

2. Response Operations

A. General

Timely and effective response by the state/federal government and private sector may be required to assist local government in response to and recovery from a hazardous materials incident.

B. Activation -Notification

A listing of mandatory notifications, including the agency's name and phone number is provided in the preface to this plan. This section of the plan reiterates those mandatory notification numbers and provides a description of the statute which mandates the call. A more detailed list of emergency contacts is presented in the Emergency Assistance Telephone Directory section of this plan. Upon discovery of a hazardous materials leak, release, or spill, the spiller must follow incident notification procedures required by statute, as summarized below:

Local Fire Department - 911

Uniform Fire Code, Article 13, Section 1302, requires: The immediate reporting of a release of an unauthorized release of flammable or hazardous materials to the fire department, typically by dialing 911. Specific references to Toxic and Hazardous Materials are also found in **Article 80, Sections 8001.5.2 and 8001.5.2.2**. The specific information required in the report is the following:

- Name and title of person reporting
- Location of the hazardous materials release
- Identity and estimated amount of substance released, to the best available knowledge
- Any known injuries
- Environmental medium (air, water, ground) into which the release escaped
- Any remedial actions taken

SERC/NDEM – (775) 687-4240 (775) 688-2830

Title 42, part 116 United States Code:

Superfund Amendments and Reauthorization Act of 1986, (SARA Title III), Section 304 (b)(1-2), and (c), requires:

The immediate notification of the community emergency coordinator and the State Emergency Response Commission (SERC) after a release. **Typically this call would be made to the Office of Emergency Management or the Emergency Dispatch Center of the affected county (see the Emergency Response Phone Directory for specific numbers)**. The Nevada Division of Emergency Management (NDEM) serves as the contact point for the SERC. **During normal working hours NDEM can be contacted**

at (775) 687-4240. After hours NDEM can be contacted via the Nevada Highway Patrol Dispatch at (775) 688-2830.

Specific items of information concerning a particular release are:

- Identity of substance
- Determination of whether it is an extremely hazardous substance
- Estimated quantity released
- Time and duration of release
- Medium in which release occurred
- Known health risks; advice regarding medical attention for exposed people
- Precautions to take
- Contact name and phone number of the responsible party.

Follow-up written notice must describe:

- Update of original report
- Response and containment actions taken
- Health risks
- Advice regarding medical attention

NDEP (888) 331-6337

Notification of Release of a Pollutant.

NAC 445A.345 Definitions. As used in [NAC 445A.345](#) to [445A.348](#), inclusive, unless the context otherwise requires:

1. "Facility" means any:

- (a) Building, structure, installation, equipment, pipe, including the pipe into a sanitary or storm sewer or publicly owned treatment works, pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, container for storage, tank or underground tank for storage;
- (b) Site or area where a hazardous substance, pollutant or contaminant has been deposited, stored, disposed of, placed or otherwise located; or
- (c) Motor vehicle, rolling stock or aircraft or any vessel used as a means of transportation on water.

2. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing into the environment.

(Added to NAC by Environmental Commission, effective 7-22-87)-(Substituted in revision for NAC 445.238)

NAC 445A.346 Applicability. [NAC 445A.345](#) to [445A.348](#), inclusive, do not apply to:

1. Any release resulting in exposure to an employee solely within an indoor place of employment for which the employee may assert a claim against his employer.
2. Emissions from the exhaust of the engine of a motor vehicle, the rolling stock of a railroad, an aircraft, a vessel or pipeline pumping station.
3. Release of source, by-product or special nuclear material resulting from the operation of a production or utilization facility as defined in the Atomic Energy Act of 1954, and which is subject to the regulatory authority of the Nuclear Regulatory Commission.

