HAZARDOUS MATERIALS RESPONSE PLAN

An Annex to the

Shawnee County Emergency Operations Plan
SHAWNEE COUNTY HAZARDOUS MATERIALS RESPONSE PLAN

November 7, 2016

This plan serves the county of Shawnee and incorporated cities.

Prepared for:

Shawnee County Department of Emergency Management
200 SE 7th Street, SB-10
Topeka, KS 66603

By:

Middleton Associates International, LLC
P.O. Box 35
Berryton, KS 66409

Shawnee County Contract C137-2016
PROMULGATION

The primary role of government is to provide for the welfare of its citizens. The welfare and safety of citizens is never more threatened than during hazardous materials incidents. The goal of Emergency management is to ensure that mitigation, preparedness, response, and recovery actions exist so that public welfare and safety is preserved.

Kansas counties are required by K.S.A 48-929, to develop and promulgate an all hazards County Emergency Operations Plan (CEOP), with the intention of saving lives and protecting property in the event of major emergencies or disaster.

This plan is incorporated into the Shawnee County EOP. It supplements and further refines the Emergency Support Function #10 – Oil and Hazardous Materials Response Annex. It also may be used as a “stand alone” document for HazMat responders. It has been developed and approved by the Shawnee County Local Emergency Planning Committee, and meets Federal and State requirements.

This plan ensures consistency with current policy guidance and describes the interrelationship with other levels of government. The plan will continue to evolve, responding to lessons learned from actual disaster and emergency experiences, ongoing planning efforts, training and exercise activities, and Federal and State guidance.

Therefore, in recognition of the emergency management responsibilities of Shawnee County government and with the authority vested in the Chief Elected Official of Shawnee County, and the Chair of the Shawnee County Local Emergency Planning Committee, we hereby promulgate the Shawnee County Hazardous Materials Response Plan.

Karl McNorton – LEPC Chairperson

John Willey IV – LEPC Secretary

Shawnee County Board of County Commissioners has approved and endorsed the Shawnee County Hazardous Materials Response Plan 2016 on this date November 7, 2016 and therefore directs that all personnel involved assume the roles and responsibilities and take appropriate actions as outlined herein.

Approved as to Legality and Form:

Shawnee County Counselor

Attest:

Cynthia A Beck
Shawnee County Clerk

BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS

Michele A Buhler

Robert E Archer

Kevin J Cook
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I. INTRODUCTION

This plan provides basic guidelines and establishes responsibilities for response to a hazardous materials incident in Shawnee County. It provides appropriate guidelines for response to the release of hazardous materials beyond the boundary of a facility using, storing or producing hazardous materials, and the release of hazardous materials in transit, that has the potential to injure or harm the population or the environment. All incidents must be reported, controlled and thoroughly investigated. This plan is not intended to serve as an operational document, although some aspects will be a valuable planning resource for standard operational procedures. It does provide an administrative framework and guidance to assist emergency response agencies, local governments, and the private sector, and it dictates for planning for hazardous materials emergencies. Shawnee County maintains an Emergency Operations Plan (EOP) which includes Emergency Support Function (ESF) 10 - Oil and Hazardous Materials Response, and this document is not intended to replace, but to supplement the EOP and its ESF 10.

Facilities and political subdivisions within the jurisdiction of this plan, should establish and maintain operational plans and procedures that are compatible and consistent with this plan.

II. AUTHORITY

A. Statute for Facility Planning. In 1986 Congress passed the Emergency Planning and Community Right to Know Act as Title III of the Superfund Amendments and Reauthorization Act (SARA), Congress enacted this law to help local communities protect public health and safety and the environment from chemical hazards. The Local Emergency Planning Committee (LEPC) is a focal point for Title III activities in the community. The responsibilities of the LEPCs are stated in the law: each LEPC must develop an emergency plan, collect and store information provided by facilities, and make that information available to the public. This federal statute is implemented in the State of Kansas by Kansas Statutes Annotated (K.S.A.) 65-5701 et. Seq. “Emergency Planning and Community Right-to-know.

B. Statute for Community Planning. Requirement/Authority for a comprehensive county disaster plan is contained in K.S.A. 48-929, “Emergency Preparedness for Disasters”.

III. MISSION

The mission of this plan is to:

• Establish a strategy to minimize the adverse effects of hazardous materials upon life, health, property and the environment.
• Identify community resources for emergency planning, response, and recovery activities.
• Coordinate an effective and efficient response to a hazardous materials incident.
IV. SITUATION:

A. A hazardous materials incident can happen anywhere within Shawnee County, and involve any potentially hazardous material. The Shawnee County LEPC supports county-wide planning in addition to the site-specific planning by businesses and industries that use hazardous materials. The citizens of Shawnee County are best served when response capabilities meet a broad range of hazards.

B. History shows that the majority of hazardous materials incidents present no health hazard beyond the immediate site of a release. This is due in part to the controls that many facilities employ and to the response capabilities that Shawnee County has developed. The Shawnee County Hazardous Materials Response Plan addresses the rare incident that may have an adverse health impact beyond the immediate site of a release.

C. For a plan to be successful, it must be used. The LEPC premise is that every response to a hazardous materials incident must be addressed by the plan, to enable an effective transition if the scope of the incident escalates to a major emergency.

D. A hazardous materials incident may be concurrent with another emergency, in which case the operations of the Shawnee County Hazardous Materials Response Plan will be integrated with the overall response. Examples of these emergencies may include a plane crash, train derailment, pipeline emergency, and/or acts of terrorism.

V. ASSUMPTIONS:

The Shawnee County LEPC’s hazardous materials emergency planning philosophy is more comprehensive than the EPA’s “Technical Guidance for Hazards Analysis,” (December 1987). The following assumptions are at issue:

A. EPA guidance is limited to Extremely Hazardous Substances (EHS), and does not address other hazardous materials that may pose hazards to the community. The Shawnee County LEPC, the Topeka Fire Department’s HAZMAT Team, and the local industrial HAZMAT Resources support response capabilities for chemical/physical hazard types, instead of an approach directed at a list of particular chemicals.

B. EPA guidance directs that a hazard analysis be done for each EHS present at a facility. The Shawnee County LEPC promotes facility planning to support a comprehensive hazard analysis that considers an “all risk” approach. It is possible that EHS chemicals may not pose the greatest vulnerability at the site, and may in fact not even be involved in the incident.

C. A hazards analysis based on the EHS list may mislead the public about chemical hazards in the community. For example, chemicals on the EHS list may not always pose an airborne hazard to the community. Example: Phosphorus (CAS #7723-14-0), when alloyed in carbon steel, may pose an occupational hazard during milling or grinding. In this form it is not likely to pose a hazard to the outside community or the environment.

D. EPA guidance instructs that a vulnerability zone be developed for each facility. In Shawnee County this could result in identifying the same population several times while
completely missing at-risk populations in other areas of the County. The Shawnee County LEPC supports a comprehensive county-wide plan to ensure effective use of its resources for response to a hazardous materials incident anywhere in the County. The following example will help explain the philosophy for county-wide planning:

Chlorine (CAS #7782-50-5) gas cylinders can be found on transportation routes and at several fixed facilities. Release of a one-ton cylinder could potentially affect an area up to 10 miles away from the site. The prevailing winds are from the south, but wind direction may change at any time. So, a major release could potentially affect any part of the County.

E. In addition to the EPA guidance referenced in items #1 - #4, a Risk Management Plan (RMP) is required for an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115 [59 FR 4493, Jan. 31, 1994. Redesignated at 61 FR 31717, June 20, 1996, as amended at 63 FR 645, Jan. 6, 1998; 69 FR 18803, Apr. 9, 2004]. Compliance with the requirements of this part are to be no later than the latest of the following dates:

(1) June 21, 1999;

(2) Three years after the date on which a regulated substance is first listed under §68.130 [59 FR 4493, Jan. 31, 1994. Redesignated at 61 FR 31717, June 20, 1996, as amended at 62 FR 45132, Aug. 25, 1997; 63 FR 645, Jan. 6, 1998; 65 FR 13250, Mar. 13, 2000]; or

(3) The date on which a regulated substance is first present above a threshold quantity in a process.

The owner/operator of a stationary source subject to this section must submit a single Risk Management Plan to EPA as provided in §§68.150 to 68.185. The RMP shall include a registration that reflects all regulated processes.

VI. ORGANIZATION

A. The Shawnee County Emergency Operations Plan specifies the Fire Service as the lead agency for the Hazardous Materials Response Plan, i.e. the Senior Fire Officer at the scene has the authority to direct and control emergency actions.

B. Upon initial assessment, the Incident Commander will declare a Level of Response (Level 1, 2, or 3) and announce this declaration to the 911 Dispatcher, who will begin the agency dispatch and notification assigned to that Level of Response.

C. The Incident Commander will establish a Command Post from which to direct and oversee all emergency operations. The Incident Commander will secure the site with the aid of law enforcement and other available agencies.

D. A unified command system will be employed to facilitate a coordinated response by all local, state and federal agencies.
E. Appropriate public alerting means will be employed to deliver information about protective actions.

F. Law Enforcement will assist the Incident Commander by securing and controlling access to the scene.

G. EMS will assist the Incident Commander with on-scene triage, treatment, and transportation of victims, and medically support responding resources (HazMat Team).

H. Special response teams, e.g. Hazardous Materials Teams, Special Operations (Technical Rescue Disciplines, SWAT, SCUBA), Bomb Squads, and Emergency Task Forces are available from public and private-sector resources.

I. The Incident Commander will designate a Joint Information Center (JIC) for media representatives.

J. The Shawnee County Emergency Operations Center (EOC) may be activated for incidents requiring the coordination of a major response involving multiple local jurisdictions. County EOC activities are coordinated by the Shawnee County Department of Emergency Management (EM).

K. Additional resources are available from state and federal sources. Support for local response and/or additional capacity can be obtained through chain-of-command and Mutual Aid requests. If these resources are not locally-based, response time is according to their availability and travel distance. One of these resources can be a Federal On-Scene Coordinator for Hazardous Materials Response.

L. In the event of a disaster, K.S.A. 48-932, may apply. While the Incident Commander assumes on-scene operational authority, the Chair of the Shawnee County Commission has overall responsibility for the emergency when a disaster is declared. A declaration of a State of Emergency, utilizes and expands the authority of the local County Commission Chair.

VII. CONCEPT OF OPERATIONS:

A. Preparedness. Preparedness involves actions designed to save lives and minimize damage. It is planning and training for appropriate response prior to an emergency. The LEPC has an integral role in helping the community to prepare for Hazardous Material Emergencies by encouraging appropriate planning, training, and exercising.

