chemical hazards present at permanent facilities and on transportation routes. EPCRA addresses 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 become a threat to the health and safety of the surrounding community and the environment. These plans may be used during a response to a facility.
- 2.2.8 Should additional resources be needed beyond the local capability, there are four Wisconsin hazardous materials response system taskforces comprised of 24 units (2 Type I teams, 9 Type II teams, and 12 Type III teams) contracted by WEM to respond to serious hazardous materials incidents. The closest responding hazmat unit will determine the level of response and will notify the WEM duty officer (DO). The responding hazmat unit is responsible for notifying the WEM DO that additional resources are requested. The Wisconsin National Guard 54<sup>th</sup> WMD CST is an additional resource available to identify an unknown hazard and advise on response measures.



- 2.2.9 There are approximately 39 designated local/county hazmat teams. Seventeen counties have contracted with neighboring counties and two have contracted with private clean-up contractors to respond to hazardous materials releases of a lesser nature. Local/county hazmat teams are contacted according to local response protocols.
- 2.2.10 There are private companies within the state with industrial fire brigades that have hazmat responsibilities within their company’s grounds. They may request assistance from the local/county hazmat team or the Wisconsin Hazardous Materials Response System, as appropriate.
- 2.2.11 Disposal of hazardous materials waste may be handled by a licensed, private clean-up contractor, with the responsible party liable for the costs of the response, removal, and remediation of the affected area.
- 2.2.12 WEM coordinates, through the SEOC, assistance that may be provided by volunteer groups or resources, or both, in support of the functions of this ESF (see ESF 7).
- 2.2.13 Responsible party means any person, as defined in §. 299.01 (10) Wis. Stat., or 42 U.S.C. § 9607(a), who is responsible for the emergency involving a release or potential release of a hazardous substance under §§. 323.70 (4), 323.71 (4), and 292.41 (1), Wis. Stat. or that are discharging a hazardous substance to which a response team was called to respond. The responsible party will:
  - A) Report spills in accordance with appropriate state and federal law and regulations.
  - B) Take appropriate actions to protect life, safety, property, and the environment.

### 2.3 Mobilization Triggers

- 2.3.1 Mobilization of a state or local hazmat team is predicated on the size or complexity of a hazardous materials incident (e.g., an incident that exceeds the capabilities available using local resources).
- 2.3.2 Local authorities request state assistance for an incident in their jurisdiction.

### 2.4 ESF Activities

The WERP Basic Plan defines standardized tasks that constitute the response responsibilities of any agency that serves a role in emergency management. This following those responsibilities that are unique to ESF 10 and is intended to be used in conjunction with the common tasks outlined in the WERP Basic Plan and with specific duties assigned in the other ESFs.

**Table 2-1: Response Activities**

Action Items	Agency
<ul style="list-style-type: none"> <li>• In conjunction with locals, assess magnitude, extent, and potential duration of incident.</li> <li>• Ensure appropriate actions are taken to protect the health and safety of the public.</li> <li>• Receive notification of spills and incidents and initiate appropriate response measures.</li> </ul>	DNR DMA/WEM DHS DATCP





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<ul style="list-style-type: none"> <li>• In conjunction with locals, assess magnitude, extent, and potential duration of incident.</li> <li>• Receive notification of spills and incidents through the Duty Officer System and initiate appropriate response actions.</li> <li>• The WEM Duty Officer will respond in accordance with the “Hazardous Materials and RND Response” Standard Operating Guidelines.               <ul style="list-style-type: none"> <li>○ If not already deployed, the WEM Duty Officer will request the deployment of the closest available hazmat team or 54<sup>th</sup> WMD CST.</li> <li>○ The WEM Duty Officer will notify the DNR Duty Officer of the request for assistance.</li> </ul> </li> </ul>	WEM
<ul style="list-style-type: none"> <li>• Recommend activations of ESF 10 and agency personnel based on incident assessment and local need.</li> </ul>	DNR
<ul style="list-style-type: none"> <li>• Take actions necessary to protect public health, safety, and prevent damage to property.</li> <li>• Report spills or other incidents involving hazardous materials to appropriate authorities</li> </ul>	Responsible Party
<ul style="list-style-type: none"> <li>• Minimize damage and impact to natural resources by allocating and coordinating resources in accordance with ESF 7.</li> </ul>	DNR DMA/WEM
<ul style="list-style-type: none"> <li>• Support law enforcement, fire, and emergency medical activities, as required.</li> </ul>	DMA/WEM
<ul style="list-style-type: none"> <li>• Provide staff support to the county EOC, local jurisdictions or facilities, as requested.</li> </ul>	DNR DATCP DMA/WEM
<ul style="list-style-type: none"> <li>• Coordinate with the Wisconsin Hazardous Materials Response System.</li> </ul>	DNR DMA/WEM
<ul style="list-style-type: none"> <li>• Coordinate with appropriate federal agencies, such as US DHS, FBI, and EPA, per ESF 13.</li> </ul>	DMA/WEM
<ul style="list-style-type: none"> <li>• Coordinate decontamination and other cleanup efforts, as necessary. Ensure agency personnel have been decontaminated, when applicable.</li> </ul>	DNR Local
<ul style="list-style-type: none"> <li>• Assist other agencies with assessment and communication of potential health risks to the public.</li> <li>• Assist other agencies with communication of necessary response measures (e.g. evacuation, shelter-in-place).</li> </ul>	DHS

