



MEMORANDUM OF UNDERSTANDING

Between

U.S. Department of the Interior
Bureau of Land Management
Colorado

and

Grand Junction Fire Department
Grand Junction, Colorado

providing for

Response to Hazardous Materials Incidents
on Public Lands

July, 2014

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is for the Bureau of Land Management (BLM), and the City of Grand Junction, acting through its Fire Department (GJFD) to enter into a cooperative effort to respond to CERCLA or CWA emergencies for discharges of oil or releases of hazardous substances, pollutants, or contaminants in western Colorado with regard to lands under the jurisdiction of the BLM (public lands.)

II. Objectives

The objectives are:

1. To accomplish coordinated response between federal, state, and local agencies. In this manner, BLM can comply with mandates, directives, and the law to provide emergency response with the Designated Emergency Response Authority (DERA);
2. To reduce emergency response costs to all parties concerned through centralized training and location of equipment, and;
3. To provide additional hazardous materials event response capabilities to ensure the health and safety of the public and protection of the environment.

III. Authority

Planning for joint response to discharges of oil and releases of hazardous substances, pollutants, and contaminants is authorized by the National Contingency Plan (NCP), Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and by section 311 of the Clean Water Act, as amended, 33 U.S. C. 1321 (CWA.)

In addition, in Executive Orders 11735 and 12580, the President delegated certain functions and responsibilities vested in him by the CWA and CERCLA, respectively:

40 C.F.R. 300.105
General Organization Concepts

- (a) Federal agencies should:
 - (1) Plan for emergencies and develop procedures for addressing oil discharges and releases of hazardous substances, pollutants, or contaminants;
 - (2) Coordinate their planning, preparedness, and response activities with one another;

- (3) Coordinate their planning, preparedness, and response activities with affected states, local governments, and private entities; and
 - (4) Make available those facilities or resources that may be useful in a response situation, consistent with applicable federal and state regulations, agency authorities, and capabilities.
- (b) Three fundamental kinds of activities are performed pursuant to the NCP:
- (1) Preparedness planning and coordination for response to a discharge of oil or release of a hazardous substance, pollutant, or contaminant;
 - (2) Notification and communication; and
 - (3) Response operations at the scene of a discharge or release.

IV. Procedure

For hazardous materials incidents which occur within Mesa County, the National Incident Management System (NIMS) or a system as adopted by the Federal Emergency Management Agency (FEMA) will be used. For events which occur on public lands outside of Mesa County, the command structure will be subject to the discretion of the DERA for that county and subject to internal guidance (i.e., non-entry policy for BLM, and retention of the Operations Chief position in NIMS for GJFD) of the BLM and the GJFD.

To jointly cooperate in this endeavor, for the purpose of a combined response to hazardous materials events on public lands, the BLM and GJFD will respond by adhering to the following response level progression (see Appendices which are also incorporated into this agreement.) These response procedures may be amended in writing by joint action by BLM and GJFD as deemed necessary.

Level I

Notification and/or discovery of a potential hazardous materials release on BLM lands initiates a Level I response. This level constitutes response of: BLM personnel, the fire department with jurisdiction (if applicable), and notification of the affected DERA. The GJFD will be available for consultation via the Grand Junction Regional Communication Center (911 in Grand Junction.)

Level II

If, after consultation with the GJFD, it is determined that the nature and scope of the incident warrants further assessment, a technical advisor from the GJFD will respond.

Level III

If after consultation and/or on-scene assessment by the GJFD technical advisor, the incident warrants a full hazmat response, a GJFD hazardous materials response team with appropriate or obtainable equipment will respond.