4. Any activity or substance which is subject to regulation pursuant to [NRS 459.010](#) to [459.290](#), inclusive.
 5. The normal application of fertilizers or pesticides.
 6. Any release that complies with the limits or conditions of a permit issued by the State or the Federal Government.
- (Added to NAC by Environmental Commission, effective 7-22-87)-(Substituted in revision for NAC 445.239)

NAC 445A.347 Notice required. ([NRS 445A.425](#), [445A.660](#), [459.485](#))

1. Any person who owns or operates a facility or his designated agent shall notify the Director as soon as possible after he has knowledge of a release described in subsection 2 that involves his facility, but not later than the end of the first working day after the release. The notice must be by telephone at 800.992.0900, extension 4670 or 775.687.4670.
 2. The following are subject to the notice requirements of subsection 1:
 - (a) A release in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 C.F.R. Part 302.
 - (b) A release consisting of any quantity of pollutants, hazardous waste, as defined in [NRS 459.430](#), or contaminants, as defined in [NRS 445A.325](#), and the pollutant, hazardous waste or contaminant is not listed in 40 C.F.R. § 302.4.
 - (c) A release consisting of a petroleum product:
 - (1) Which is released to the soil or other surfaces of land in a quantity greater than 25 gallons; or
 - (2) Discovered on or in the ground water or in at least 3 cubic yards of soil during excavation of soil, subsurface exploration, monitoring of ground water or any other subsurface activity.
- (Added to NAC by Environmental Commission, effective 7-22-87; A 12-8-89; 10-29-93; 9-15-94; R021-99, 9-27-99)

NHP (775) 688-2830

Nevada Revised Statute (NRS) Chapter 459.718, Notification of division regarding certain accidents or incidents, requires:

1. A person responsible for the care, custody or control of a hazardous material which is involved in an accident or incident occurring during the transportation of the hazardous material by a motor carrier, including any accident or incident occurring during any loading, unloading or temporary storage of the hazardous material while it is subject to active shipping papers and before it has reached its ultimate consignee, **shall notify the Nevada Highway Patrol Division of the Department of Public Safety at (775) 688-2830**, consistent with the requirements of 49 C.F.R. § 171.15, as soon as practicable if, as a result of the hazardous material:
 - (a) A person is killed;
 - (b) A person receives injuries that require hospitalization;
 - (c) Any damage to property exceeds \$50,000;
 - (d) There is an evacuation of the general public for 1 hour or more;

- (e) One or more major transportation routes or facilities are closed or shut down for 1 hour or more;
 - (f) There is an alteration in the operational flight pattern or routine of any aircraft;
 - (g) Any radioactive contamination is suspected;
 - (h) Any contamination by an infectious substance is suspected;
 - (i) There is a release of a liquid marine pollutant in excess of 450 liters or a solid marine pollutant in excess of 400 kilograms; or
 - (j) Any situation exists at the site of the accident or incident which, in the judgment of the person responsible for the care, custody or control of the hazardous material, should be reported to the division.
2. The notification required pursuant to this section must include:
- (a) The name of the person providing the notification;
 - (b) The name and address of the motor carrier represented by that person;
 - (c) The telephone number where that person can be contacted;
 - (d) The date, time and location of the accident or incident;
 - (e) The extent of any injuries;
 - (f) The classification, name and quantity of the hazardous material involved, if that information is available; and
 - (g) The type of accident or incident, the nature of the hazardous material involved and whether there is a continuing danger to life at the scene of the accident or incident.
3. A person may satisfy the requirements of this section by providing the information specified in subsection 2 to the person who responds to a telephone call placed to:
- (a) The number 911 in an area where that number is used for emergencies; or
 - (b) The number zero in an area where the number 911 is not used for emergencies. Added to NRS by 1999, [3347](#); A 2001, [902](#))

U.S. EPA/National Response Center (800) 424-8802

Title 40, part 300, section 125, United States Code, requires:

The responsible party to make immediate notification of an oil discharge or release of a hazardous substance in an amount greater than a reportable quantity, in accordance with 33 CFR part 153, subpart B, and 40 CFR part 302, respectively. **Notification shall be made to the National Response Center Duty Officer at (800) 424-8802.** All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the EPA Federal On-Scene Coordinator (FOSC).