1. Hazard Analysis:
   a. Hazards Identification

   (1) Shawnee County has industries and other types of fixed facilities that use, store and produce a wide variety of hazardous materials. Shawnee County also has several transportation systems:
   • highways (including Interstate Routes 70, 470, 335 (Kansas Turnpike); US highways 24, 40, 75)
   • railroads (east-west, and north-south)
• pipelines (including petroleum and natural gas and mixed commodities)
• air (including Forbes Field and Phillip Billard municipal airports)

(2) An incident could occur anywhere in the County – at a fixed facility that may or may not be subject to the planning requirements of SARA Title III, or during transportation. Further, the incident might involve material(s) on the Extremely Hazardous Substances list, and/or a “non-listed” hazardous material that poses a threat to the community.

(3) An incident in a neighboring county may cross the border and impact Shawnee County.

b. Risk Analysis: Risk Analysis is an attempt to rank hazards by comparing the probability of a release with the severity of consequences of that release.

Occurrence: Shawnee County has already experienced hazardous materials incidents at fixed facilities and on transportation systems. The LEPC expects that incidents will continue to occur at past rates.

Consequences: Shawnee County has already experienced minor and moderate-magnitude hazardous materials incidents. The LEPC expects that minor and moderate incidents will continue to occur, and that a major incident is possible.

c. Vulnerability Zone
Any part of Shawnee County may be subject to airborne material during a release of a hazardous material. Therefore, for the purposes of this Plan and its activities, the County of Shawnee is designated as the “vulnerable zone.”

d. Response Capabilities
Shawnee County’s hazardous materials response capabilities include the expertise of a local Regional HAZMAT Team (Topeka Fire Department’s Hazardous Materials Response Team - HMRT) and the resources of 7 fire districts (with support from the 190th Air Refueling Wing Fire Department and the Metropolitan Topeka Airport Authority Fire Department), several law enforcement agencies, and a contracted EMS provider. The 73rd Civil Support Team, located in Shawnee County, is a statewide resource which can be activated by receipt of a warning order or operations order issued by the Kansas Adjutant General. Procedures for requesting resources of the CST are outlined in Section 88.3.3 of the Kansas Response Plan (2014).

Further, hazardous materials planning and response activities are supported by private-sector organizations, numerous professional organizations, public safety training programs, and specialized response teams at the state and federal levels.
2. Facility Planning:

   a. Non-regulated Facilities should:

      (1) Maintain a list of 24-hour contact person(s) and submit it to the local Fire District.

      (2) Establish internal procedures for evacuation in the event of a hazardous materials incident.

   b. Facilities regulated by SARA Title III, must meet planning requirements:

      (1) Prepare both an analysis of hazards at the facility ("Facility Hazard Analysis"), and a response procedure for those hazards ("Facility Response Procedure"). Copies are submitted to: the Local Emergency Planning Committee, the Kansas Commission on Emergency Planning & Response (CEPR) and the local Fire Department.

      (2) Comply with the applicable SARA reporting requirements and OSHA regulations.

      (3) Participate in training programs as identified in the “Training and Exercising” section.

      (4) Designate an official (available on 24-hour call) who is capable of participating in a Command Post as a facility representative. This person will have information and the authority to:

          • Identify the location, type and quantity of hazardous/flammable chemicals or materials
          • Provide Safety Data Sheet (SDS) information and technical data on properties of the chemicals or materials present
          • Implement the Emergency Action Plan for the facility ("Facility Emergency Contingency Plan"), if appropriate and available.

3. Facility Reporting:

Shawnee County’s response is based upon effective planning and training. Primary emergency response is most effective when the community receives prompt notification of an incident. This section provides guidance to facilities and stresses the critical need for prompt and accurate reporting.

   a. Reporting Requirement.

      (1) A facility must immediately report the release of a reportable quantity of a hazardous substance or extremely hazardous substance to the environment (EPCRA §304, 40-CFR§355.40).
(2) The report is to be made by calling both:
   • 9-1-1: to notify the LEPC Community Emergency Coordinator, and
   • Kansas 24-hour Emergency Spill or Release Notification: (785) 291-3333

(3) This reporting requirement does not apply to any release that results in exposure to persons solely within the site or sites on which a facility is located (EPCRA §304(d)).

b. Local Reporting Guideline:
   In order to better protect safety and to support the primary emergency responders, the LEPC requests that facilities immediately report “Perceptible Exposure” releases by calling 9-1-1.

   A “Perceptible Exposure” means: Any release of a hazardous substance or extremely hazardous substance which is visible, produces a detectable odor or a distinctive taste, or impacts a human or environmental receptor physically, such as causing eye irritation, itchy skin, damaged vegetation, chronic injury, etc.

c. Follow-up Notice:
   As soon as practicable thereafter, a written, follow-up emergency notice shall be submitted to:

   (1) LEPC Community Emergency Coordinator
       c/o Shawnee County Office of Emergency Management
       200 SE 7th Street, SB-10
       Topeka, KS 66603

   (2) Follow Up Spill Reporting:
       If the chemical spilled or released exceeded the designated Reportable Quantity, written follow up reporting is required. The State of Kansas has created the Form A, a simple to use form that captures all the required follow up reporting elements. The Form A can be completed online, which is the preferred method, by mail, or fax. If the spiller does not wish to complete a Form A, they may submit a follow up letter discussing all the pertinent information regarding the spill. It is the responsibility of the spiller to complete the follow up report within seven days of the incident.

       The State of Kansas has developed a new online database for Form A reporting within WebEOC. Once the verbal notification of an incident has been received by a state agency, an Incident Report will be generated. The Form A will be accessible to the spiller after the state has generated the Incident Report. All of the data input by the state agency will be populated into the Form A, leaving the spiller with only a small amount of information needed to complete the form. WebEOC is currently used across multiple state and local
agencies, and will provide an easy to use online spill reporting platform.

Anyone completing a Form A will need to contact Kansas Division of Emergency Management (KDEM) in order to obtain access to the online database. To obtain a username and password, please call (785) 274-1423 or (785) 274-1409.

Note: This section is intended to facilitate emergency response and does not guarantee compliance with reporting requirements under any other environmental or health and safety law. There may be other applicable reporting requirements depending on the circumstances of the release.

4. Training & Exercises:
   Training:
   
a. The LEPC supports a comprehensive training program for agency personnel and emergency staff to ensure a safe and effective response to hazardous materials incidents.

b. Training requirements are established by State and Federal regulations. Absent such criteria, in-service training will be based upon the level of knowledge or skill required to perform the tasks associated with the job assignment. Training deficiencies should be identified through appropriate administrative channels for resolution.

c. SARA Title III, Section 303(c)(8) requires training for those responsible to implement chemical emergency plans. Shawnee County intends to utilize courses sponsored by the Federal and State governments and private organizations to fulfill this requirement. Local agencies and facilities will also schedule courses to address the unique concerns and needs of the local hazardous materials preparedness program.

d. Local agencies, facilities and organizations should provide in-service training to satisfy operational needs, to maintain appropriate certification standards and to comply with applicable regulatory standards. It is recommended that a training officer be designated to establish an annual training program designed to meet requirements. Individual training records should be maintained on all emergency responders.

e. The LEPC works in conjunction with the Kansas CEPR and community leaders to evaluate the hazardous materials training needs of local emergency response personnel. The LEPC will monitor and/or coordinate local training initiatives to ensure consistency with this plan and will take advantage of training resources available from all levels of government and the private sector.
Exercises:

a. The LEPC supports a comprehensive exercise program to effectively implement and evaluate the Shawnee County Hazardous Materials Response Plan.

b. SARA Title III, Section 303(c)(9) requires local jurisdictions to establish “methods and schedules for exercising the emergency plan.” An effective exercise program will strengthen response management, coordination and operations, and identify areas for improvement. Corrective actions can then be taken to improve and refine public safety capabilities.

c. Exercises are generally classified into four categories: Orientations, Table-Top, Functional, and Full-Scale. Each exercise type varies in activities and resources. Some require simple preparations and execution while others may be more complex and require greater efforts and resources. Each provides its own benefits and should be considered in the development of an exercise program to satisfy community and facility needs.

These exercise types can build on one another, each one becoming more complex and comprehensive. Shawnee County has developed a progressive exercise program: Orientations introduce the plan and its established policies and responsibilities; Table-Top’s implement agency coordination and leadership provisions of the plan, including emergency operations concepts; Functional exercises integrate the plan’s more complex sections under simulated emergency conditions; and a Full-Scale exercise tests the entire hazardous materials emergency response system for evaluation. Lessons learned through these exercises will be referred for corrective action.

d. Each facility should conduct at least one annual test of their emergency plan. These tests should be coordinated, when possible, with the appropriate fire department. Facilities should conduct an exercise debriefing, and within 30 days prepare an after-action report noting corrective action and lessons learned.

B. Emergency Response.

1. Levels of Response to a Hazardous Materials Incident:

These Levels of Response express the impact of a hazardous materials incident upon the community and are categorized as Level I, II, or III depending on the severity of the incident. The criteria used to determine the level of an incident include:

- The characteristics of the hazardous material.
- The nature of its release.
- The area affected by the hazardous materials incident (e.g., populations, sensitive ecosystems, waterways, transportation routes, etc.).
- The extent of multi-agency and multi-jurisdictional involvement.
- Evacuations, injuries or fatalities.
• The technical expertise and equipment needed to safely mitigate the incident.

• Duration

The determination of incident levels shall be a collective decision between the Incident Commander and the responding hazardous materials team. At the point terrorist activities are suspected in a hazardous materials incident, the incident will be classified as a Level III. Unlike standard Level III response activities, federal involvement and additional activities will be required.

a. Level I

A minor situation within the capabilities of first responders trained at the “operational” level. A Level I incident involves a release, or possible release, of a small amount of gas, liquid or solid of a known (identified) hazardous material. In addition, the agency on-scene has the expertise and proper equipment to safely mitigate the incident.

As a minimum, a command post and an exclusion zone should be established with all incidents. The Emergency Response Guide should be referenced for initial isolation and protective action distances. The incident commander should restrict movement of personnel into the exclusion zone. Only personnel entering the exclusion zone for a specific reason, and in the proper level of protective equipment, should be allowed.

An incident should be immediately upgraded to Level II for a release or potential release of an unknown hazardous material or suspected hazardous material.

Typical Level I incidents include:
• Minor leaks or spills from a 55-gallon drum, cylinders up to one-ton capacity, bags or packages.
• Minor leaks or spills which can be handled with absorbent materials and resources readily available on-site.
• Release of chemicals which do not produce an environment which is immediately dangerous to life and health (IDLH) or above the Lower Explosion Limit (LEL) of a product.
• Containers that are involved in an accident that have no visible damage.
• Chemical releases that have minimal environmental impact that do not require outside resources.
• Leaking valves on containers which do not require the product to be immediately off-loaded.
• Evacuations limited to a single intersection or building.
• No life threatening situation from materials involved.
• Suspicious packages where the threat and substance are considered non-hazardous.

b. Level II

These are incidents that are beyond the capabilities of an agency with jurisdictional responsibility and that require mitigation by a hazardous
materials team. This can range from a small incident involving any amount of an unknown substance to a large incident involving multiple agencies and jurisdictions.