V. Administration

1. BLM will provide a vehicle, response/decontamination trailer, and equipment for handling a hazardous materials event, to the GJFD for its use under this agreement. This vehicle, equipment, and trailer may be used by the GJFD at any hazardous materials event for the benefit of the people of the state of Colorado. All materials and equipment will remain BLM property, but be maintained by the GJFD. BLM will replenish supplies expended for incidents on public lands while GJFD will be responsible for supplies expended elsewhere. Upon written termination of this agreement, or upon written request by BLM, these materials will be returned to BLM.
2. The BLM will pay the yearly lease costs, including maintenance and fuel for the vehicle. GJFD will deliver a monthly vehicle report to the BLM Northwest District Office (Grand Junction) by the end of the first week of each month.
3. Cost recovery by all entities for a response to a hazardous materials event will be against the Potentially Responsible Party (PRP) as provided by law. The BLM will provide all cost recovery administration for incidents occurring on BLM lands.
4. Each party to this agreement waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance or nonperformance of this agreement.
5. Response Costs: Response costs will be recovered from potentially responsible parties (PRP's) wherever possible. GJFD may be reimbursed by BLM for response costs borne by GJFD on incidents on public lands where no PRP can be found, as deemed appropriate by BLM and GJFD.
6. The BLM and GJFD will share training opportunities. The BLM will make available the District/Area Rangers, Hazardous Materials Coordinators, and key fire personnel to be trained by the GJFD to meet the requirements of 29 CFR 1910.120. BLM will offer opportunities for cross-training to GJFD personnel at BLM sponsored courses.
7. Equal Opportunity Compliance: During the performance of this agreement, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participant will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.
8. Officials Not To Benefit: No member or delegation to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
9. This MOU shall become effective on the date of the BLM State Director and the GJFD Chief's last signature and shall remain in effect for five years, unless terminated sooner in writing by either party.

10. This MOU may be renewed for subsequent periods (not to exceed five years per renewal) by mutual written agreement of all parties.

11. Any section of this document may be modified or deleted by mutual consent of both parties. Any such modification shall be in writing and signed by both parties.

VI. Funding

A. As noted previously, BLM will replenish supplies expended for incidents on public lands, while GJFD will be responsible for supplies expended elsewhere.


B. Nothing contained herein shall be construed as obligating BLM to any expenditure or obligation of funds in excess or in advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341.

VII. Records

Any records or documents generated as a result of this MOU shall become part of the official BLM record maintained in accordance with BLM record management policies. Any request for release of records associated with the implementation of this MOU to anyone outside the Parties must be determined by BLM based on applicable laws, including the Freedom of Information Act and the Privacy Act.

APPROVED:

CITY OF GRAND JUNCTION:

 State Chief
Signature

Date June 2, 2014

BUREAU OF LAND MANAGEMENT:

 State Director
Signature

Date July 31, 2014

APPENDIX - A

The following are examples of the nature and scope of hazardous materials incidents which fall under each level of response from the Grand Junction Fire Department (GJFD.)

Level I

- fuel/oil spills less than 25 gallons*
- orphan drums with no release
- "midnight" dumping without rapidly escalating environmental damage

Level II

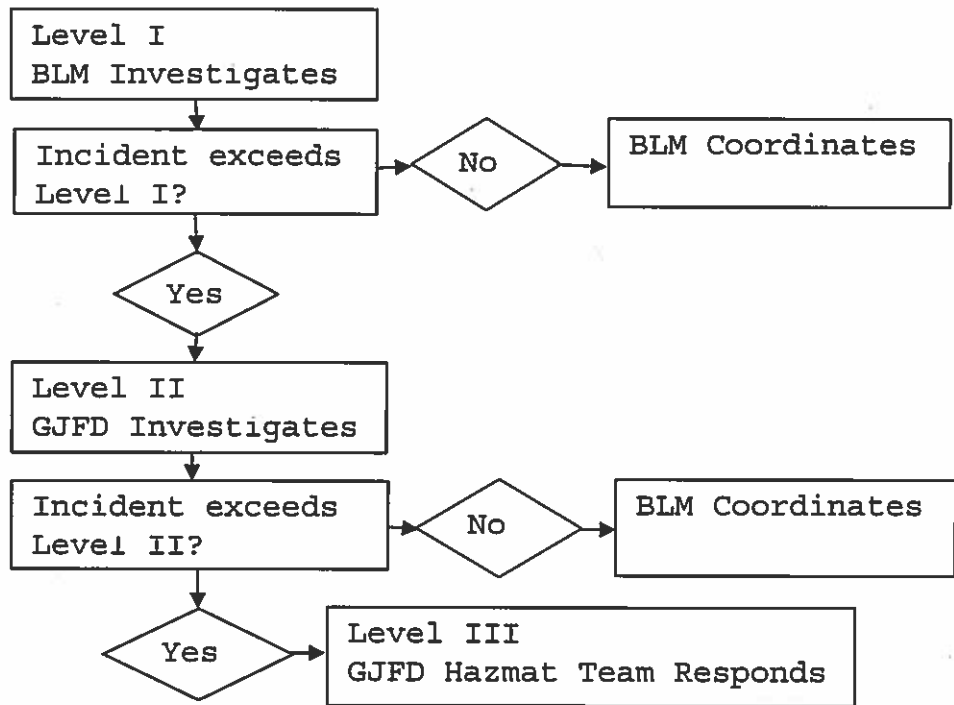
- incidents involving explosives only
 - fuel/oil spills of 25-250 gallons*
 - MC 330 or 331 accidents
 - accidents involving unknown product(s)
 - mixed chemical emergencies
- *maximum potential release