C. Response Actions

1. Local Response Actions

On-scene command and control is the responsibility of the jurisdiction in which the incident occurs. The incident commander (IC) is in charge of all personnel at the scene. Local emergency response agencies should make an immediate appraisal of the situation and its potential. USDOT's North American Emergency Response Guidebook provides basic information to assist on-scene officials in selecting protective actions. Responders should:

- Establish scene management;
- Detect the presence of hazardous materials;
- Begin identification of hazardous materials;
- Begin evacuation or direct in-place sheltering;
- Consider personal protection/decontamination;
- Isolate incident and identify zones of activity;
- Contain incident without risking exposure;
- Perform firefighting, rescue, emergency medical and other critical life saving response activities in accordance with their agency's Standard Operating Procedures (SOPs); and
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, the requesting agency should clarify if they are requesting assistance only or complete scene management.

2. Mutual Aid

Several options for mutual aid exist within the State. These are summarized in this section. For the purposes of this document, the terms "assistance", "assistance compact", "compact", "reciprocal aid" and "mutual aid" are used interchangeably.

Interlocal Agreements/Local Mutual Aid Agreements

Various interlocal agreements/local mutual aid agreements may exist between municipalities, counties and fire protection districts. A complete set of all interlocal agreements that exist within the State is not provided in this plan. Generally, these agreements provide the mechanism for one local agency to assist another during an emergency.

NEMAC

The Nevada Emergency Management Assistance Compact (NEMAC) was developed to assist political subdivisions to more effectively and efficiently exchange services and

resources, especially in response to a major disaster wherein assistance needs to be provided from one area or region of the state to another. It resolves inconsistencies and uncertainties concerning the insurance and liability coverage of emergency workers when deployed from one locality to another and takes full advantage of opportunities for federal/state reimbursement of deployment-related costs.

NEMAC is authorized by Nevada Revised Statutes (NRS) section 414.100 (Agreements for Reciprocal Aid). NRS 414.038 defines eligible NEMAC political subdivisions. Political subdivisions may apply for reimbursement of expenses incurred as a result of activities associated with NEMAC as established by NRS 414.135 (Emergency Assistance Account).

NEMAC is supplemental to, and does not affect, existing day-to-day automatic/mutual aid agreements between adjacent or nearby jurisdictions.

EMAC

The National Emergency Management Association developed the Emergency Management Assistance Compact (EMAC). EMAC identifies standard operating procedures for requesting and sending interstate mutual aid when a state suffers or expects to suffer a major disaster and needs assistance from other states. Nevada and its surrounding states, with the exception of California, are signatories to EMAC.

CA/NV Interstate Annex (reserved)

3. State Response Actions

As is described in the National Contingency Plan (40 CFR, Section 300.180 – State and local participation in response), “Each state governor is also requested to designate a lead state agency that will direct state-lead response operations. This agency is responsible for designating the lead state response official for federal and/or state-lead response actions, and coordinating/communicating with other state agencies, as appropriate.

Accordingly, State assistance may be requested through the Dept of Public Safety Emergency Management Division (NDEM) Duty Officer (DO), or through the appropriate State On-Scene Coordinator (SOSC) from the designated lead state agency identified below. NDEM will notify the appropriate SOSC, as follows:

- Incidents involving hazardous materials, which impact a State Highway, notify Dept. of Public Safety-Highway Patrol Division (DPS-HPD). DPS-HPD will be the lead State agency and will provide the SOSC for any such incidents.
- Incidents, other than those occurring on a State Highway, involving hazardous materials, notify the Nevada Division of Environmental Protection (NDEP). NDEP will be the lead State agency and will provide the SOSC for any such

incidents. NDEP should also be notified for hazardous materials incidents on a State Highway with off-highway impacts.

- Radioactive materials incidents, notify the Radiological Health Section of the Nevada State Health Division. Radiological Health will provide technical support or be the lead state agency and SOSC when the greatest identified hazard is radiological.
- Incidents involving a biological agent, which are not believed to have been the result of a deliberate act, notify the State Health Division, Office of Epidemiology. The State Health Division will provide technical support or be the lead state agency and SOSC when the greatest identified hazard is biological.
- Incidents when the fire or explosion hazard is the greatest identified hazard, notify the Dept. of Public Safety-State Fire Marshal Division (SFD). The SFD will be the lead State agency and will provide the SOSC for any such incidents.
- Suspected or confirmed terrorist events notify the Nevada Dept. of Public Safety, Investigations Division (DPS-ID). DPS-ID will be the lead State agency and will provide the SOSC for any such incidents while the criminal investigation is primary.

