

EMERGENCY RESPONSE AGREEMENT

Between

**Florida Department of Environmental Protection
Division of Law Enforcement
Bureau of Emergency Response
and
HRS Palm Beach County Public Health Unit**

FDEP Contact:

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HRS PBCPHU Contact:

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**Developed: April 13, 1987
Revised: August 14, 1994**

EMERGENCY RESPONSE AGREEMENT

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
HRS PALM BEACH COUNTY PUBLIC HEALTH UNIT

SECTION A. EMERGENCY RESPONSE AGREEMENT.

1. **GENERAL INFORMATION.** Representatives of the HRS Palm Beach County Public Health Unit and the Florida Department of Environmental Protection, Bureau of Emergency Response have met on several occasions concerning the roles and responsibilities of both agencies in providing for environmental emergency response. The objective of these discussions was to formulate an Emergency Response Agreement (referred to hereafter as the Agreement) between the agencies which would enable the following:

- (a) a working relationship which allowed both agencies to fulfill the requirements of their mandated duties,
- (b) a working relationship which afforded improved on-scene response coordination before, during and after incidents, and,
- (c) a working relationship which ensured that emergency response situations in Palm Beach County were handled in an appropriate and timely manner.

1.1. As a consequence of these meetings an Agreement between the two agencies was promulgated with the following provisions:

(a) that the Agreement will be reviewed at least annually and revised as necessary when:

- (1) rule changes require Agreement amendment,
- (2) new response procedures or technical information dictate different approaches,
- (3) staffing problems require Agreement adjustments, etc.

(b) that the Agreement is solely for use by the two agencies for coordinating emergency response activities and does not convey nor restrict the rights of third parties.

1.2. The two agencies agree that some emergency response situations may require responses other than detailed in this Agreement.

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1.3. This Agreement document also provides for a vehicle where the agencies can call upon each other as situations necessitate.

1.4. This Agreement is in effect on a 24 hour basis and includes holidays and weekends.

2. **EMERGENCY RESPONSE AGREEMENT.** The Agreement is a mutual understanding between the HRS Palm Beach County Public Health Unit (PBCPHU) and the Florida Department of Environmental Protection (FDEP) that involves a five point emergency response understanding covering Sewage Releases, Petroleum Releases, Hazardous Materials Incidents, Air Pollution Incidents, and Solid Waste Incidents.

2.1. POINT 1. Whenever FDEP authorizes the use of the State emergency response contractor, then FDEP assumes the role and the responsibilities as the lead response agency.

2.2. POINT 2. That mutually agreed upon Reportable Quantity limits, for lead agency response determination purposes only, have been established and are approximate in nature.

2.3. POINT 3. The lead response agency shall also generally be responsible for all follow-up action.

2.4. POINT 4. Both agencies will provide copy(s) of incident reports to each other whenever necessary or requested along with all available incident/response information when both agencies are present at an incident.

2.5. POINT 5. Both agencies shall follow the "Notification Procedures" as described in SECTION 3 of this Agreement.

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SECTION B. INCIDENT DEFINITIONS AND RESPONSE

1. **GENERAL INFORMATION.** As stated in SECTION A, incidents which are covered in this Agreement include Sewage Releases, Petroleum Releases, Hazardous Materials Incidents, Air Pollution Incidents, and Solid Waste Incidents. This SECTION embellishes each agency's response role(s).

2. **SEWAGE RELEASES.** PBCPHU shall be the lead agency on all incidents involving domestic wastes and sludges, sewers and sewer lift stations, sludge vehicles, etc. This response category shall also include other health hazard related incidents such as infectious wastes, etiological agents and asbestos.
 - 2.1. In the event of a major situation involving the release of sewage or incidents in which the release has impacted State waters, in accordance with the Specific Operating Agreement for Delegation of Domestic Wastewater Program Authority revised draft dated June 29, 1994, PBCPHU shall be the lead response agency. FDEP shall be notified as soon as practicable after the incident is under control.
 - 2.2. If a sewage release cannot be controlled in a timely manner, or if PBCPHU requests State assistance (use of the State's Emergency Response Contractor), then notification to the FDEP shall be made as soon as possible.