A Level II incident should be declared by the Incident Commander and the Initial Response Team if the incident involves a sufficient quantity of gas, liquid or solid of a known hazardous substance or any quantity of an unknown material that has been released or offers the potential for release.

A Level II incident should be declared for the release of any quantity of a known solid or liquid toxic material in a critical public area or for the release or potential release of any quantity of an unknown solid, liquid or gaseous toxic material or suspected toxic material (all gases other than natural gas are considered toxic).

In a Level II incident, a formal and properly identified Command Post with a removed staging area, an Incident Safety Officer, and a Hazardous Materials Sector should be established. Control zones must be established and maintained as early as possible, and evaluated and monitored throughout the incident. Localized evacuation may need to be implemented and outside agencies should be notified.

Typical Level II incidents include:
• One or more 55-gallon drums, one-ton cylinders, nurse tanks, totes, portable containers that are leaking considerable amounts of a known substance.
• A major, liquefied gas leak due to puncture, crack or crease of a large tank where ignition sources are a real threat.
• Leaking containers, tank trucks or railroad tank cars with a hazardous material on board whose structural integrity is in question.
• Train derailments involving railroad tank cars filled with hazardous materials with leaks that can be controlled by local hazardous materials teams.
• A vehicle or train fire involving hazardous materials or hazardous wastes that pose a serious threat of a boiling liquid expanding vapor explosion (BLEVE).
• Incidents involving a fatality or serious injury attributed to the hazardous substance.
• Evacuations consisting of an apartment complex, city block or large facility with many employees.
• Chemical releases that pose a moderate threat to the environment that requires state agency involvement.
• Suspicious package that has an unknown material but due to location is considered a credible threat. When the substance is identified and declared a WMD agent, the incident should be upgraded to a Level III incident.

Incidents that involved non-hazardous substances should be downgraded to a Level I incident.
c. Level III:
This includes any incident beyond the capabilities of the hazardous materials team and local resources. The incident may be quite lengthy in duration and may necessitate large-scale evacuations. It is likely a Level III incident will involve multiple agencies and jurisdictions, as well as resources from the private sector (including chemical manufacturers) and voluntary organizations.
Examples of Level III incidents include:
- Large releases from tank cars, tank trucks, stationary tanks or multiple medium containers.
- Incidents involving large-scale evacuations that may extend beyond jurisdictional boundaries.
- Any spill, leak or fire involving hazardous materials that has gone to greater alarms.
- Any incident beyond local capabilities and resources (including the hazardous materials team) to safely identify, contain and mitigate.
- Train derailments involving railroad tank cars containing hazardous materials that require specialized resources to mitigate.
- Major leaks of compressed or liquefied gas cargo tanks or railroad tank cars caused by puncture or major structural damage.
- Suspicious packages that due to location, identification of material as WMD agent, or verbal threat that requires state and federal resources.
- Large-scale or catastrophic releases of hazardous materials (e.g., radiation, biological agents) that would likely include a Stafford Act ESF-10 activation.

2. Operations:
Actions taken by emergency responders shall be based upon the need to protect life, health, property and the environment.

Operations shall comply with applicable State and Federal regulations which may include:

a. 29 CFR 1910.120 – Hazardous Waste Operations and Emergency Response (HAZWOPER),

b. 29 CFR 1910.134 – Respiratory Standard,

c. 29 CFR 1910.156 – Fire Brigade Standard; and, Standard Operating Procedures as specified by individual agencies.

(1) Approaching the Scene
Emergency responders should approach the scene of a hazardous materials incident from upwind and uphill if possible. Emergency responders should not pass through a vapor cloud or a spill.
(2) Arriving at the Scene

(a) Emergency responders should meet with a facility representative, or other knowledgeable person, to learn about the incident.

(b) Establish a perimeter to isolate the hazard area and deny entry.

(c) Address immediate life-threatening situations. If possible, begin decontamination triage.

(3) Identifying the Materials Involved

(a) Identify hazardous materials BEFORE exposing personnel or taking remedial action.

(b) Binoculars may be used to view placards, license plates, vehicle identification information, and containers for clues about product(s) involved.

(c) Obtain shipping papers and/or Safety Data Sheets (SDS). Correct spelling of the chemical name is critical.

(4) Obtaining Hazard and Handling Information

(a) The physical and chemical properties of a product, as well as its hazards and handling information, may be obtained from sources including:
   • Safety Data Sheets (SDS)
   • Chemical reference books
   • CHEMTREC
   • NFPA 704 Marking System
   • Nearest Poison Control Center
   • Chemical data base
   • Plume dispersion models (e.g., ALOHA) mapped on GIS (Geographical Information System)

(5) On-scene measurements may be taken with direct-reading instruments including but not limited to:
   • Carbon Monoxide meter
   • Colormetric indicator tubes
   • Combustible gas indicator
   • Oxygen Meter
   • Ph paper
   • Radiological survey instruments
   • Chemical test/detection equipment
   • Multi-Gas Meter w/PID
(6) Weather may play an important role in the outcome of a hazardous materials incident. The National Weather Service can supply:
- Wind speed and direction
- Temperature
- Relative humidity
- Precipitation
- Stability of the lower atmosphere
- Forecast

(7) Expertise may be obtained from sources including:
- Manufacturer
- Shipper
- Carrier
- Consignee
- Facility representative
- Hazardous Materials Response Team
- Chemical industry personnel
- College and university personnel
- Farm and related industry personnel

(8) Site Control
The Incident Commander shall establish exclusion zones for emergency responders and the public.

(9) Decontamination

(a) A decontamination area will be established for victims and equipment to minimize the spread of contamination.

(b) Prior to departing an incident scene, all contaminated personnel and equipment shall be decontaminated as much as possible. Equipment marked for further decontamination must be completely decontaminated before returning to service.

(c) It is the Incident Commander’s / HAZMAT Group Supervisor’s responsibility to see that if decontamination is needed, it is accomplished properly at the scene before any patient is turned over to EMS.

(d) Once EMS is on scene, EMS decides patient care in consultation with the HAZMAT Group Supervisor, Incident Commander, and EMS Medical Director.
(10) Safety and Health
Incident Commander shall designate an on-scene Safety Officer who shall ensure that emergency responders use personal protective equipment and procedures that comply with State and Federal regulations.

(11) Mitigating the Incident

(a) The Incident Commander, in conjunction with facility personnel and other technical specialists, shall develop a plan of action and carry-out that plan to avoid unnecessary exposure.

(b) Containment and Control:

1) Qualified emergency responders may perform containment and control tasks to mitigate the incident and to minimize adverse environmental impacts.

2) Containment and control may include: closing valves, plugging or patching holes, transferring material from one container to another, damming, diking, booming, absorbing, neutralizing, diluting, suppressing vapors, extinguishing, and using water spray to keep containers cool.

3) If flammable vapors and gases are present, combustible gas indicators may be used to determine the potential ignition area. All ignition sources in that area should be eliminated.

4) Some materials are water reactive. Water used to extinguish a fire may create a much bigger problem when it becomes contaminated run-off. If hazardous materials are involved in a fire, it may be best to let the fire burn.

(c) In cases where contamination of the environment has occurred, the Kansas Department Health and Environment’s (KDHE) Environmental Division shall be informed so they may evaluate the situation and take appropriate action.

(d) In cases where contamination of a water-supply system has occurred, the KDHE, the Shawnee County Department of Public Health and the affected water
supplier shall be informed so they may evaluate the situation and take appropriate action.

(e) In cases where contamination of the sewer system has occurred, Topeka Water Pollution Control, or the affected sewer agency, shall be informed so they may evaluate the situation and take appropriate action.

(12) Radio Communications
Radio Communications are primarily between the incident site and 9-1-1 for:

(a) Dispatch and information exchange among base stations, mobiles and portables

(b) Command of personnel and resources

(c) Coordination among agencies:
- In situations involving mutual aid, or similar multi-agency or multi-jurisdictional response, integration of the various communications systems can be achieved by coordinating information at 9-1-1, the Command Post, and/or the Emergency Operations Center.
- If it is necessary to operate a secondary, or alternate communications center, the emergency service agency that regularly controls the channel shall provide personnel to operate the equipment. This would be incident or hazard specific. Should the Command Post need communications assistance, it could be staffed by Community Emergency Response Team (CERT) members and Incident Management Team (IMT) members. If the 9-1-1 Center should need back up assistance, a fixed back up location has been designated and would be activated. Personnel from CERT and IMT could support and staff the mobile communications unit.
- TV links can be activated through EM. TV links would be accomplished with cooperation from media contacts through the Joint Information Center (JIC).

(d) Support Systems
- Public works, transportation and related agencies have communications systems designed for their daily internal operations. These agencies may have the capacity to
provide equipment, vehicles and personnel for emergency communications.

3. Protective Actions:

Evacuation, sheltering-in-place, or a combination should be considered in defining protective actions to reduce or eliminate public exposure to hazardous materials that are released during an incident.

a. Evacuation. Evacuating the public is a decision based on information indicating that the public is at greater risk by remaining in or near-by the hazard area. Information that should be considered in the decision to evacuate includes:

- The severity of dangers resulting from the hazard(s)
- The population affected by the hazard
- The availability of the resources to evacuate the affected population, e.g. fire/EMS/law enforcement personnel, and transportation vehicles including school busses, privately-owned vehicles or public mass transit
- The notification means to provide emergency instructions before and during the evacuation, e.g. local broadcast media for the Emergency Alert System, NOAA Weather Radio, route alerting via mobile address systems, sirens, emergency telephone notification system and/or door-to-door alerting
- Safe passage for the evacuees, including adequate time to conduct the evacuation, evacuation route monitoring, the ability to re-route traffic, and the availability of reception centers and shelters
- Special needs of the evacuees, e.g. the need to assist facilities (hospitals, nursing homes, prisons) in evacuating, or the need to alert and warn and then evacuate special populations
- The ability to provide shelter and sustenance to evacuees including adequately staffed shelters with feeding, sanitary facilities, and medical care.

b. Shelter-in-Place. Sheltering-in-place means advising the affected population to seek protection within the structure they occupy or in a nearby structure. Like evacuation, this decision is based upon hazard analysis. If the danger to the public is mitigated by sheltering-in-place, then it should be employed as a protective measure. With certain hazards, e.g. short-term exposure, or line-of-sight exposure, the best decision may be to shelter-in-place. One distinct advantage of
sheltering-in-place is the relative ease of implementation. A decision to shelter-in-place considers:

- the availability of resources
- the time available to take protective actions
- the public's understanding of sheltering-in-place

For some hazards, sheltering-in-place can be enhanced by seeking the most protected refuge in the structure. For chemical, radiation, and some biological hazards it is enhanced by reducing the indoor-outdoor air exchange rate.

c. Combination Protective Actions. There may be circumstances when using both evacuation and sheltering-in-place is appropriate. For example, when time or resources cannot support the immediate need to evacuate a large population, only those closest to the hazard and at greater danger could be instructed to evacuate, while other people inside the affected area would be advised to shelter-in-place.

d. Implementation of Protective Actions.