In the event that the above-designated SOSC is not on-scene, the most qualified State representative available will serve as the SOSC, until such time that the designated SOSC arrives. The SOSC is designated as the IC when the state has jurisdictional responsibility for the incident. When legal responsibility rests with the local jurisdiction, the SOSC will be the coordinator for all state resources and will coordinate state activities at the direction of the local government IC. When legal responsibility rests with both the state and the local jurisdiction, the SOSC will serve as the state representative in a unified command structure. The SOSC will notify:

- Appropriate regulatory agencies of the event and activate others for response;
- The Nevada Dept. of Public Safety, Investigations Division, and the State Attorney General's Office upon suspicion of a violation of state or federal hazardous materials laws; and
- The responsible party and initiate requests for private sector assistance.

State personnel responding to the incident will assist the SOSC in accordance with their departmental standard operating procedures (SOPs) and within the limits of current individual training and capabilities. As the recovery phase of the incident proceeds, the SOSC role may be transferred to the state agency having primary responsibility for on-scene operations.

4. Federal Response Actions.

Request for federal agency assistance will be initiated by the SOSC or by NDEM in coordination with the local IC as follows:

- The SOSC or NDEM will contact the EPA Region IX Federal On-Scene Coordinator (FOSC), to initiate assistance relating to hazardous materials. EPA Region IX may also be contacted via the U.S. Coast Guard National Response Center (NRC).
- The SOSC or NDEM will contact DOE and/or EPA to request assistance for radioactive materials incidents when federal support is required.
- The SOSC or NDEM may contact other federal agencies (e.g. BLM, USFS, USFWS) as appropriate to provide notification or request assistance.

5. Private Sector Response Actions

The private sector (e.g., Chemical Manufacturers Association (CMA), facility operators, shippers, carriers, etc.) may be able to provide the SOSC with technical advice/ recommendations or provide specialized personnel/ equipment needed for response/ recovery operations. State contractors will initiate hazardous materials cleanup and disposal at the direction of the SOSC. Private entities (i.e. responsible parties) may use a contractor of their choice with concurrence from the SOSC on activities.

6. Response to Federal Lands

The impacted federal agency or EPA Region IX will provide response. The state may respond and initiate emergency actions for the protection of life, property and the environment. The SOSC may represent the State's interests.

7. Response to American Indian Tribal Lands

If the event is on Indian nation/tribal lands, the appropriate SOSC will respond if requested by the nation or tribe.

8. Commands and Control

In accordance with 29 CFR 1910.120(q)(3), state response to hazardous materials incidents will be managed under the National Incident Management System (NIMS). On-scene command and control is the responsibility of the jurisdiction in which the incident occurs.

State response to HazMat incident will be managed within the NIMS structure under three general circumstances:

Response to a local jurisdiction – When a local jurisdiction has responsibility for response and is the IC, the SOSC will serve as a resource initially through the liaison

officer at the command post. The SOSC and additional state resources may be assigned to other functional areas within the command structure at the request of the IC. The IC will coordinate requests for state assistance with the SOSC. The SOSC may assume the role of IC if requested to do so by the local agency, or when legally mandated.

Response to state lands – The state is responsible for incidents occurring on state lands. In those situations, the SOSC will be the IC and direct responding state resources.

Response by both the state and a political subdivision – When legal responsibility rests with both the state and another jurisdiction, the SOSC will serve as the state IC within the Unified Command System.

9. Containment

Local and state emergency responders should minimize the spread of a spilled material by preventing the material from:

- Entering a body of water (e.g., lakes, streams, canals, etc.);
- Spreading over land;
- Entering sewer or drainage systems; and
- Becoming airborne.

