



## Emergency Support Function 10 Oil and Hazardous Materials Response

### Coordinating Agency

West Virginia State Fire Marshal (WVSFM)

### Primary Agency

West Virginia Department of Environmental  
Protection (WVDEP)

### Support Agencies and Organizations

West Virginia Department of Transportation  
(WVDOT)

West Virginia Department of Health and  
Human Resources (WVDHHR)

West Virginia Division of Homeland  
Security and Emergency Management  
(WVDHSEM)

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### Purpose

ESF 10 provides guidance and support during a response to a hazardous materials (HAZMAT) incident and provides guidance for the protection of the citizens and the environment.

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### Scope

A. ESF 10 provides a coordinated response to an actual or potential discharge and/or uncontrolled release of oil or other hazardous materials. The federal government has concurrent jurisdiction and may respond to oil and hazardous materials incidents using the mechanisms of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (found at 40 CFR 300, et. seq.) without activating ESF 10. Federal authority stems from the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA) and authorities granted by the federal government.

B. Hazardous materials are defined as: substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored or disposed of, which may include materials which are solid, liquid, or gas.

C. Hazardous materials may include toxic substances, flammable and ignitable materials, explosives, corrosive materials, chemical and biological substances, and radioactive materials.

D. This includes those substances or materials in a form or quantity, that may pose an unreasonable risk to health, safety, or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order.

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## **Policies**

**A.** All departments and agencies assigned responsibilities within ESF 10 will develop and maintain the necessary plans and standard operating procedures needed to accomplish their tasks.

**B.** The WVDEP has developed an interim guidance document as an aid to help the regulated community comply with the Aboveground Storage Tank Act's requirements for submittal of Spill Prevention Response Plan pursuant to W.Va. Code § 22-30-9. Subsequent Spill Prevention Response Plans will be required to comply fully with legislative rules promulgated by the Secretary.

**C.** When the incident has federal involvement all actions will be guided by the NCP as well. The NCP requires that all releases of oil and hazardous substances under federal jurisdiction be reported to the National Response Center (NRC).

**D.** The NCP is an operational supplement to the National Response Framework (NRF). It provides more detailed information regarding the roles and responsibilities, organizational structures, and procedures described in FEMA ESF 10.

**E.** The NCP is authorized by the CERCLA and the Federal Water Pollution Control Act (FWPCA) as amended by section 311 of the Clean Water Act and the Oil Pollution Act of 1990 (OPA 90).

**F.** The WVDHSEM Watch Center, the West Virginia State Emergency Operations Center (WVSEOC), when activated, and the NRC will maintain a close working relationship with the FEMA Region III Watch Center and mutually coordinate all reports of oil and hazardous materials/hazardous substances releases made to either entity.

**G.** Response actions will be coordinated with and consistent with those described as an Emergency by the National Response System (NRS). The NRS is a network of agencies, programs, and resources with responsibilities in oil and hazardous materials response.

**H.** When there is federal presence at the scene of an actual or potential release of oil or hazardous material/substance the State SOSC (State On Scene Coordinator) will coordinate with the Federal On-scene Coordinator (FOSC). Both the SOSC and the FOSC will coordinate their activities through ESF 10.

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## **Organizational Structure**

**A.** ESF 10 coordinates the responsibilities among state supporting agencies, local jurisdictions and on site responders including the federal response and the National Guard Civil Support Team (CST) and the Chemical, Biological, Nuclear and high-yield Explosive Enhanced Response Force Package (CERFP).

**B.** At the site of any incident, the senior enforcement official from WVDEP will appoint a SOSC having the authority to initiate all state response actions needed to assist local jurisdictions.

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## **Concept of Operations**

### **A. General**

1. Our complex, technological society is dependent on many substances used in our manufacturing processes. These substances, as classified by the federal Department of Transportation (DOT) and EPA, are referred to as hazardous materials.
2. Used in a controlled, safe manner, millions of gallons/pounds of these substances are handled daily. It is when these substances escape their controlled condition and the product is released, causing an impingement on the environment that a HAZMAT incident occurs.
3. Hazardous materials can do serious damage to the environment and its inhabitants. There may be complex reactions that can take place when an attempt is made to remediate an incident. This requires that HAZMAT incidents be approached as an "integrated and coordinated response" operation. A combined response can be defined as a response incorporating many informational and equipment/staffing sources, including both governmental and private entities.
4. The dangers involved in attempting to bring a HAZMAT incident to an end without adequate training, equipment and logistical support are numerous. A jurisdiction unable to support an adequate program needs to investigate such options as mutual aid with other jurisdictions or private industry.
5. Identifying HAZMAT teams' capabilities by conducting assessments should be a priority so as to benchmark local and state response capabilities.
6. Evacuation or shelter-in-place decisions for HAZMAT incidents are to be made by local authorities. The assistance of relevant State or Federal organizations may be sought on an as-needed basis.
7. The State of West Virginia has created six (6) Hazardous Materials Regional Response Regions, with numerous Regional Response Teams. These teams are placed geographically and correspond with the WVSP areas of response.

**B. Phases of Management**

**1. Awareness**

- a. Situational awareness requires an understanding of the vulnerability to HAZMAT incidents.

**2. Prevention**

- a. Responsibility for starting and coordinating prevention activities lays with the county Emergency Services Director, in coordination with hazardous materials facilities and transporters. The Local Emergency Planning Committee (LEPC) can assist the local Emergency Services Director in these efforts.