(1) The Incident Commander shall designate a sector commander to implement and coordinate any protective action orders.

(a) In most cases, the law enforcement agency having jurisdiction will serve as the primary agency for implementing protective actions. Therefore, the sector commander in charge of implementing protective action should be a qualified member of that law enforcement agency.

(b) All personnel working in the affected area shall wear appropriate personal protective equipment.

(2) Protective actions affecting large areas may require the declaration of a local State of Emergency under K.S.A 48-932.

(3) Affected Area

(a) Traffic Control Points and Access Control Points shall be established to direct traffic and people out of the affected area and to prevent entry.

(b) Sources of transportation capable of supporting an evacuation shall be identified.
(c) All residents of the affected area should be identified and accounted for.

(d) Forced entry into homes and apartments shall only be performed if there is a reason to believe that a victim may be inside.

(e) In the case of persons who refuse to leave their homes during an evacuation order: their names, addresses next-of-kin and time of notification shall be recorded.

(4) Reception/Congregate Care Centers

(a) The sector commander in charge of protective actions shall identify a site(s) that would be suitable as a temporary staging area for evacuees until a suitable reception/congregate care center can be established.

(b) Reception/Congregate Care Centers shall be coordinated by the Kansas Capital Area Chapter of the American Red Cross with personnel support coordinated through the Shawnee County EOC. The Kansas Capital Area Chapter of the American Red Cross shall designate and establish Reception/Congregate Care Centers.

4. Public Alerting.
Once a decision has been made to evacuate or shelter-in-place, the Incident Commander shall alert the public.

Public Alerting provides timely and reliable emergency information pertaining to the need for protective actions. For protective actions to be effective, the public must first be alerted that an emergency exists, and second be instructed on what to do. Since a hazardous materials incident is normally a rapidly developing situation, initial public alerting by emergency response personnel is a critical aspect of public safety.

a. When to Alert the Public

(1) Level 1
This Level of Response may not require Public Alerting. However, the Incident Commander shall respond to public and media requests for information.
(2) Level 2
This Level of Response may require public alerting.

(3) Level 3
This Level of Response requires public alerting.

b. Methods of Public Alerting

(1) News Release

(a) A news release may be relayed through 9-1-1 to media representatives.

(b) A news release may be made directly to on-scene media representatives. (Sample news release messages are provided at the end of this section.)

(c) A news release may be relayed through a Joint Information System and/or the Joint Information Center to media representatives. (Examples include emails, faxes, social media, VEOC)

(2) Route Alerting
Emergency vehicles, equipped with a siren, a public address system, and appropriate personal protective equipment may drive through the affected area and announce the emergency situation.

(3) Residential Door-to-Door Alerting
Emergency personnel, equipped with appropriate personal protective equipment, may walk through the affected area and announce the emergency situation on a door-to-door basis.

(4) Emergency Alert System (EAS)
Activation of the EAS can only be accomplished by pre-designated government officials or the National Weather Service. (Sample EAS messages are provided at the end of this section.)

(5) 9-1-1 Emergency Telephone Notification System

c. Components of a Public Alert Message may include:

(1) Affected area

(2) Health hazards
(3) Protective actions

(4) Evacuation routes

(5) Location of Reception/Congregate Care Center(s)

(6) Medical treatment

(7) Telephone number for mobility impaired to call for assistance

Sample News Release/EAS Message:

**Evacuation Announcement**

“The following message is from (agency name). A Hazardous Materials Emergency exists at (location). All persons must evacuate an area bordered by (North), (East), (South), (West). *(Repeat one time, then continue.)*

Please follow these main evacuation routes: *(List routes)*

Please cooperate by checking on persons in your neighborhood who may live alone. If they do not have transportation, please assist them. If you know housebound or mobility impaired persons who require assistance, contact (agency name).

You should prepare to spend a minimum of one day away from home. You should take sufficient quantities of personal care items and prescription drugs for this time period.

We remind you to take the following steps:

1. Secure your home and property.
2. Turn off all lights and electrical appliances.
3. Turn down heating systems (or turn-off air conditioning systems).
4. Drive carefully. Proceed calmly to your destination, obeying all traffic laws.
5. Please obey the police and others who will be directing traffic along the evacuation routes.

If you need a place to stay, please go to (location). Pets will not be allowed inside the congregate care centers. However, bring your pets and facilities will be provided for their care.

Do not use the telephone except to REPORT emergencies. Do not call government offices. You will be kept informed of the situation through this Emergency Alert Station.

The preceding message is an announcement from (agency name) regarding an order by (Official’s Name) to evacuate all persons living in the affected area. For further information, please stay tuned to this station.” *(The message shall be repeated every five minutes.)*
Shelter-in-Place Announcement
“The following message is from (Official’s Name). A Hazardous Materials Emergency exists at (Location).

If you live, work or are traveling within the following area, you should take shelter, by going inside a building:
The area is bordered by (North), (East), (South) and (West). (Repeat one time, then continue).

If you are traveling through the affected area, roll-up windows, close air vents, turn off heaters and/or air conditioners. If shelter is not immediately available, place a handkerchief, towel or other similar item snugly over your nose and mouth until you can get indoors.

Take shelter indoors and do the following:
Close all doors, windows, shades and drapes, sealing gaps with wet towels or wide tape. Stay away from windows. Turn off heating systems, air conditioners or fans. Extinguish fireplaces and close fireplace dampers. Keep pets inside.

(Read this statement only if school is in session)
Do not telephone or go to the school your children attend. They are in a covered protected environment and will be transported/released to go home when it is safe.

Do not use the telephone except to REPORT emergencies. Do not call government offices. You will be kept informed of the situation through this Emergency Alert Station.

The preceding message is from (agency or official’s name) advising people affected by this emergency to take shelter. For further information, please stay tuned to this station.”
(Thereafter, this message shall be repeated every five minutes.)

C. Recovery.
Recovery immediately follows emergency response. It involves direction to restore the community to normal conditions and may include:
• Requesting a Presidential Disaster Declaration
• Maintaining access control
• Clearing debris
• Restoring public utilities
• Providing emergency social services (shelter, clothing, food, etc.)
• Rebuilding
• Investigating the incident
• Demobilizing emergency personnel and resources, which may include emergency worker counseling
• Adjusting traffic control perimeters
• Continuing public information – general purpose and health-related
• Maintaining security in restricted areas
• Providing long-term counseling for residents
• Continuity planning for business and industry (economic preservation)
1. Clean-up and Disposal:
   • The clean-up and disposal of hazardous wastes will comply with applicable local, state and federal regulations.
   • The party responsible for the incident is legally and financially responsible for the clean-up and disposal of hazardous wastes.
   • Emergency responders should understand that if they initiate contact with a commercial clean-up company, they shall be held responsible for the costs incurred.
   • If the party responsible for the incident is unknown, unwilling or unable to accomplish cleanup and disposal, the KDHE Brownfields and Orphan Sites program may provide assistance (See Appendix G).

2. Relocation and Re-entry:

   Re-location:

   In cases where contamination of the environment has occurred and the long-term relocation of residents is necessary, ESF #6, ESF #8, Red Cross, the Policy Group, Regional VOAD and/or responsible party shall provide relocation assistance.

   Re-entry:

   a. Re-entry to an area that has been sheltered-in-place or evacuated shall not be allowed until authorized by the Incident Commander.

   b. The Incident Commander shall confer with the Shawnee County Department of Public Health, and other appropriate officials, to establish re-entry procedures that will include:
      • A time to return
      • Safety precautions
      • Health precautions
      • Decontamination
      • Symptoms of illness as a result of exposure

   c. The Public Information Officer shall inform the public of the re-entry procedures. This may be done by the following methods:
      • News Release
      • Emergency Alert System
      • Announcements and/or printed materials at Reception/Congregate Care Centers
      • Printed materials issued at Traffic Control Points and Access Control Points

   d. Traffic Control Points and Access Control Points shall be maintained, as necessary, to ensure an orderly re-entry by the public.
3. Incident Evaluation:

a. State and Federal standards requires the Incident Commander to
debrief and evaluate the emergency response as soon as possible.
(The Incident Commander for HAZMAT incidents is the Fire Chief
or Senior Fire Officer of the local jurisdiction.)

(1) Incident Debriefing – The IC shall ensure that an incident
debriefing occurs at the incident conclusion or as responders
leave the scene. The debriefing should include, but not be
limited to providing the following information:

- Hazard information
- Exposure signs and symptoms of materials involved
- Name of individual responsible for post-incident
  medical contact
- Administrative procedures
- Name(s) of all outside responders and agencies

(2) Critique – The IC shall conduct a critique for all Level 1
or greater hazardous material incidents. Such critique will
review the incident with the purpose of identifying both those
areas that worked well and those areas that need
improvement. (If requested, EM shall provide assistance to
conduct the critique.) The critique process should include,
but not be limited to the following:

Be held after allowing sufficient time for the emergency
to be investigated and appropriate information collected.

- Include at least one representative of each agency that
  played a role in handling the incident.
- May consist of a single multi-agency meeting or
  various inter-agency meetings.
- The findings of such critique, and identity of its
  participants, shall be documented in writing.
- Areas of improvement or changes identified in local
  or community plans or training will be incorporated
  in local or community activities as appropriate.

D. Direction and Control:
The Incident Commander will control and direct all activities at the scene in
accordance with the Incident Command System.

If a disaster is declared, the Chairman of the County Commission (or designee) will
exercise Executive Authority (as provided for in K.S.A. 48-932) over all disaster
operations in the county in accordance with mission assignments contained in this
Plan.
A Command Post will be established by the Incident Commander. This is the center from which all on-scene emergency operations will be directed. Staffing for the Command Post, as directed by the Incident Commander, should be limited to primary responders: fire, law enforcement, EMS, Communications, and others who may be appointed by the Incident Commander.

The news media will assemble at the Joint Information Center (JIC) and when the Incident Commander deems the site accessible, be escorted to the scene staging area (designated by the Incident Commander). If the County’s EOC is activated in the event of a hazardous material incident, the Shawnee County Emergency Operations Plan will provide guidance for effective leadership, coordination and unified on-scene command of emergency response forces.

All on-scene actions shall be consistent with the objective of ensuring the safety of all emergency responders and the public.

A hazardous materials incident may require a broad range of on-scene response organizations including: emergency response personnel from all levels of government; industry representatives; private contractors; and the media. The need for specialized equipment and technical knowledge during response may also be extensive, as are the number of critical decisions that must be made in the area of the incident: containment, emergency worker safety, public protective actions, and environmental protection.