**Table 2-2: Short-Term Recovery Activities**

Action Items	Agency
<ul style="list-style-type: none"> <li>• Ensure the proper environmental cleanup and waste disposal of oil, hazardous materials, or other contaminants that could impact public health or the environment.</li> </ul>	DNR DATCP Local DHS
<ul style="list-style-type: none"> <li>• Assist with the safe reentry of evacuees into the affected area(s).</li> </ul>	DMA/WEM WisDOT/WSP DMA/WING DNR DHS
<ul style="list-style-type: none"> <li>• Perform cost recovery measures for expenses related to the incident that meet legal requirements and can be passed on to the responsible party, if applicable.</li> </ul>	Local DNR DATCP
<ul style="list-style-type: none"> <li>• Coordinate with SEOC staff on demobilization of hazmat teams and other response personnel.</li> </ul>	DMA/WEM DNR
<ul style="list-style-type: none"> <li>• Inventory equipment used during response activities and repair or replace, as needed.</li> </ul>	Local DNR
<ul style="list-style-type: none"> <li>• Conduct after-action critique of the overall response and recovery efforts.</li> </ul>	DNR DMA/WEM



### 3. Agency Responsibilities

#### 3.1 Lead Coordinating Agency – Wisconsin Department of Natural Resources

3.1.1 For all discharges involving agricultural chemicals see subsection 3.2.

**Table 3-1: Lead Coordinating Agency Functions**

Agency	Functions
<b>Department of Natural Resources:</b>	<ul style="list-style-type: none"> <li>• Minimize damage/impact to natural resources and the environment.</li> <li>• Serve as the lead agency for the response to oil and hazmat incidents and hazardous substance releases, except for agricultural chemicals (See DATCP authority below). Should the hazardous materials incident be related to an act of terrorism, the WI DOJ or a federal agency may be the lead agency. See Terrorism Annex.</li> <li>• Serve as lead agency for offsite cleanup of hazardous materials or wastes.</li> <li>• Monitor state waters suspected of contamination due to an emergency or disaster situation.</li> <li>• Provide staff support to the SEOC and local jurisdictions during an emergency or disaster situation, as necessary.</li> <li>• Provide assistance with the identification, containment, removal, and disposal of oil, hazardous materials, or other contaminants that could affect the public health or the environment.</li> <li>• Coordinate with federal and state agencies, as appropriate.</li> </ul>



### 3.2 Wisconsin Governmental Support Agencies

**Table 3-2: State Government Support Agencies Functions**

Agency	Functions
<b>Department of Agriculture, Trade and Consumer Protection</b>	<ul style="list-style-type: none"> <li>• Serve as the lead agency for the response to discharges or potential discharges of agricultural chemicals.</li> <li>• Implement the agriculture chemical cleanup program to assist in the response to releases of agricultural chemicals.</li> <li>• Provide assistance for the identification, containment, removal, and disposal of the chemical(s) or other contaminant(s) that could affect public health or the environment.</li> <li>• Respond, through the Toxic Response Team, to the deaths of food production animals associated with suspected discharges of hazardous or unknown materials.</li> <li>• Provide a public consumer protection hotline for information relating to the discharge of an agricultural chemical during an emergency.</li> <li>• As specified in ESF 11, serve as the lead agency for response to a food product that may be contaminated by a hazardous substance.</li> <li>• Provide outreach and recovery assistance through the Wisconsin Farm Center to farmers affected by release of hazardous substances.</li> <li>• Serve in the SEOC and provide assistance to DNR for DNR-lead events that may have an impact on agricultural activities.</li> <li>• Provide support to other agencies and the public during an emergency to ensure that consumers are protected from unfair practices (e.g. gas gouging, etc.)</li> <li>• Provide laboratory analyses, through the DATCP Bureau of Laboratory Services, of unknown materials or hazardous substances as part of an investigation, especially as it relates to food, feed, or other consumer products.</li> <li>• Issue stop sale and movement orders on materials that may be considered hazardous substances under § 100.37 of the Wisconsin Statutes.</li> <li>• Review DATCP-required emergency response plans at agricultural chemical facilities.</li> </ul>
<b>Department of Health Services:</b>	<ul style="list-style-type: none"> <li>• Work with federal, state, and local agencies (e.g. public health, human services, social services, environmental, others) and health care providers to assess and communicate the potential health, psychological, and social impacts regarding releases or threatened releases of oil and hazardous materials to the environment.</li> <li>• Provide technical assistance and guidance on public health issues, including evacuation and re-entry decisions, clean-up, mitigation, field sampling and monitoring, and human health assessments.</li> <li>• In collaboration other state and local agencies, develop and provide public messaging, including fact sheets, message maps, and media releases.</li> </ul>
<b>Department of Justice</b>	<ul style="list-style-type: none"> <li>• Provide state fire marshals who will assist in the investigation of fires or explosions related to the release of hazardous materials to determine cause and origin.</li> <li>• Provide crime scene and lab services to assist in the investigation of an incident, particularly should there be a possible terrorist link.</li> <li>• If the incident is determined to involve a criminal or terrorist act, staff will assist in the investigation of the incident.</li> </ul>
<b>Department of Transportation</b>	<ul style="list-style-type: none"> <li>• Coordinate assistance with other state agencies, as requested.</li> <li>• Assist with traffic control providing personnel and materials, as required.</li> </ul>