Level III

- overturned and/or leaking DOT 406, 407, 412, MC 338 and tube trailers confirmed to be carrying hazardous materials
- mixed chemical emergencies (after a Level II investigation)
- accidents with damaged and/or derailed cars carrying hazardous materials
- any other incident for which, after a Level II investigation, a Level III response is deemed necessary

RESPONSE FLOW CHART

All hazardous materials incident responses will utilize the response flow chart below.



APPENDIX B
OPERATIONAL GUIDELINES

1. *State the specific citation of the legislative authority which permits/requires the proposed relationship.*

Authority for planning for joint response to discharges of oil and releases of hazardous substances, pollutants, and contaminants is authorized by the National Contingency Plan (NCP), Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42.U.S.C. 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and by section 311 of the Clean Water Act (CWA), as amended, 33 U.S.C. 1321.

In addition, in Executive Order 11735 and Executive Order 12580, the President delegated certain functions and responsibilities vested in him by the CWA and CERCLA, respectively:

40 C.F.R. 300.105
General Organization Concepts

(a) Federal Agencies should:

- (1) Plan for emergencies and develop procedures for addressing oil discharges and releases of hazardous substances, pollutants, or contaminants;
- (2) Coordinate their planning, preparedness, and response activities with one another;
- (3) Coordinate their planning, preparedness, and response activities with affected states, local governments, and private entities, and
- (4) Make available those facilities or resources that may be useful in a response situation, consistent with agency authorities and capabilities.

(b) Three fundamental kinds of activities are performed pursuant to the NCP:

- (1) Preparedness planning and coordination for response to a discharge of oil or release of a hazardous substance, pollutant, or contaminant;
- (2) Notification and communications; and
- (3) Response operations at the scene of a discharge or release.

2. *Identify the proposed party(ies) to the agreement and the role that each is to perform.*

The proposed parties to the agreement are the Colorado State Office of the Bureau of Land Management (acting for the Northwest and Southwest Districts) and the Grand Junction Fire Department.

Grand Junction Fire Department Hazardous Materials Response Team:

By agreement with Mesa County and incorporated cities, the above team is the Designated Emergency Response Authority (DERA) for Mesa County. See the attached Designated Emergency Response Authority and Mutual Aid Agreements sheets.

INCIDENT COMMAND SYSTEM

For hazardous materials events which occur within Mesa County, the following command structure will be used. For events which occur on public lands outside of Mesa County, the command structure will be subject to the discretion of the Designated Emergency Response Authority for that county and subject to internal guidance (i.e. Non-entry policy for BLM) of the BLM and the GJFD.

Incident Commander:

As directed by the NCP, incidents on public lands require a unified command system. An Incident Commander will be supplied by the GJFD and the BLM. GJFD will direct all operational aspects of the event and BLM will act as a resource advisor and agency/management representative.

Safety Officer:

The GJFD will appoint the Safety Officer. The Safety Officers authority will be directed by the NCP.

Public Affairs Officer (PAO) / Public Information Officer (PIO):

The BLM will offer the services of their Public Affairs Officer during an event. The BLM PAO may either take the lead or offer his/her assistance to a non-BLM PAO/PIO.

Liaison:

The BLM will act in the role of Liaison. BLM Liaison personnel will generally be District/Field Office Rangers or Hazardous Materials Coordinators.

Operations:

GJFD will provide the Operations Officer.

Entry:

Entry personnel will be provided by GJFD or other qualified personnel on scene.

Decontamination and Emergency Medical System:

Decontamination functions will be performed by GJFD with support from local emergency response personnel trained to the standards in 29 CFR 1910.120.