This Plan addresses the need to ensure control of a multi-jurisdiction/multi-agency response to a hazardous materials incident, and highlights the demand for a unified Incident Command System under the direction of the Incident Commander. The concept of Unified Command simply means that all agencies that have jurisdictional responsibilities at an incident will contribute to the process of:

- Determining overall response objectives
- Selecting response strategies
- Ensuring joint planning and application of tactical and operational activities
- Maximizing use of available resources
- Public Alerting and News Releases

a. First Responder

The primary responsibility of the First Responder is to determine the potential hazards to life, health, property and the environment resulting from the incident. If it is determined that the incident presents a potentially hazardous situation, the first responder should promptly communicate this to 9-1-1. The First Responder should then initiate the following actions:

1. Evacuate all non-emergency personnel from the hazard area
(2) Identify the material(s) involved

(3) Establish a Command Post

(4) Determine if community notification, sheltering or evacuation is needed and the geographical area likely to be impacted

(5) Isolate contaminated persons in a safe location

(6) When representatives of the Lead Agency having jurisdiction designate an Incident Commander, the first responder should brief the Incident Commander on the extent of injuries, damage and the status of efforts to control the incident.

b. Incident Commander

(1) As part of the initial response to a hazardous materials incident, and as identified in the Shawnee County Emergency Operations Plan, the fire department having jurisdiction shall serve as the Lead Agency. A qualified on-scene member of that fire department shall serve as the Incident Commander.

(2) Using the definitions previously described, the Incident Commander shall declare a Level of Response for the incident. If conditions change, the Level of Response may be upgraded or downgraded as appropriate.

(3) When the designation of Incident Commander needs to be evaluated, the following factors should be considered:
   • Level 3, which may result in a “State of Emergency”
   • Geographic area affected
   • Impact upon the community
   • Single or multiple jurisdictions affected
   • Number of response agencies
   • Operational requirements
   • Resource commitments
   • Scope and technical complexity of the incident

(4) The Incident Commander must ensure that all participating agencies (local, state and federal) are effectively communicating within the designated command structure.

(5) If the designation of Incident Commander changes such that the Incident Commander is not physically at the scene, it shall be necessary to designate an Operations Section Chief.
c. Emergency Operations Center (EOC)

(1) An EOC provides off-site incident coordination and assistance as required.

(2) EM maintains procedures for activating Shawnee County's EOC.

(3) Upon notification of a Level II HAZMAT incident, EM shall contact the Incident Commander to assess whether Shawnee County's EOC needs to be activated, and if so, the degree to which the EOC needs to be staffed.

d. Command Responsibilities

1) Level I – Implement Incident Command
   The Incident Commander shall:
   a. Establish contact with a facility representative
   b. Determine the number and type of response units that are needed to handle the incident
   c. Evaluate the need to declare a higher or lower Level of Response
   d. Respond to public and media requests for information
   e. Establish a Command Post
   f. Establish liaison with the Facility Emergency Coordinator
   g. Ensure that all appropriate agencies are represented in the Command Post
   h. Designate Branches, Groups, and Divisions, as appropriate

2) Level II – Level I activities, plus the Incident Commander shall:
   a. Consult with EM about activating the Emergency Operations Center. The City of Topeka Emergency Coordination Center (ECC) may be activated if the incident occurs within the city limits.
   b. EM shall notify and brief the County Commission Chair.
   c. The County Commission Chair in consultation with Hazardous Materials experts shall evaluate the need to declare a State of Emergency under K.S.A. 48-932.

3) Level III – In addition to Levels I and II activities:
   a. The Incident Commander, Fire Coordinator, EMS Administrator, Sheriff, Director of Public Health, and local officials (including local law enforcement), may re-evaluate the existing designation of the Incident Commander. They may decide whether to retain the existing Incident Commander or designate a new Incident Commander.
   b. Upon direct notification and in collaboration with the Emergency Operations Center, the Kansas Division of Emergency Management (KDEM) will provide coordination of the state's resources in an emergency.
E. Special Considerations for Weapons of Mass Destruction (WMD), and other types of intentional releases of Hazardous Materials. Typically units from Law Enforcement, Fire, and EMS will all be dispatched to a WMD incident in which an intentional nuclear, chemical or biological exposure is claimed to have occurred or is imminent. Priorities for emergency response personnel are similar to other types of hazardous material event responses. However, there are some special circumstances that should be considered and implemented. In incidents involving a known or suspected WMD, a request for the Federal Bureau of Investigation, (FBI), should be made. According to the National Response Plan and Presidential Directives, the FBI is the lead federal agency for incidents involving chemical, biological, or nuclear weapons. This means that the incident site should be considered a federal crime scene. Increased media attention to these incidents may require an early assignment of a Public Information Officer (PIO). A safe assessment of the entire scene, using extreme caution to avoid exposing or contaminating any additional personnel, should occur. Any victims should be medically evaluated, documented, and, when possible, debriefed by law enforcement authorities before leaving the scene. Handling any device that is suspected of containing potentially hazardous nuclear, chemical or biological materials should be kept to an absolute minimum. This is important to both preserve evidence and to reduce the number of people that are potentially exposed to harm. Emergency responders should not handle suspect letters or other materials. Personnel should be aware that the device could be "booby-trapped" and that there may be a secondary device in the vicinity. Because of the possibility of a secondary explosive device, do not use radios or cellular phones within 50 feet of the incident scene. Set an appropriate evacuation distance of at least 300 feet.

VIII. MISSION ASSIGNMENTS

A. Incident Commander.
The senior official from the Lead Agency will, upon arrival, normally serve as the Incident Commander. Assignment of responsibilities to all other emergency response units will be coordinated by this individual. The Incident Commander shall:

1. Establish the Incident Command System (ICS) structure and staff the Command Post to handle the operation. ICS unit responsibilities may include:
   - Life Safety / Rescue Operations
   - Risk Evaluation/Cause and Response
   - Scene Security
   - Public Alerting/Evacuation/Shelter-in-Place
   - Fire Suppression
   - Spill Containment/Leak Control
   - Re-entry and Recovery

2. Direct on-scene operations to ensure that objectives are identified and assignments are made including hazard assessment and First Responder briefings.

3. Coordinate actions through support agency representatives who will retain control of their respective forces under the Incident Command System.
4. Designate a hazard area, define its limits, and establish other zones as needed.

5. Determine the need for public alerting, sheltering-in-place or evacuation and notify the appropriate law enforcement (agency) representative who will initiate actions.

6. Establish Functional Sections to support operations. Functional Sections may include:
   - Resources Unit (within the Planning Section)
   - Situation Unit (within the Planning Section)
   - Medical Unit
   - Communications Unit

B. Fire Service:

1. Fire Department.
   As the Lead Agency, the Senior Fire Officer present should take actions to implement the Incident Command System. Fire Department responsibilities may include the identification of materials, bringing fires under control, and the containment of spills. The fire department coordinates and notifies appropriate authorities to implement the safe removal of the product and may monitor the clean-up and decontamination of the site.

2. Rural Fire Services Coordinator.
   The position of Rural Fire Services Coordinator is currently pending, however, the fire districts understand the benefit of this position. Should the position be established in the future, the following procedures would be implemented:
   - If requested by the Incident Commander, or if conditions warrant, provide:
     - an on-scene Rural Fire Services Liaison.
     - act as the principal coordinator of the Shawnee County Mutual Aid Plan for Fire Services.
     - provide technical advice and assistance as required.

3. Hazardous Materials Response Team (HMRT):
   a. The HMRT will provide overall technical assistance in conjunction with the on-scene qualified industrial representative.
   b. The HMRT will identify the product, its potential hazards, and provide this information to the Incident Commander.
   c. The HMRT will make entry into the hot zone to control, contain and stop the leak and/or spill.
   d. HMRT operations and recovery will be conducted in accordance with appropriate State, Federal, and CERCLA regulations.
C. Law Enforcement.
Law Enforcement duties may include securing the immediate area at the scene of the incident, rerouting traffic, public alerting, evacuation and limiting access to the area to emergency personnel only. They will also investigate suspected intentional releases of hazardous materials.

D. Emergency Medical Service (EMS):
EMS will coordinate on-scene emergency and non-emergency medical care, treatment and transportation for victims of a hazardous materials incident. EMS will assure adequate resources are available for the rehabilitation and treatment of first responders operating at the incident. They will also ensure that mutual aid plans for both EMS and the hospitals are implemented.

A release of hazardous materials into the environment may cause multiple injuries and/or casualties. EMS may be needed to provide medical care to those injured and/or exposed, e.g. facility employees, emergency responders, the public. Furthermore, a hazardous materials incident may require mutual aid among Emergency Medical Service providers and hospitals.

1. EMS.
EMS is in charge of all patient care at the scene. Patient care decisions are the providence of the senior EMS official at the scene.

2. Senior EMS Official.
The emergency medical responsibilities of the Senior EMS official include the following:
• Coordination of EMS activities in accordance with EMS mutual aid plans.
• Coordination with the Incident Commander, EMS responders, area hospitals, and the Shawnee County Department of Public Health.
• Implementation of the Shawnee County Mass Casualty Incident (MCI) Plan, as appropriate.

3. Hospitals.
Hospitals shall provide primary medical care to persons who are injured and/or exposed to hazardous materials.

E. Shawnee County Department of Public Health:

1. The Shawnee County Department of Public Health shall serve as the Lead Agency for public health.
2. The Shawnee County Department of Public Health shall serve as the local representative of the Kansas Department of Health and shall notify the appropriate state agencies of those incidents that result in the exposure of hazardous materials to the public.

3. The Shawnee County Coroner & Medical Examiner shall provide for the management for the deceased.
F. Public Safety Communications (9-1-1) is responsible for, but not limited to, the following:

1. Functions as the community point-of-contact for persons reporting hazardous materials incidents to the LEPC Community Emergency Coordinator.

2. (On behalf of the Community Emergency Coordinator), Activate the dispatch/notification protocols for appropriate responders including notification to EM/EOC personnel as directed

3. Maintain communication with the Incident Commander.

4. Relay critical information to responders on their operating channels.

5. Maintain 9-1-1 communication services for the duration of the incident.

6. Upon request, support the scene with the mobile communications unit.

7. Support communication needs at the Command Post and the EOC.

8. Integrate communications for local, state, and federal agencies as necessary.

G. Community Emergency Coordinator:

1. Receives annual reports from reporting facilities, including hazardous chemical inventory information.

2. Receives emergency release notifications from facilities and/or transporters:
   • immediately after the release, and
   • in a written follow-up emergency notice.

3. Assists in making determinations necessary to implement the Plan.

H. Shawnee County Emergency Management Department:

1. Designates an on-scene liaison to facilitate response.

2. Keeps the County Commission Chair fully informed of all operations.

3. Supports emergency response forces at the Command Post.

4. Establishes an EOC in accordance with emergency plan protocols or by request of the Incident Commander and/or the County Commission Chair.

5. Coordinates staffing and functions of the EOC.

6. Collects, displays and disseminates information in the EOC.

7. Coordinates with the KDEM regarding support from State and Federal Agencies.
8. Coordinates support from private agencies and volunteer groups.