**3. Preparedness**

- a. Preparedness responsibility must be split among State lead and support agencies.
- b. The required preparation of a local HAZMAT response plan is a vital step in the preparedness phase.
- c. All emergency responders involved in a HAZMAT response need to meet minimum HAZMAT qualifications as defined by the Occupational Safety and Health Administration (OSHA). Those levels and qualifications are:
  - 1) Awareness Level: First responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further actions beyond notifying the authorities of the release.
  - 2) Operations Level: First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.
  - 3) Technician Level: Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role

than a first responder at the operations level in that they will approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance.

4) Specialist Level: Hazardous materials specialists are individuals who respond with, and provide support to, hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, State, local and other government authorities in regards to site activities.

d. Each local government is to determine the level of HAZMAT response for their respective jurisdiction.

#### **4. Response**

a. A jurisdiction's response varies due to the decisions made in the preparedness phase.

b. Overall coordination of a situation is exercised by the county Emergency Services Director, on the authority of the County Commission; as long as the incident remains at a local level.

c. A request for the HAZMAT Regional Response Team and WVDEP Emergency Response Unit is made through the WVSEOC when the determination is made that the event is beyond the local level capabilities.

#### **5. Recovery**

a. The recovery phase is a continuation of the response phase for as long as it is deemed necessary by the county Emergency Services Director or other governmental/private authorities as identified in local Command and Management documents.

b. The recovery phase can be very lengthy, depending on the environmental impingement and damage. This phase can involve private industry and higher governmental agencies such as West Virginia Division of Homeland Security and Emergency Management (WVDHSEM), West Virginia Department of Environmental Protection (WVDEP), West Virginia Department of Transportation (WVDOT), West Virginia Department of Health and Human Resources (WVDHHR), West Virginia State Fire Marshal's Office (WVSFM), and West Virginia Regional Response Team (WVRRT) and the West Virginia National Guard (WVNG). Authority in

this phase can be placed in the hands of private concerns, county government, state agencies and/or federal agencies.

c. Recovery costs are the responsibility of the owner and/or responsible party of the hazardous materials event.

### Agency Responsibilities Matrix

| Supporting Agency                                                    | Acronym | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| West Virginia Department of Military Affairs and Public Safety       | WVDMAPS | <ul style="list-style-type: none"> <li>• Training and equipment standards and enforcement related to fire department preparation for HAZMAT response at the local level (WVSFM)</li> <li>• Coordinate requests for WVDEP and USEPA through the WVSEOC</li> <li>• Responsible for traffic control points for hazardous materials transportation incidents and for security/traffic for fixed facilities incident</li> </ul>                                  |
| West Virginia Department of Environmental Protection                 | WVDEP   | <ul style="list-style-type: none"> <li>• Provide technical and specialized personnel for hazardous materials incidents</li> <li>• Provide an Emergency Response Unit(s) to work in coordination with local and state hazardous materials units</li> </ul>                                                                                                                                                                                                   |
| West Virginia Department of Transportation                           | WVDOT   | <ul style="list-style-type: none"> <li>• Responsible for keeping access to highways free and clear to keep transportation flowing freely</li> <li>• Responsible for assessing damage to highways/roadways due to hazardous materials incidents</li> </ul>                                                                                                                                                                                                   |
| West Virginia Department of Health and Human Resources               | WVDHHR  | <ul style="list-style-type: none"> <li>• Provide advice/guidance regarding the threat to human health posed by the release of the hazardous materials and recommend protective action measures</li> </ul>                                                                                                                                                                                                                                                   |
| West Virginia Public Service Commission                              | WVPSC   | <ul style="list-style-type: none"> <li>• Responsible for assisting and advising the WVSFM on available intrastate “for hire” transportation resources.</li> <li>• Provide supplemental law enforcement</li> </ul>                                                                                                                                                                                                                                           |
| West Virginia Division of Homeland Security and Emergency Management |         | <ul style="list-style-type: none"> <li>• Reviews requests for the WV Regional Response Team (WVRRT)</li> <li>• Approve or deny requests for the WVRRT</li> <li>• Responsible for the coordination and training of six (6) Hazardous Material Regional Response Teams. These teams are geographically placed and correspond with the WVSP response areas</li> <li>• Provide initial sampling and analysis</li> <li>• Provide mass decontamination</li> </ul> |

## **Authorities & References**

### *Authorities*

State of West Virginia Emergency Services and Disaster Laws

WV Code §15-1

WV Code §15-1B

WV Code §15-5

WV Code §15-5A

WV Code §15-16

WV Code §22

WV Code §29-3

WV Code §29-3A

### *References*

State of West Virginia Emergency Operations Plan – Basic Plan

West Virginia State Emergency Operations Center (SEOC) Standard Operating Procedures

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended

Superfund Amendments and Reauthorization Act of 1986

Homeland Security Presidential Directive # 5, “Management of Domestic Incidents”

Homeland Security Presidential Directive # 7, “Critical Infrastructure Identification, Prioritization, and Protection”

Presidential Policy Directive #8, “National Preparedness

Update of Hazardous Materials Emergency Planning Guide (NRT1)

Criteria for Review of Hazardous Materials Emergency Plans (NRT1a)

Occupational Safety and Health Administration 29CFR 1910.120

*EMAP Standards*

4.4.3 - (17) Hazardous Materials

**RECORD OF CHANGES**

| <b>CHANGE<br/>NUMBER</b> | <b>DATE OF<br/>CHANGE</b> | <b>PAGE/CHANGE</b>                                                | <b>CHANGE MADE BY<br/>(SIGNATURE)</b> |
|--------------------------|---------------------------|-------------------------------------------------------------------|---------------------------------------|
| 1                        | 5/1/2017                  | ESF 10-8, (Record of Changes Added)                               |                                       |
| 2                        | 5/1/2017                  | ESF 10-8, EMAP Standard Added, (4.4.3 - (17) Hazardous Materials) |                                       |
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