Fire and Vapor Suppression:

Fire and vapor suppression at the scene and within the contamination danger zone will be the responsibility of GJFD. Wildfire suppression away from the danger zone will be the responsibility of BLM. BLM will manage fire operations based on standard operating procedures.

Planning:

The Planning Officer will be supplied by GJFD.

Logistics:

The Logistics Officer will be provided by GJFD with support from BLM. Logistics support from BLM may include, but is not limited to, establishing and operating BLM fire dispatch centers, road closures, evacuation, ground support, ordering and delivering food, water and sleep accommodations.

Finance:

The BLM will provide on-scene administrative finance support and record keeping. GJFD will provide additional support if required.

HAZARDOUS MATERIALS RESPONDER DUTIES

The following list describes the actions which responders to a hazardous materials event should follow, in addition to the duties described above:

- I. Duties:
 - A. Upon notification respond to hazardous material emergencies at the request of the Incident Commander or at the agency's own initiative.
 - B. In coordination with the Incident Commander, establish a perimeter around incident and prohibit entry of unauthorized persons beyond this perimeter.
 - C. In coordination with the Incident Commander, establish access coordination point for all persons to enter and exit the scene of a hazardous material incident. Maintain a record of all persons entering or leaving.
 - D. As necessary or directed, conduct evacuations. Using emergency lights and siren, proceed door to door to notify people in the affected area.

- E. Provide a person to the incident command post who can commit personnel to the situation and make decisions toward the mitigation of the incident. This person should be able to transmit and monitor on the Hazmat coordination frequency.
- F. Maintain security of any area that has been evacuated.
- G. If requested by the Incident Commander, maintain security at the command post.
- H. Until the incident is mitigated, develop traffic flows for the area and provide this information to the Liaison Officer and the Public Information Officer.
- I. Maintain security at any shelters where evacuees are housed.
- J. Monitor personnel on post around the security perimeter of the scene with regard to their possible exposure to any product which is involved in the release. The GJFD (Emergency Services Division) should have information with respect to the effects of personnel exposure.
- K. When first on scene:
 - 1. Determine the type of material involved, if possible, and the nature of the problem. Remain upwind and upgradient of the incident.
 - 2. Notify Central Dispatch giving them as much information as possible.
 - 3. Isolate the hazard area and prevent entry of all nonessential personnel.
 - 4. When necessary, initiate and conduct evacuation of surrounding area, with emphasis on downwind and downgradient. If explosive material is involved and the possibility of explosion exists, evacuate and restrict area for a minimum of 4000 feet in all directions. If material involved is on fire and is toxic, evacuate for a minimum of 4000 feet in all directions downwind and downgradient first.
 - 5. If the possibility of contamination exists, obtain names and addresses of all persons involved.
 - 6. If necessary, notify owner, shipper, or other appropriate custodian of material involved in the incident.
 - 7. Establish access control coordination point and advise Central Dispatch of its location.

II. Method of Operation

- A. The possibility exists that any one of these officers may be a responder to a potentially hazardous incident involving dangerous chemicals. As a first responder, the law enforcement officer will attempt to convey to Central Dispatch any or all of the following information.
1. The best address or location of the incident.
 2. The Department of Transportation's four digit ID number. Standard Transportation Commodity Code (STCC), and any identifying names of numbers.
 3. The name and nature of the material involved. Officers will spell out the name of the material.
 4. Type and numbers of containers, cars, tanks, etc., involved (also pounds, gallons, size, etc.)
 5. Name of the carrier, manufacturer and consignee.
 6. Other applicable information, including injuries, people or property exposed and fire or leakage status.
 7. Location of the staging/agency access point. This location shall be established upwind of the incident site.
 8. The location of the agency response area if this has been established.

Upon receipt of this information, Dispatch (Mesa County) will notify the Fire Department and convey all pertinent information received from the officer on the scene.

- B. Law enforcement personnel on the security perimeter will direct any personnel or equipment trying to enter the scene to the access control coordination point. This allows for a system of check-in and check-out of all persons entering the restricted area. All personnel and equipment responding to the incident will respond to the access control coordination point for identification and logging. Responders will then be directed to the agency response area.