3. **PETROLEUM RELEASES.** This incident category includes both facility releases and transportation related releases of hydrocarbon fuels (gasoline, diesel, kerosene, etc.), hydraulic fluids and lubricating oils, waste oils, and petroleum naphtha (mineral spirits). Basically the Agreement divides response responsibilities into three classifications.
 - 3.1. For releases of less than 100 gallons the PBCPHU shall be the lead agency. If the incident cannot be contained in a timely and or appropriate manner, the PBCPHU shall notify the FDEP.
 - 3.2. For releases greater than 100 gallons the FDEP shall be the lead agency. The FDEP, at its discretion, or if the situation warrants, may elect to defer response responsibilities to the PBCPHU.
 - 3.3. For petroleum product(s) fires, the FDEP shall assume responsibility as the lead response agency. The FDEP, at its discretion, or if the situation warrants, may elect to defer response responsibilities to the PBCPHU.

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4. HAZARDOUS MATERIALS INCIDENTS. This particular category includes all hazardous materials other than the petroleum products mentioned in paragraph 3 of this SECTION. For this Agreement, Hazardous Materials Incidents are divided into three general categories which are defined as:

(a) all hazardous wastes and commercial chemical products as defined and listed in 40 CFR Part 261,

(b) all hazardous materials regulated by U.S. DOT, NFPA and the U.S. EPA, and

(c) all other potential pollutants which may pose a threat to human health or the environment, that is, materials such as industrial wastes or other materials which may be hazardous but are not identified in (a) or (b) above.

4.1. Notification and Response. For initial response and assessment purposes, this Agreement establishes lead agency responsibilities based on mutually agreed Reportable Quantities (RQ) . . . they are solely for use in the context of this Agreement. These particular RQs have no relationship to, nor do they supersede in any way, the RQs established by the U.S. EPA and U.S. DOT regulations.

4.1.1. If a particular hazardous materials incident is equal to or above an RQ, then the FDEP shall be the lead agency. The PBCPHU, at their discretion, may elect to send representative(s) in an observer status. The FDEP may also elect, for minor incidents or situations, to refer the incident to the PBCPHU for action.

4.1.2. If an incident is below the RQ, then the PBCPHU shall assess the situation and initiate the coordination of emergency response procedures.

4.1.2.1. If the situation lends itself to be controlled in a timely and easy manner, then the PBCPHU shall continue the responsibility as the lead agency and shall file a written report to the FDEP. The FDEP shall provide technical assistance if requested along with site response assistance if necessary.

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4.1.2.2. If the situation is difficult to control quickly and easily, the FDEP shall be notified immediately. The FDEP will provide all necessary assistance, and in some cases may elect to assume the lead agency role. The FDEP determination to assume the lead agency role will be considered only on a case by case basis and upon the particular circumstances involved.

4.2. Reportable Quantities (RQ). For the establishment of the Agreement RQs, hazardous materials have been defined as either acutely hazardous, non-acutely hazardous, chemical fires, and abandoned containers.

4.2.1. ACUTELY HAZARDOUS. The RQ for this category is any amount of material(s) involved in an incident. Materials covered in this classification includes cyanides, sulfides, explosives (see ATTACHMENT 1, EXPLOSIVE AND SHOCK SENSITIVE MATERIALS), water-reactive materials, etc. Also included are acutely toxic materials such as many, but not all, pesticides and the commercial chemical products listed in 40 CFR 261.33(e) which are known as the "P" listed wastes. The FDEP shall generally assume the responsibility as the lead agency.

4.2.2. NON-ACUTELY HAZARDOUS. The RQ for this category is 55 gallons. Materials covered in this classification includes hydrochloric, sulfuric, phosphoric, and nitric acids, sodium and potassium hydroxide, etc.. Also included are chemicals which are commonly used in the swimming pool industry such as liquid chlorine and hypochlorite solutions (these materials are sometimes considered as oxidizers, however, they have been placed into this classification for the purposes of the Agreement). The PBCPHU shall generally assume the responsibility as the lead agency.

4.2.2.1. Solvents. This Agreement sets the RQ for liquid solvents at 5 gallons. Chlorinated solvents, lacquer thinners, acetone and MEK, and aliphatic and aromatic solvents are some examples of solvents included under this RQ.

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4.2.2.2. Other Materials. This Agreement sets the RQ for liquids at 5 gallons and for solids at 25 pounds. This classification includes oxidizers, heavy metals, and various inorganic and organic chemicals not specifically covered elsewhere in the Agreement.

4.2.3. CHEMICAL FIRES. The RQ for this category is any amount of material(s) involved in a chemical fire. The FDEP shall assume the role as the lead agency.

4.2.4. ABANDONED CONTAINERS. The Agreement does not establish an RQ for this category, however, a general guidance policy is established.