9. Directs Citizens Emergency Response Team (CERT) and other volunteer resources.

10. Upon request, responds to the scene with mobile communications capabilities

11. Support communication needs at the Command Post and the EOC.

12. Integrate communications for local, state, and federal agencies as necessary and publishes a 205 ICS form.

I. Shawnee County Emergency Operations Center (EOC).

EOC Mission – Depending upon the incident, other governmental agencies may be required to support containment, control and recovery. These requests could include: transportation, public works, equipment, specialized personnel, materials, and communications. The Incident Commander may request such support directly or via the EOC.

The EOC will coordinate:

• agencies within County government, the community and the private-sector
• Overall jurisdictional coordination on behalf of the County Commission Chair (upon K.S.A. 48-932 declaration)
• state and federal agency response

J. Public Information Officer (PIO):

1. Facilities and public agencies should develop media relations plans. Such plans should designate spokespersons who are available on 24-hour call, and who are prepared and authorized to discuss an emergency situation with the media.

2. The spokesperson designated to speak on behalf of the Incident Commander is the Public Information Officer.

3. The Public Information Officer should establish a Joint Information Center (JIC) where the media can obtain information.

   a. The Joint Information Center should be located in a safe and secure area.

   b. Allowing media representatives into the Command Post is not recommended, as it can be disruptive to the operation. However, cooperation with the media is essential to ensure that the public is informed of the situation and what precautions and/or protective actions are necessary.

4. As appropriate, the Public Information Officer, in conjunction with a facility spokesperson, should make joint media releases.

5. The Public Information Officer shall assist in coordinating media requests for information.
6. Facilities and public agencies shall not make media releases without coordination with, and approval from, the Public Information Officer.

K. Facility Operator/Transporter:

1. Representatives are responsible to report a hazardous materials release that is greater than the reportable quantity and/or conditions that could result in an incident that may affect personnel and/or the environment.

2. Implements the facility emergency response plan and provides supplies, trained personnel, and equipment to mitigate the emergency.

3. Provides management and technical support to the Incident Commander.

L. County Commission Chair:

1. Participate with the County EOC, which coordinates the efforts of volunteer agencies, state and federal authorities, public utilities and other support agencies during emergency response, and the recovery/re-entry phase.

2. Brief local officials about the nature of the emergency.

3. Coordinate with all PIO local spokespersons who are prepared and authorized to discuss the emergency with the media. The EOC PIO and the Incident Command Public Information Officer shall make joint news releases as appropriate and coordinate media requests for information.

4. Request state aid through EM if the emergency is beyond local capability.

5. Ongoing communications with and support to the Incident Commander for on-scene operations.

M. Kansas Capital Area Chapter of the American Red Cross.

Congress established the American Red Cross as the principal organization to undertake relief activities during time of disaster. Services of the Kansas Capital Area Chapter include:

- Identifying and staffing emergency shelters
- Providing food for victims and emergency workers
- Assisting with evacuation and distribution of emergency supplies
- Conducting a local damage assessment to provide support from regional and national Red Cross assets
- Lead Agency to coordinate volunteer relief agencies in disaster operations

N. Locally-Based Resources.

The Incident Commander may request support from other local government agencies as required to support the incident response and recovery, e.g. transportation, public works, specialized equipment and personnel, and materials.
O. State & Federal Agencies.

State and Federal laws may require the notification of other governmental agencies. Such notification is generally the responsibility of the facility/transporter responsible for the materials involved in the incident. Generally, the primary role of these agencies will be to assist the local emergency response agencies and ensure that the parties responsible for the incident provide adequate cleanup and decontamination. In most cases, State and/or Federal personnel will only be dispatched to the scene of major incidents.

IX. SUPPORT

At the basic level, emergency response operations are initiated with locally-based responders using local procedures and plans; however, any thoughtful planning must recognize the potential need for additional, outside, resources. Such planning must outline the basic processes/and established guidelines which govern the requesting, integration and management of such aid. In Kansas, there are essentially two major mechanisms in place which relate to acquiring outside resources: the emergency declaration process outlined in state statutes, and mutual aid policies established be either multilaterally by the state, or region, and unilateral agreements among various agencies.

A. Statutory Process: As referenced frequently in this plan, the process for counties making emergency declarations and acquiring State, Federal, and (to a large extent) Non-Governmental Organizations (NGOs) is contained in K.S.A. 48-932. The state declaration of emergency process and powers granted to the governor thereby are outlined in K.S.A. 48-924. Such emergency declarations empower both county and state officials to not only request outside resources, but also cover such issues as the ability to lease, sell, or loan state property to local governments and transfer personnel to assist in disaster response/recovery as well as authorizing counties to enter into contracts for acquisition of resources/support. (K.S.A. 48-914); the authority to accept services, gifts, grants and loans. (K.S.A. 48-916), and significant protections from liability during disaster operations. (K.S.A. 48-915). Should an incident rise to the level requiring a Federal (Presidential) emergency declaration, the authorities/processes defined in the Code of Federal Regulations (CFR) #44 would apply.

B. Mutual Aid Processes: The acquisition of support for levels of response which do not necessarily meet the level of local or state disaster/emergency declarations is generally accomplished through the activation of various types of mutual aid agreements. Basically, these agreements are governed either by governmental policy or by contractual agreements between/among jurisdictions/agencies.

a. Governmental Policy: Currently there are four basic policy documents which relate to mutual aid in Kansas:

i. K.S.A. 12-16, 117, which provides general authority to local entities to enter into intrastate mutual aid agreements and outlines some guidance regarding the content of such agreements;

ii. The Kansas Mutual Aid System (KMAS) established under K.S.A. 48-950 through 48-958. The purpose of this compact is to expand
the resources and provide assistance available to each of the participating political subdivisions, assist with planning, ensure more timely arrival of aid, minimize operational and administrative conflicts, resolve disputes, and facilitate the prompt recovery of costs. A participating political subdivision may request assistance of other participating political subdivisions in preventing, mitigating, responding to and recovering from disasters that result in locally-declared emergencies or in concert with authorized drills or exercises.

iii. KDEM Policy #0100108 which deals with state reimbursement policies regarding mutual aid deployments.

iv. The Emergency Management Assistance Compact (EMAC) which governs the sharing of state and local resources between states;

b. Contractual Mutual Aid Agreements: Regional Equipment (DHS Grant Funded) and personnel (Incident Management Teams) will respond via mutual aid for the first seven days of any emergency declaration in support of emergency operations in Shawnee County. Agreements and delegation of authority will be incident specific and may, or may not, dictate or involve expenses to Shawnee County.

X. SPECIAL REQUIREMENTS

A. The HAZMAT Plan.

As required by statute, The Local Emergency Planning Committee performs an annual review of the Plan. Comments, corrections or suggestions on any part of the Plan should be forwarded to:

Shawnee County Local Emergency Planning Committee
C/O Shawnee County Department of Emergency Management
200 SE 7th Street, SB-10
Topeka, KS 66603

SUMMARY OF DISTRIBUTION
1. Kansas CEPR
2. all plan stakeholders
3. the Shawnee County Board of Commissioners; and, the members of the LEPC

B. The Shawnee County Local Emergency Planning Committee.

The LEPC complies with structure and process mandates:
• The Committee carries membership categories required by statute.
• The Committee meets four times per year. Meeting dates, times and locations are available by contacting Shawnee County Emergency Management.
• The local news media are notified of LEPC meetings.
• Since the LEPC’s inception, many new environmental regulations have been passed into law. As environmental legislation has expanded, the LEPC’s role has also grown.
• Since the LEPC’s inception, many new environmental regulations have been passed into law. As environmental legislation has expanded, the LEPC’s role has also grown.

1. SARA Title III requires the LEPC to:
   • Maintain emergency plans and community right-to-know programs.
   • Improve preparedness through training and education.
   • Conduct exercises to test plans and procedures.
   • Receive emergency notifications and activate the Plan.
   • Receive and file SARA Title III reports.


3. The Clean Air Act Amendments of 1990 (including section 112r, Risk Management Planning), requires the LEPC to:
   • Improve coordination of facility and community emergency plans by information sharing.
   • Provide information for facility emergency response plans.
   • Provide information for facility Risk Management Plans.
   • Review plans for SARA Title III related issues.

4. The Occupational Safety and Health Act provides guidelines for the LEPC to:
   • Improve safety of emergency responders and facility workers through employer activities.
   • Provide guidance on response planning and training requirements.
   • Provide information for facility process safety plans.
   • Provide information for facility emergency response plans.

5. The Oil Pollution Act of 1990 requires the LEPC to:
   • Improve planning and response for oil and hazardous materials discharges to water.
   • Coordinate the local community Plan with facility plans.

6. The Pollution Prevention Act of 1990 requires the LEPC to:
   • Reduce risk by promoting source reduction and pollution prevention measures.

XI. GLOSSARY

Command Post.
The Command Post (CP) is the nucleus of the decision making process at any incident. There is only one CP for the incident. In a Unified Command Structure where several agencies or jurisdictions are involved, the responsible individuals designated by their respective agencies would be co-located at the CP. If needed, the planning and logistics functions are also performed at the CP.
Community Emergency Coordinator (CEC). The Community Emergency Coordinator for the Local Emergency Planning Committee (LEPC), is the Tier II coordinator and Flooding Response coordinator of the Shawnee County Department of Emergency Management.

Emergency Operations Center (EOC). An EOC is generally defined as a protected site, from which civil government officials (Municipal, County, State and Federal) issue warnings and exercise direction and control in an emergency.

Extremely Hazardous Substance (EHS). This is a list of substances available through EPA and set forth in Appendix D, and subsequent additions to 40 CFR Part 300 Appendix D and Appendix E.

Facility. (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located, at which an extremely hazardous substance is present in an amount in excess of the applicable threshold planning quantity; EXCEPT for the purposes of the release requirement for which “facility” means any of the items listed in (A) or (B) at which a hazardous chemical is produced, used or stored. The term does not include any consumer product in consumer use or any vessel.

Hazardous Substance. Any of those substances set forth or described in Appendix D as well as any subsequent addition to 40 CFR Part 302.

Incident Command System. An organized system which defines standard operating procedures and roles and responsibilities used to manage and direct emergency operations.

Joint Information Center (JIC). A JIC is a place which receives and processes information from the Command Post and/or the EOC, about the event for accurate and timely dissemination to the news media and the public. Media representatives report to the JNC for official information about the event.

Topeka Fire Department. This City Department coordinates, directs, equips, trains and manages the Topeka FD Hazardous Materials Response Team. The Hazardous Materials Team is deployed under this department per the emergency dispatch protocols and procedures.