C. The law enforcement personnel manning the access control coordination point will maintain a log containing the following information:

1. Name of individual
2. Agency individual represents
3. Contact telephone number for that agency
4. Time of entry
5. Time of exit

(The exception to this process is for fire apparatus, which may move freely after they have received clearance from the Incident Commander or the Staging Area Officer.)

D. The law enforcement officer should give first consideration to downwind, downgradient, or downstream evacuation. Security of the evacuated area must be established immediately. Protective equipment shall be utilized only by those officers having received training in the use of the equipment required by the hazard presented. If the officer is not trained in the use of personal protective equipment and determines that the situation warrants its use, he/she shall immediately leave the evacuation area, notify the supervising officer and remain available for assignments to duties not requiring the use of personal protective equipment.

E. The first on scene officer will direct activities involving law enforcement. Once the Incident Command Post has been established, that officer will be relieved by a command officer who also maintains radio contact with Central Dispatch and/or the Hazmat frequency.

F. The Liaison Officer at the Command Post will coordinate with the field commanders relative to the traffic flow within the affected area. The Liaison Officer will keep the Public Information Officer advised of any traffic routing necessary.

G. Law enforcement personnel who are or may have been exposed to any hazardous material shall immediately notify the Safety Officer. The Safety Officer shall immediately notify the Incident Commander at the command post.

Law Enforcement's Role in a Hazardous Materials Incident

Note: This section is for law enforcement outside the Bureau of Land Management. The Bureau of Land Management may follow this advice except for the use of protective gear and in accordance with the Bureau's site entry policy.

- I. Upon notification, dispatch the appropriate number of officers to the scene of the incident.
- II. Officer(s) will report to the Incident Commander for instructions.
 - A. Immediately establish perimeter security allowing no unauthorized persons into area.
 - B. In coordination with the Incident Commander, the officer(s) will establish access coordination points for all who need to enter and exit, and maintain a record of those who enter and leave the area.
- III. As is necessary or directed, officers will conduct evacuations.
- IV. Law Enforcement will provide an officer, normally of a command rank, to the Command Post, and he/she will have the ability to communicate with all officers assigned to the incident. Officers will enter a toxic environment only after utilizing protective gear, provided they have been properly trained in its use.
- V. Law Enforcement will provide security for any area which has been evacuated.
- VI. The Liaison Officer will develop traffic flows for the affected area and provide this information to the Public Information Officer.
- VII. Maintain security at any shelters where any evacuees are housed.
- VIII. Continually monitor personnel on post around the security perimeter with regard to their exposure to any product which was released as a result of the incident. Any exposures should be immediately forwarded to the Safety Officer.

If you are the first officer on the scene:

- I. From a safe location (preferably upwind and upgradient) determine the type of material involved and the nature of the problem.
- II. Notify Central Dispatch with as much information as possible.
- III. Isolate the hazard area, requesting additional officers and resources as needed.

- IV. If immediately needed, initiate and conduct evacuation of the affected area. If explosive materials are involved or fire is impinging on the container, evacuate and restrict the area for a minimum of 4,000 feet in all directions.
 - V. Obtain the names and addresses of all persons involved if the possibility of contamination exists.
 - VI. Begin setting up access control coordination points for the control of personnel entering the area.
3. *Describe the "something of value" which is to be transferred to the recipient. (State the principle purpose of the program; what public purpose of support or stimulation is to be accomplished, who will benefit from this support.)*

Currently, the Grand Junction Fire Department Hazardous Materials Response Team area of operation is within the City of Grand Junction and, by agreement with Mesa County, throughout Mesa County (see attached agreement.) This agreement would extend their operating range to public lands outside Mesa County to all counties on the Western Slope. These counties are within BLM's Northwest and Southwest Districts.

This agreement would also extend to spills, leaks, or releases which occur on private lands, but which immediately threaten public lands on the Western Slope.

4. *Values to be transferred by BLM:*

The principle purpose of this program is to extend public safety and environmental protection to the Western Slope of Colorado and provide an intra/interagency coordination mechanism as required by the National Contingency Plan and Executive Orders 11735 and 12580.

This program outlines operating procedures so that during an event immediate resources are available to control and contain the hazardous materials. In keeping with the Executive Orders, the resources and expertise of multiple organizations may be used to protect human health and the environment.