4.2.4.1. The PBCPHU shall initially investigate and verify all abandoned containers of potentially hazardous materials which are initially reported to the agency. If the abandoned containers are determined to not be empty, then the PBCPHU shall notify the FDEP. If the containers are not in the FDEP jurisdiction, that is, they are in the FDNR or USCG jurisdiction, then the PBCPHU will refer the matter to the appropriate jurisdictional authority.

4.2.4.2. The FDEP shall generally assume the role as the lead response agency in incidents involving abandoned containers.

5. AIR POLLUTION INCIDENTS. The PBCPHU shall be the lead agency for all air pollution incidents, unless the incident is directly related to an incident in which the FDEP is the lead agency pursuant to the terms and conditions covered under the Agreement.

6. SOLID WASTE INCIDENTS. The PBCPHU shall be the lead agency for all non-hazardous solid waste incidents. This category shall include landfill fires, illegal dumping of non-hazardous wastes, etc.

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SECTION C. NOTIFICATION PROCEDURES

1. **GENERAL INFORMATION.** This SECTION provides guidance for incident notification procedures which the PBCPHU and the FDEP have established for events which are delineated in this Agreement.

1.1. FDEP. The telephone number for the Southeast District office of the FDEP is (407) 433-2650. This telephone number is valid for use in reporting all incidents during normal business hours (7:00 a.m. through 5:00 p.m. weekdays except holidays). For all other hours, the FDEP "On-Call" representative in Tallahassee can be reached through the State Warning Point at (904) 488-1320 which is a 24 hour telephone number.

1.2. PBCPHU. The telephone number for the PBCPHU is (407) 355-3070. This telephone number is valid for use in reporting all incidents during normal business hours. For non-business hours, the PBCPHU "on-Call" representative can be reached at telephone number (407) 582-5666 (includes holidays and weekends).

2. **SPECIFIC NOTIFICATION PROCEDURES.** During normal business hours, both agencies may contact each other directly via the telephone lines.

2.1. If the FDEP Emergency Response Coordinator, or the Emergency Response Team Member, is not in the office, then the PBCPHU should request the FDEP receptionist to contact them through their beeper(s).

2.2. There should always be a representative of PBCPHU at the office during normal business hours, however, if no one is available, the PBCPHU vehicles have radios through which a representative may be notified to contact the FDEP.

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3. OTHER AGENCIES. Agencies which are not signatories to this Agreement which may become involved in environmental emergency response situations covered within the Agreement include the Palm Beach County Division of Emergency Management (PBCDEM), local fire and police departments, Palm Beach County Sheriff's Office, USCG, etc. When the PBCPHU or the FDEP receives a notification directly from an outside agency, all available information shall be obtained in order to determine the lead agency under the terms and conditions of the Agreement. The appropriate lead agency shall then respond.

3.1. PBCDEM. In order to facilitate contact procedures, arrangements have been established where the PBCDEM will initially contact the PBCPHU and then the Department of Community Affairs (DCA) in Tallahassee. The PBCDEM should inform DCA that the PBCPHU has been notified. The PBCPHU has the responsibility to determine which agency should assume the role as the lead response agency . . . appropriate action shall be initiated, i.e., conduct on-site response or notify the FDEP. NOTE: The PBCDEM is not restricted from contacting the FDEP if there is any doubt as to the incident evaluation(s) or seriousness.

3.2. USCG. The United States Coast Guard has a 24 hour telephone number which can be utilized for emergency notification. This agency has jurisdiction in areas of the beaches, intercoastal waterways, and navigable waters and shall be notified if an environmental incident occurs in that particular jurisdiction. If the appropriate agency does not respond to an incident, the PBCPHU and the FDEP may elect to respond.

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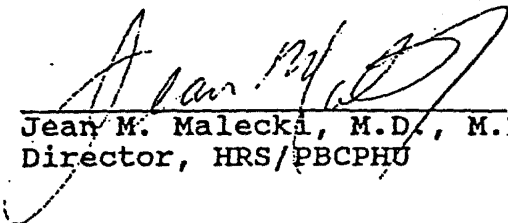
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SECTION D. CERTIFICATION OF AGREEMENT


The PBCPHU and the FDEP agree to the terms and conditions as described in this Agreement and to furthermore agree to cooperate and work together to satisfactorily resolve environmental emergency response situations. This revised Agreement is effective on this 30 day of Nov. 1994. All previous editions of this Agreement are null and void and should be destroyed.