Shawnee County Emergency Operations Plan. Shawnee County’s Emergency Operations Plan is a local disaster emergency plan developed and promulgated by the county’s disaster agency pursuant to K.S.A. 48-929, and amendments thereto which requires that: “In accordance with the standards and requirements for disaster emergency plans promulgated by the division of emergency
management, each county, city and interjurisdictional disaster agency shall prepare and keep current a disaster emergency plan for the area under its jurisdiction, which has been approved after examination and periodic review by the division of emergency management.

The County’s Incident Command System authorized by the Shawnee County Board of Commissioners, Resolution #165-2005 signed on 9/26/2005. Shawnee County is compliant with NIMS.

Department of Emergency Management (EM).

EM is the focal point of emergency management in Shawnee County for natural, technological and national security emergencies. EM develops, maintains and administers a comprehensive emergency management plan designed to save lives and protect property through preparedness, mitigation, response and recovery.

Perceptible Exposure.

Any release of a hazardous substance or extremely hazardous substance which is visible, produces a detectable odor or a distinctive taste, or impacts a human or environmental receptor physically, such as causing irritated eyes, itchy skin, damaged vegetation, chronic injury, etc.

Protective Actions.

Official direction to evacuate the area, or to shelter-in-place as precaution from harmful exposure.

Public Alerting.

A decisive action to notify the public and to direct them to take specific actions. A number of means can be used by public officials.

Public Information Officer.

This is the spokesperson for the event, who is responsible to develop information about the incident, and release information to the news media and other agencies after authorization from the Incident Commander.

Release.

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or containment), but excludes (a) any release which results in exposure to persons solely within a work place, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 170 of such Act, and (d) the normal application of fertilizer.
Reportable Quantity (RQ).
RQ is determined by EPA and set forth in Appendix C. For all other hazardous substances the Reportable Quantity (RQ) is one pound.

Safety Data Sheets (SDS).
Information sheet(s) about the chemical product including: emergency responder precautions, protective actions, emergency treatment, and the physical characteristics of the product among others.

Site.
Site means all contiguous property owned or leased by the owner or operator of the facility at which the release occurred, but does not include property across a public right of way.

State of Emergency.
In the event of a disaster, rioting, catastrophe or similar public emergency, or in the event of reasonable apprehension of immediate danger, and upon a finding by the Chair of the County Commission that the public safety is imperiled within the territorial limits of the county, he/she may proclaim a State of Emergency within any part or all of the territorial limits of the county. Following such proclamation, the Chair of the County Commission may promulgate local emergency orders to protect life and property or to bring the emergency situation under control (reference K.S.A. 48-932).

Threshold Planning Quantity (TPQ).
The amount set forth for each extremely hazardous substance in Appendix D.

Unified Command.
A method for all agencies or individuals who have a jurisdictional responsibility, and in some cases for those who have functional responsibility at the incident, to contribute to:
- determining overall objectives for a safe resolution of the incident;
- selecting a strategy to achieve these objectives; and,
- ensuring the maximum effective use of all resources.

XII. APPENDICES

Appendix A. Reporting Facilities
Appendix B. (Sample) Incident Reporting Form
Appendix C. List of Extremely Hazardous Substances
Appendix D. LEPC By-Laws
Appendix E. Requesting a Regional HazMat Response Team
Appendix F. KDHE’s Brownfields and Orphan Sites Program
Appendix A

Reporting Facilities
NOTE: For security purposes, the list of Reporting Facilities is not included with the Plan, but is maintained by Shawnee County Emergency Management. Freedom of Information Requests should be addressed to:
Shawnee County Clerk
200 SE 7th Street, Room 107
Topeka, KS 66603-3971
Telephone: 785-251-4155
FAX: 785-291-4912

Appendix B

(SAMPLE) INCIDENT REPORTING
1. Caller’s Name
2. Call Date
3. Affiliation Time
4. Telephone Ref. #
5. Material Released EHS
6. CAS# CERCLA
7. Amount Released lb./gal
8. Date of Release
9. Time Duration: hrs. min
10. Release Medium: (circle) air water land
11. Weather Conditions
12. Location of Release: (St/Bldg. #)(City/County)
13. Facility (name and address)
14. EMERGENCY CONTACT (name and telephone #)
15. Incident Description
16. Health Risks
17. Precautions
15. Additional Notifications made (include contact time):
   Persons Names
   Local Fire Department
   Time
   Community Emergency Coordinator
   State of Kansas Spill and All Hazard Notification System
   Federal National Response Center
16. Remarks, etc.
17. Form A completed by (signature and title)

Appendix C

List of Extremely Hazardous Substances

A. Available by telephone
The most current edition is available from the Federal Environmental Protection Agency’s “Emergency Planning and Community Right-to-Know HOTLINE”:
1-800-424-9346 (Monday - Thursday, 10:00 a.m. – 3:00 p.m.)
Ask for Document EPA 550-B-01-003 (October 2012)

B. Available electronically: see website below:

This is the information at the website:

**LIST OF LISTS**
Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act

This consolidated chemical list includes chemicals subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and section 112(r) of the Clean Air Act (CAA). This consolidated list does not include all hazardous chemicals subject to the reporting requirements in EPCRA sections 311 and 312, for which material safety data sheets (MSDS/SDS) must be developed under the Hazard Communication Standard (29 CFR1910.1200). These hazardous chemicals are identified by broad criteria, rather than by enumeration. There are over 500,000 products that satisfy the criteria. See 40 CFR Part 370 for more information.

**Appendix D:**

**BYLAWS OF THE LOCAL EMERGENCY PLANNING COMMITTEE FOR SHAWNEE COUNTY, KANSAS**

WHEREAS, the Superfund Amendments and Reauthorization Act of 1986 ("SARA") was enacted by Congress into Law on October 17, 1986, and contains Title III: The Emergency Planning and Community Right-to-Know Act of 1986; and
WHEREAS, Title III establishes requirements that federal, state, and local governments and industry must implement regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals; and
WHEREAS, pursuant to Title III, the state commission designated Shawnee County a local emergency planning district and has appointed a local emergency planning committee for Shawnee County, composed of citizens, community officials and other persons representing various agencies, interests and disciplines. This committee has been named the Local Emergency Planning Committee for Shawnee County (the "LEPC"); and
WHEREAS, the Local Emergency Planning Committee has been charged by law to fulfill certain organizational and functional requirements;
NOW, THEREFORE, the Local Emergency Planning Committee of Topeka and Shawnee County, Kansas has adopted these Bylaws to govern its operations:

ARTICLE I — ORGANIZATION

SECTION 1. NAME OF ORGANIZATION. The name of the Organization shall be the "Local Emergency Planning Committee for Shawnee County, Kansas."

SECTION 2. LEGAL STATUS. The LEPC shall operate as a quasi-state governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines, ordinances, and resolutions.

SECTION 3. MAILING ADDRESS AND TELEPHONE NUMBER. The official mailing address and telephone number of the LEPC shall be:
Local Emergency Planning Committee for Shawnee County
Department of Emergency Management
200 SE 7th Street, Room SB10
Topeka, Kansas 66603 (785) 251-4150

SECTION 4. FEES. Reasonable fees may be collected for information provided or services rendered by the Committee. The fees collected shall be as established or recommended by local, state, or federal law, regulation, guideline, or ordinance. In the absence of a recommended or required fee, the fee shall be determined by the Chairperson based on the cost of providing the information or service.

SECTION 5. MINUTES OF COMMITTEE MEETINGS. Minutes of all of the meetings of the Committee shall be kept in an electronic format, which shall be maintained for such purpose. Minutes shall include, but not be limited to, a record of all votes of the Committee, a record of attendance at meetings, and a summary of Committee discussions. A draft of the minutes of each meeting shall be provided to each committee member subsequent to each Committee meeting.

SECTION 6. AGENDA FOR COMMITTEE MEETINGS. An agenda of each Committee meeting shall be provided to each Committee member prior to each Committee meeting. The agenda for the next meeting may be mailed or e-mailed to each Committee member at the same time as the draft minutes of the last meeting. Agendas shall be sent to Committee members, the media, the Board of Shawnee County Commissioners, and any party requesting a copy of the agenda in writing. Notification shall be at least five (5) days prior to meetings in writing.

SECTION 7. PUBLIC NOTIFICATION. Notice for upcoming meetings shall be provided at least five (5) days prior to the meeting to the local media.

ARTICLE II - MEMBERSHIP

SECTION 1. MEMBERSHIP. The membership categories of the Committee shall consist of elected officials, law enforcement, firefighting, emergency management, public health, hospital, emergency medical services, transportation officials, broadcast/print media, local environmental group representative, community group representative, facility owner/operators, two members-at-large, and an information coordinator.

SECTION 2. SUBSTITUTE REPRESENTATIVES. If a Committee member will be unable to attend a Committee meeting, a substitute representative may attend for that member. The absent Committee member shall send a notice of proxy to the Chairperson at least 24 hours in advance of the meeting. This notice should be written but can be in the form of an electronic mail message. The substitute representative may take part in discussion of the Committee on behalf of the absent Committee member and shall be allowed to move, second or vote on any matters before the Committee. Further, the substitute representative’s attendance shall be counted as a present member when it is determined
whether a quorum is in attendance or an attendance for the member of the Committee for whom the representative is attending.

SECTION 3. FILLING VACANCIES AND ADDING NEW MEMBERS. Should vacancies occur on the Committee, they may be filled by persons recommended to the Commission on Emergency Planning and Response.

SECTION 4. NUMBER OF MEMBERS: NOMINATION AND APPOINTMENT. The Committee shall consist of a minimum of fifteen (15) members. Replacements for assigned members may be approved at any meeting or they may be replaced at the time of resignation and approved if the Committee number drops below fifteen (15) or if the Committee lacks a representative from the areas enumerated in Article II, Section 1.

ARTICLE III - OFFICERS

SECTION 1. OFFICERS. The officers of the Committee shall be a Chairperson, Vice-Chairperson, and Secretary.

SECTION 2. CHAIRPERSON. The Chairperson shall preside at all meetings of the Committee, be responsible for preserving order and decorum, and submit recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Committee. Except as otherwise authorized by these bylaws or by resolution of the Committee, the Chairperson shall have authority to sign official documents, and to establish and collect fees. The Chairperson shall also aid the Secretary in preparing and insuring that an agenda of each Committee meeting is mailed or delivered as provided by Article I, Section 7.

SECTION 3. VICE-CHAIRPERSON. The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Committee shall elect a new Chairperson. The Vice-Chairperson shall have the authority to sign official documents of the Committee or establish fees to be collected by the Committee pursuant to authority delegated by the Chairperson. The Vice-Chairperson shall insure that any information gathered by the Committee or submitted pursuant to requirements established by the Committee is stored at the Office of Emergency Management, at the address provided in Article I, Section 3.

SECTION 4. SECRETARY. The Secretary shall ensure that accurate minutes of the meetings of the Committee are kept and distributed in the manner prescribed by Article I, Section 6. The Secretary will aid the Chairperson upon request in preparing the agenda for the next meeting and ensuring both the agenda and a draft copy of the previous meeting’s minutes are distributed to all committee members prior to the next meeting.