D. Continuing Actions

The responsibility for cleanup lies with the spiller (40 CFR, part 300). Contamination should be minimized and cleanup expedited by emergency responders. Cleanup operations should be initiated using the following guidelines:

- If the responsible party accepts responsibility, local officials or the SOSC will monitor cleanup to ensure environmental standards are met.
- If the responsible party is unknown or refuses to accept responsibility and local government does not have the capability or funds for cleanup, the SOSC will assess the situation. Cleanup will be initiated if there is an immediate threat to public health and safety or the environment.

E. Resource Requirements

If the responsible party is unknown or refuses to accept responsibility and the local government does not have the capability or funds for cleanup, the local government and/or the SOSC will seek additional state or federal assistance as follows:

1. Disaster Relief Fund/Emergency Assistance Account (NDEM)

The Disaster Relief Fund was created pursuant to NRS 353.2735. Money in the fund may be distributed as a grant to a State or local agency because of a disaster for the payment of expenses incurred by that agency. This funding is only available in the event of a

disaster as declared by the Governor, and the requesting entity must demonstrate that they do not have adequate funding to address the problem. The Nevada Division of Emergency Management (NDEM) administers this fund.

The Emergency Assistance Account was created pursuant to NRS 414.135 which states that the controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Fund to the account in an amount not to exceed \$500,000. NDEM administers the account. All expenditures from the account must be approved in advance by NDEM. Except as otherwise provided, all money in the account must be expended solely to (a) provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy or (b) pay any actual expenses incurred by NDEM for administration during a natural, technological or man-made emergency or disaster.

2. Account for the Management of Hazardous Waste (NDEP)

The Account for Management of Hazardous Waste is funded by fees paid by users of the State-owned hazardous waste disposal area in Beatty, NV. As described in NRS 459.537, these funds may be used for payment of costs of responding to a leak, spill or accident involving hazardous waste, hazardous material or a regulated substance. The Account for Management of Hazardous Waste is used to provide long-term funding for several programs within NDEP. The account is also the funding source for the Environmental Mitigation, Assessment and Remediation Program (EMAR) contract. This contract was awarded to Brown and Caldwell through June 2006. The scope of this contract includes performing environmental assessment, mitigation and remediation related services. It specifically excludes performing emergency response services.

3. Other State Agency Funding

Individual state agencies such as the Highway Patrol Division and the Department of Transportation have internal funding that is available to respond to hazardous materials incidents. These agencies may be contacted regarding the availability of any such funding.

4. Oil Spill Liability Trust Fund (USCG/EPA)

The United States Coast Guard (USCG) may use the Oil Spill Liability Trust Fund (26 USCA 9509) under the provisions of 33 USCA 1321, for response to oil discharges. The Commander, Marine Safety Division, Eleventh District USCG, administers the fund within Region IX Mainland Area. The fund will be activated by the EPA Federal On-Scene Coordinator (FOSC) and is available to: pay authorized costs; and reimburses costs incurred by other federal/state agencies when authorized in advance by the FOSC.

5. CERCLA (EPA)

Comprehensive Environmental Response Compensation and Liability Act (CERCLA) funding may be used to:

- Undertake removal actions authorized by EPA FOSC's that will prevent or mitigate immediate and significant risk of harm to human health, welfare or the environment from hazardous substance threats; and
- Reimburse local government, political subdivisions and Indian tribes up to \$25,000 per incident for temporary emergency measures taken to prevent or mitigate injury to human health, welfare or the environment from hazardous substance threats (42 USC 9623).

6. Participating Agencies Expenses and Losses

- Each participating agency shall bear and pay all of its administrative and operational costs and expenses of whatever nature and type--including, but not limited to, salaries, retirement, workman's compensation, etc., incurred in performing emergency assistance pursuant to this plan.
- Any repair or replacement costs and expenses incident to loss of property or equipment belonging to a participating agency shall be borne and paid by such agency.
- This section is not intended to preclude any agency from recovering its expenses from private individuals, insurance companies, and entities responsible for a hazardous material incident or accident, or special appropriations.
- As necessary and as requested, the State Attorney General will assist State and local agencies in recovering costs expended in responding to a hazardous materials incident, in which the responsible party was unwilling or unable to conduct the response.
- Participating agencies may also seek reimbursement from the funding sources identified above, as appropriate.