Agency	Functions
	<ul style="list-style-type: none"> <li>• Arrange for specialized equipment such as front-end loaders, backhoes, and materials such as sand to create emergency containment areas or dikes.</li> </ul>
<b>Department of Transportation:            Wisconsin State Patrol</b>	<ul style="list-style-type: none"> <li>• Assist with security, traffic control, and law enforcement support in coordination with local law enforcement.</li> <li>• Provide truck inspectors who are trained to respond to an incident involving the release of a hazardous material and who can enforce federal motor carrier laws on the transportation of hazardous materials.</li> <li>• Provide aerial reconnaissance of the affected area.</li> </ul>
<b>Department of Military Affairs:            Wisconsin Emergency Management</b>	<ul style="list-style-type: none"> <li>• Dispatch hazmat coordinator, fire services coordinator, and regional directors to establish contact with local jurisdictions, as necessary.</li> <li>• Establish and maintain direct communication and coordination with local governments affected by the emergency or disaster situation.</li> <li>• Coordinate assistance with other state agencies as requested by DNR.</li> <li>• Coordinate with federal agencies in accordance with ESF 5.</li> <li>• Coordinate with the Wisconsin Hazardous Materials Response System to assist county teams, when appropriate.</li> </ul>
<b>Department of Military Affairs:            Wisconsin National Guard</b>	<ul style="list-style-type: none"> <li>• Provide liaison to SEOC, local EOC and Incident Command Post (ICP), as necessary.</li> <li>• Upon activation, provide support in the following areas:               <ul style="list-style-type: none"> <li>○ Support to law enforcement:                   <ul style="list-style-type: none"> <li>Traffic control, road block and check points</li> <li>Quarantine enforcement</li> <li>Site security and critical infrastructure protection</li> <li>Presence patrol</li> <li>Hazardous Chemical Identification</li> <li>Hazardous Chemical, biological, radiological, nuclear, or explosive identification (54<sup>th</sup> WMD CST)</li> </ul> </li> <li>○ Transportation                   <ul style="list-style-type: none"> <li>Air and Ground</li> </ul> </li> <li>○ Medical                   <ul style="list-style-type: none"> <li>Transport</li> <li>Limited treatment</li> </ul> </li> <li>○ Engineer                   <ul style="list-style-type: none"> <li>Debris clean-up</li> <li>Structure stabilization</li> <li>Damage assessment</li> </ul> </li> </ul> </li> <li>• Questions or requests for assistance should be directed to the WEM DO or the SEOC, when it is staffed.</li> </ul>
	<ul style="list-style-type: none"> <li>•</li> </ul>

### 3.3 All Other Agencies

Table 3-3: Other Agencies Functions

Agency	Functions
<b>Local Government/County Emergency Management Organizations/Tribal Government:</b>	<ul style="list-style-type: none"> <li>• Local public safety organizations are generally the first government representatives at the scene. It is expected that</li> </ul>



Agency	Functions
	they initiate public safety measures necessary to protect public health and welfare.
<b>Volunteer Agencies:</b>	<ul style="list-style-type: none"><li>• DNR may utilize the services of organized volunteers as appropriate to their training or skills.</li></ul>

### **3.4 Federal Support and Interface**

Federal assistance is available from the U.S. Department of Homeland Security (US DHS), the EPA, the U.S. Department of Justice (US DOJ), and other federal agencies identified through the National Response Framework (NRF), ESF 10. Federal assistance, if provided, will be coordinated through the SEOC. The SEOC will be kept current on all issues involving the use of federal resources.

## **4. Supporting Documents**

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### **4.1 Attachments**

- 4.1.1 Hazmat Teams Map
- 4.1.2 Wisconsin Local/County Hazmat Response Teams

### **4.2 Agency-Specific Plans and Procedures**

- 4.2.1 DNR State Contingency Plan
- 4.2.2 Wisconsin Fire Service Emergency Response Plan (MABAS), Field Operations Guide

### **4.3 References**

- 4.3.1 DATCP Memorandum of Understanding with DNR titled "Discharge of Hazardous Substances, March 2005"
- 4.3.2 Wisconsin Hazardous Materials Response System Operations Plan
- 4.3.3 National Response Framework ESF 10



Table 4-1: Record of Change

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