SECTION 5. ELECTION. The officers shall be elected once each year from among the members of the Committee and shall hold office from the meeting at which they are elected for a period of two years, or until their successors are elected and qualified. The officers may be reelected and serve successive terms.

SECTION 6. VACANCIES. Should the office of Chairperson, Vice-Chairperson or Secretary become vacant, the Committee shall elect a successor from its membership at the next meeting and such election shall be for the unexpired term of said office.

SECTION 7. INFORMATION COORDINATOR. The LEPC will appoint an Information Coordinator. The Coordinator shall process requests from the public for information under Section 324 (Right-to-Know), including Tier II information under Section 312. Additionally, the Coordinator shall assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees and the LEPC.
SECTION 8. ADDITIONAL PERSONNEL. Should funds ever be appropriated to the Committee for this purpose, or for the general use of the Committee, the Committee may employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by federal, state, and local laws, rules, regulations, or guidelines. The selection and compensation of such personnel shall be determined by the Committee subject to any applicable laws.

ARTICLE IV - MEETINGS

SECTION 1. ELECTION OF OFFICERS MEETING. The meeting at which Officers of the Committee are elected shall be the first meeting held after January 1 of each odd numbered year. Nominations and election of officers shall take place at the meeting, and shall occur in the following order: 1) re-nomination; 2) nomination; and 3) election. Official Committee members are eligible to hold office and are eligible to vote.

SECTION 2. SPECIAL MEETINGS. Regular meetings of the Committee shall be subject to the call of the Chairperson. At least fourteen (14) days’ notice of the meeting shall be provided to all Committee members. The written notice of the regular meeting may be mailed, e-mailed or delivered. The news media shall be informed of meeting dates, times and places.

SECTION 3. SPECIAL MEETINGS. The Chairperson of the Committee may, when it is deemed expedient, and shall, upon the written request of at least two (2) members of the Committee, call a meeting of the Committee for the purpose of transacting any business of the Committee. The purpose of the meeting shall be set forth in the call of the meeting and the call may be mailed, e-mailed or delivered to each Committee member and the news media at the address provided to the Committee at least two (2) days prior to such meeting. At the special meeting no business shall be considered other than as designated in the call; however, if all of the members of the Committee are present at a special meeting, any item of business may be transacted if the members of the Committee vote unanimously to transact said business.

SECTION 4. FREQUENCY OF REGULAR AND SPECIAL MEETINGS. There shall be sufficient meetings to accomplish the assigned tasks but at least one (1) regular meeting each year.

SECTION 5. QUORUM. The powers of the Committee shall be vested in the Committee. Thirty percent (30%) of the total membership of the Committee shall constitute a quorum for the purpose of opening a meeting. At a meeting, action may be taken pursuant to an affirmative vote of a majority of all those present, unless a majority of those present is less than the number required for a quorum.

SECTION 6. ORDER OF BUSINESS. At meetings of the Committee, the following shall be the order of business:

1. Roll call;
2. Reading and approval of minutes of previous meeting;
4. Reports of subcommittees;
5. Presentations by members of the public;
6. Unfinished business;
7. New business; and
8. Adjournment.

SECTION 7. MANNER OF VOTING. The voting on all questions coming before the Committee shall be yea or nay, or a show of hands, unless action is taken for a roll call vote on a particular matter. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meetings.
SECTION 8. MANNER OF CONDUCTING MEETINGS. No standard rules of procedure shall be required unless adopted by a unanimous vote of a quorum of the Committee members. The meetings shall be conducted with order and decorum. The Committee shall follow the procedure determined appropriate by the Chairperson of the Committee, which may include the following:

1. No person shall speak unless first recognized by the Chairperson.
2. Debate on a matter shall be closed by a motion and second to bring the matter to a vote; and
3. Any member of the Committee may make or second a motion.

SECTION 9. PARTICIPATION BY MEMBERS OF THE PUBLIC. Members of the public are encouraged to attend all regular and special meetings of the Committee. An opportunity will be provided at each meeting for members of the public to address the Committee on matters relating to local emergency preparedness. A member of the public who desires to address the Committee may mail a written notice of intent to appear to the Chairperson at the address found in Article I, Section 3 and then sign in with the Vice-Chairperson at the time and place of the meeting before the meeting begins. Members of the public who appear at the meeting and who wish to address the Committee will be allowed to do so without a prior written notice of intent to appear; however, they will be required to wait until after any members of the public who have provided written notice of intent to appear have spoken. Members of the public are also encouraged to provide written opinions and information to the Committee by mailing written materials the Chairperson.

Members of the public include, but are not limited to any citizens, industry representatives, experts, expert witnesses, or governmental entity representatives who are not members of the LEPC.

ARTICLE V - SUBCOMMITTEES

SECTION 1. The LEPC may create such subcommittees as shall be necessary for the effective and efficient operation of the organization. Subcommittees shall tend to such business as is charged to them by the LEPC, and shall report back to the LEPC at each scheduled meeting. In no event shall such subcommittees conduct any business or take any action, which by law or other regulation is delegated, solely to the LEPC.

SECTION 2. The following standing subcommittees are created:

1. Executive Committee. The Executive Committee shall be composed of the Chairperson, Vice-Chairperson, Secretary, and County Emergency Manager.
2. Planning.
3. Policy.
4. Public Information.
5. Training and Exercise.

ARTICLE VI - DUTIES

SECTION 1. The LEPC shall fulfill the duties set forth in the enabling legislation, including the Emergency Planning and Community Right-to-Know Act of 1986, found at 42 U.S.C. 11001 and following, as amended, the Kansas Emergency Planning and Community Right-to-Know Act, K.S.A. 65-5701 and following, as amended, and such other laws or regulations as shall hereafter become applicable. Such duties shall include:

1. Appointing a Chairperson for the LEPC;
2. Establishing rules to govern activities. Rules shall include: provision for public notification of LEPC activities; public comments; response to comments by the LEPC;
3. Establishing procedures for receiving and processing requests for information under Section 324, including Tier II information under Section 312, including designation of an official to serve as a coordinator for information;
4. Reviewing the Shawnee County Emergency Operations Plan, Emergency Support Function 10, Hazardous Materials annex at least once a year (or more frequently as changed community or facility circumstances dictate) to assure compliance with the following minimum requirements:
   a) Identification of facilities within the LEPC's planning district that are required to comply with the reporting and planning requirements;
   b) Identification of routes likely to be used for transportation of extremely hazardous substances listed in Section 302(a);
   c) Identification of additional facilities contributing or subjected to additional risk due to their proximity to covered facilities, such as hospitals or natural gas facilities;
   d) Identification of methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to releases of covered substances;
   e) Designation of a county hazardous materials coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan;
   f) Identification of procedures providing for the reliable, effective, and timely notification by the facility emergency coordinator and the county hazardous materials coordinator to persons designated in the emergency plan, and to the public, that a release has occurred;
   g) Identification of methods for determining the occurrence of a hazardous material release, and the area or population likely to be affected by such release;
   h) A description of emergency equipment and facilities in the community and at each covered facility in the community, and an identification of the persons responsible for such equipment and facilities;
   i) Evacuation plans, including provision for a precautionary evacuation and alternative traffic routes;
   j) Training programs, including schedules for training of local emergency response and medical personnel; and
   k) Methods and schedules for exercising emergency plans.
5. Submitting the county hazardous materials plan to the Commission on Emergency Planning and Response for annual review;
6. Evaluating the need for resources necessary to develop, implement and exercise emergency plans, and make recommendations regarding additional resources that may be required and the means for providing such resources;
7. Requesting and receiving safety data sheets from the owners or operators of covered facilities, and making such information available when requested;
8. Requesting and receiving emergency and hazardous chemical inventory forms from covered facilities and provide such information to the public, state and local officials;
9. Annually publishing a notice in local newspapers that the emergency response plan, material safety data sheets and inventory sheets have been submitted as required, that follow-up notices may be subsequently issued, and that information is available to the public;
10. If necessary, commencing legal proceedings against facilities for failure to submit required information; performing duties assigned by the Commission on Emergency Planning and Response, established by rules and regulations established pursuant to the state Emergency Planning and Community Right-to-Know Act, and other duties as deemed necessary by the LEPC to achieve its purposes;

ARTICLE VII — MISCELLANEOUS PROVISIONS

SECTION 1. AMENDMENTS TO BYLAWS. The bylaws of the Committee may be amended by an affirmative vote of fifty-one percent (51%) of the total membership of the Committee. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and read at the meeting at which the proposed amendment is voted upon.

SECTION 2. FILING OF BYLAWS AND AMENDMENTS TO BYLAWS. A copy of the bylaws and any amendments to the bylaws shall be provided to: the Board of County Commissioners of the County of Shawnee, Kansas, the Commission on Emergency Planning and Response, and any person who requests a copy.

Appendix E

Requesting a Regional HazMat Response Team

NOTE: The phone number listed below is for emergency use and should be limited to requesting activation of a regional response team or consultation on possible activation. Haz-Mat Hotline: 1-866-KHAZMAT (1-866-542-9628)

This number rings at the Kansas Highway Patrol dispatch center and is handled as a HazMat hotline. You will be asked to provide your name, phone number, and any pertinent incident information. The dispatcher will forward the information to either the Emergency Response Division Chief or the HazMat Training Coordinator. You will be contacted ASAP regarding your request.

Appendix F

Kansas Department of Health and Environment’s Brownfield and Orphan Site Program

The Brownfields and Orphan Sites Unit was created to promote the redevelopment of environmentally contaminated property in the State of Kansas through assessment and cleanup. The Unit consists of two programs, the Orphan Sites Program, and the Kansas Brownfields Program.

Kansas Brownfields Program

The Kansas Brownfields Program provides funding and technical assistance in assessing properties that may be or are perceived to be contaminated. The program works with local units of government, land clearance authorities, regional councils, redevelopment agencies, tribal organizations, not-for-profit organizations, and other quasi-governmental agencies across the state to identify and assess these properties in order to clear them for redevelopment. The Brownfields Program is funded through a federal Environmental Protection Agency grant.
Orphan Sites Program

In a state funded response, KDHE commits resources from the State Water Program (State Water Resources Planning Act (K.S.A. 82a-901 et seq.)) to take the lead in investigating and cleaning up contaminated sites. These are sites where there is known or suspected contamination that is causing a threat to human health or the environment; and where a responsible party is not cleaning up contamination because the responsible party is unknown, the department has not demonstrated the responsible party's responsibility, the responsible party does not acknowledge responsibility, or the responsible party is unable or unwilling to proceed. These guidelines are based on the "Water Pollution Remediation" policy which "require[s] the State to initiate remedial procedures when a responsible party is unknown or cannot or will not undertake the necessary action." The policy also requires the State to pursue cost recovery actions against a responsible party for assessment and cleanup work taken by KDHE.

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