The Western Slope of Colorado has limited capability to respond to a hazardous materials event. Each county has a Designated Emergency Response Authority (ies) with a wide range of background, skills, and training. The hospitals of the Western Slope have only the most rudimentary capability to perform decontamination of seriously contaminated patients. There have been incidents where ambulances have carried contaminated people only to become contaminated by the contact and thus lost to their roles.

The Grand Junction Fire Department has an established Hazardous Materials Response Team which could be made available to all counties of the Western Slope. In support of this effort and to meet our mandates, the Northwest and Southwest Districts of the Bureau of Land Management will provide the following additional items in addition to the above described operating procedures (see appendix for a complete list of materials.)

Hazardous Materials Response Trailer:

This trailer will be stored at a GJFD station and will be used at hazardous materials events for the protection of the responders or contaminated citizens. In addition, it will provide a storage area for the gear necessary to respond to areas outside Mesa County.

GSA/Interior Vehicle:

The vehicle will be used to tow the trailer and provide transportation for GJFD personnel to the scene of a hazardous materials event. The vehicle will be stored at a GJFD station.

Equipment:

Through the previous MOU, BLM has equipped the trailer with most of the supplies and equipment necessary to respond to a hazardous materials incident. This has been supplemented with GJFD equipment as they have deemed necessary. Inventories of all equipment are taken annually to ensure that BLM and GJFD can exercise proper control of all property.

If this agreement is terminated by either party, all equipment will be returned to its original purchaser.

5. *Identify the extent of Bureau involvement (term of the agreement and whether substantial involvement is anticipated).*

The BLM Northwest District typically experiences 3-5 incidents per year in which some degree of response from the GJFD is warranted. This ranges from sending an advisor to dispatching the response unit with a full complement of crew. Responses to other Districts are less frequent but have involved the same range of response. This level of response should be representative of expected future activity.

We propose to renew the agreement for a period of 5 years from the date of the signed agreement and the agreement would remain in affect as long as each entity maintains a work force which would enable them to meet their portion of the agreement. At the end of 5 years the agreement will be reviewed and re-signed or terminated. This agreement may be modified by the parties at any time by mutual agreement in writing. The agreement may be terminated by either party after written notice.

6. *Identify program reasons for competition or the noncompetitive selection of the recipient(s.)*

This agreement is primarily for the management and leadership of emergency response to hazardous materials events. Individual contracts would still be necessary with private industry for the clean-up, remediation, and rehabilitation of each event. This agreement would meet the intent and goals of the hazardous materials response laws and Executive Orders and would not reduce competition by private enterprise.

MUTUAL AID AGREEMENTS

1. STATE

Colorado State Patrol

2. COUNTY

Mesa County

3. MUNICIPALITIES AND FIRE DISTRICTS IN MESA COUNTY

Intergovernmental Agreement for Cooperative Aid Between Fire Departments

The City of Grand Junction Fire Department has the above listed Aid Agreements on file in the Grand Junction City Clerks office and the Fire Chiefs office.

DESIGNATED EMERGENCY RESPONSE AUTHORITY

MESA COUNTY

Pursuant to Section 1, Article 22 of Title 29, Colorado Revised Statutes, as amended and enacted as Senate Bill 172, 1983 Legislature, the Board of Commissioners and the governing bodies of every town and city in this county by resolution or ordinance, or by accomplishment of a mutual aid agreement, have designated the following as the Hazardous Substance Incident Emergency Response Authority (DERA) for the jurisdiction indicated:

<u>JURISDICTION</u>	<u>DERA</u>
Mesa County	City of Grand Junction Fire Dept.
Town of Palisade	City of Grand Junction Fire Dept.
Town of Fruita	City of Grand Junction Fire Dept.
City of Grand Junction	City of Grand Junction Fire Dept.
Colorado State Patrol	City of Grand Junction Fire Dept.

The City of Grand Junction Fire Department has been designated by all jurisdictions within Mesa County as the Designated Emergency Response Authority.

This plan relies upon existing police, fire and other communications to determine if a release has occurred. The DERA will work in accordance with the response jurisdiction plan in effect and will, along with the facility coordinator, determine the area or population affected. Facilities were asked to complete facility profiles as part of their reporting requirements. Those profiles are maintained under separate cover at the Grand Junction Fire Department. Profiles from Targeted Facilities are carried on the Hazardous Materials Response Unit. (Facility profiles completed by facility staff are not necessarily an accurate measure of risk assessments.)