Signed this 30 day of Nov. 1994 for the HRS Palm Beach County Public Health Unit:



Jean M. Malecki, M.D., M.P.H.
Director, HRS/PBCPHU

Signed this 30 day of Sept. 1994 for the Florida Department of Environmental Protection, Division of Law Enforcement, Bureau of Emergency Response:



Debra Preble
Chief, Bureau of Emergency Response
Division of Law Enforcement

ATTACHMENT 1. EXPLOSIVE AND SHOCK SENSITIVE MATERIALS
ATTACHMENT 2. AGREEMENT SUMMARY

cc: FDEP Tallahassee, BER (2)
FDEP Southeast District (3)
PBCPHU, Environmental Science and Engineering (2)
PBCDEM (2)

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1. **CHEMICAL LIST:** The following list contains one hundred mostly commonly found chemicals which are or can be explosive and/or shock sensitive.

Acetylides of heavy metals	Mercury tartrate
Aluminum ophorite explosive	Mononitrotoluene
Amatol	Nitrated carbonydrate
Ammonal	Nitrated glucoside
Ammonium nitrate	Nitrated polyhydric acid (polyols)
Ammonium perchlorate	Nitrogen trichloride
Ammonium picrate	Nitrogen tri-iodide
Ammonium salt lattice	Nitroglycerine
Butyl tetryl	Nitroglycide
Calcium nitrate	Nitroglycol
Copper acetylde	Nitroguanidine
Cyanunic triazide	Nitroparaffins
Cyclotrimethylenetrinitramine	Nitronium perchlorate
Cyclotetramethylenetetranitramine	Nitrourea
Dinitroethyleneurea	Organic amine nitrates
Dinitroglycerine	Organic nitramines
Dinitrophenol	Organic peroxides (inc. ethers)
Dinitrophenolates	Picramic acid
Dinitrophenyl hydrazine	Picramide
Dinitroresorcinol	Picratol
Dinitrotoluene	Picric acid
Dipicryl sulfone	Picryl chloride
Dipicrylamine	Picryl fluoride
Erythritol tetranitrate	Polynitro aliphatic compounds
Fulminate of mercury	Potassium nitroaminotetrazole
Fulminate of silver	Silver acetylde
Fulminating gold	Silver azide
Fulminating mercury	Silver styphnate
Fulminating platinum	Silver tetrazene
Fulminating silver	Sodatol
Gelatinized nitrocellulose	Sodium amatol
Guanyl nitrosamino guanyl tetrazene	Sodium dinitro-ortho-cresolate
Guanyl nitrosamino guanylidene hydrazine	Sodium nitrate-potassium nitrate explosive mixture
Heavy metal azides	Sodium picramate
Hexanite	Syphnic acid
Hexanitrodiphenylamine	Tetrazene
Hexanitrostilbene	Tetranitrocarbazole
Hexogen	Tetrytol
Hydrazinium nitrate	Trimonite
Hydrazoic acid	Trinitroanisole

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Lead azide	Trinitrobenzene
Lead mannite	Trinitrobenzoic acid
Lead mononitroresorcinate	Trinitrocresol
Lead picrate	Trinitro-meta-cresol
Lead salts	Trinitronaphthalene
Lead styphnate	Trinitrophenetol
Trimethylolethane	Trinitrochloroglucinol
Magnesium ophorite	Trinitroresorcinol
Mannitol hexanitrate	Tritonal
Mercury oxalate	Urea nitrate

ATTACHMENT 2. AGREEMENT SUMMARY

1. NOTIFICATION TELEPHONE NUMBERS.

PBCPHU: 355-3070 (normal business hours)
582-5666 (after hours and weekends/holidays)

FDEP: 433-2650 (normal business hours)
(904) 488-1320 (24 hour)

2. LEAD AGENCY DECISION CHART.

INCIDENT TYPE	FDEP LEAD AGENCY	PBCPHU LEAD AGENCY
Sewage Release	No	Yes
Petroleum Release	> 100 gallons or if fire involved	< 100 gallons
Hazardous Materials Incident		
1. Acute	Yes	No
2. Non-Acute	> 55 gallons	< 55 gallons
3. Solvents	> 5 gallons	< 5 gallons
4. Other Materials	> 5 gal. liquid > 25 lbs. solid	< 5 gal. liquid < 25 lbs. solid
5. Chemical Fires	Yes	No
6. Abandoned Containers	Yes	Initial investigation
Air Pollution Incidents	No	Yes
Solid Waste	No	Yes