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# Hazardous Substances Emergency Response Cost Recovery Information

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Field Services Division/Environmental Services Program fact sheet

12/2008

Local fire departments and hazardous materials teams often respond to events involving the release of a hazardous substance. This fact sheet is intended to assist local hazardous substance emergency responding agencies recover cleanup costs in accordance with sections 260.500 through 260.550, Revised Statutes of Missouri, sometimes referred to as the “Spill Bill.”

## Missouri Statute

RSMo Chapter 260 can be found in its entirety at the following Web address: <http://www.moga.mo.gov/statutes/chapters/chap260.htm>. For your convenience, Chapter 260.500-550 can be found in portable document format (pdf) on the Environmental Services Program home page at <http://www.dnr.mo.gov/env/esp/spillbill.htm>.

## Changes to the Statute as of August 2008

During the 2008 legislative session, Senate Bill 931 was passed, resulting in the following changes to section 260.546, effective Aug. 28, 2008.

- Addition of language which makes the spiller liable for reasonable and “necessary” costs incurred by responders while securing or cleaning up any hazardous substance.
- Addition of a 60-day time limit for responders to submit an itemized statement of costs to the spiller.
- Addition of language, which directs the statement of cost shall include explanations of why the costs are reasonable and necessary; are not duplicative; did not include costs of services normally provided and/or may have included contracted services costs.
- Addition of a “best practices” clause for the initial response and assessment.
- Addition of language placing the burden of proof on the responding agencies to justify the costs of the response.

## **Recommended Procedure For Billing:**

The following steps should be followed when trying to recover costs incurred while handling a hazardous substance release. Remember that the billing is to recover **actual** costs while trying to clean-up/mitigate the release of the hazardous substance. Its purpose is not to acquire new equipment that may be used by the agency for future responses or replace exhausted equipment. An attached price guide has been provided by a committee comprised of Division of Fire Safety, Department of Natural Resources, and local response agencies across Missouri.

### Step 1

Ensure that the release has been reported to the DNR 24-hour spill line (573-634-2436). This will help document the release and can assist with consistency in response details.

### Step 2

Keep good documentation of the activities at the site and who performed various duties (using ICS forms and submitting them will help document the response). Include photos of any damaged equipment. If any gear needed to be cleaned or replaced submit documentation (including photos) of the cleaning and pricing.

### Step 3

An itemized, detailed bill (see attached example invoice) should be sent via certified mail, with a return receipt requested, to the person having control of the hazardous substance (owner, responsible party, etc.). If equipment was destroyed and compensation is being sought, explain how and why it was lost, including information as to how the replacement cost was determined. This bill should include copies of all bills for any assistance that was required from other departments as defined in the statute. It should be noted that the person having control of the hazardous substance can contest the billing if done in accordance with the law.

### Step 4

If payment is not received within 30 days, resubmit the detailed billing via certified mail, with a return receipt requested, along with a copy of the Chapter 260.500-260.550 (or at least Section 260.546). It is important to outline the part of the law that states, "Full payment shall be made within 30 days of receipt of the cost statement." Also, it would be advisable to note to them that "John Doe" signed for the initial statement, which was sent earlier.

### Step 5

If the second step is unsuccessful at recovering costs incurred, your agency will need to seek legal counsel (city attorney, county prosecutor, etc.) to assist with the cost recovery.

### Step 6

Send one invoice for all agencies involved. This invoice should be sent by the lead agency responsible for the incident with jurisdictional authority.

## **Appeal of Emergency Expenses**

If the person having control over the hazardous substance elects to contest the payment of such costs, such person shall file an appeal with the director of the Missouri Department of Natural Resources within thirty days of receipt of the cost statement. If a billing is contested, it is important that the agency trying to collect incurred costs has submitted an itemized, detailed bill. This itemized detailed bill and proper supporting documentation (narrative incident summary,

final reports, invoices, receipts, etc.) will help the director in resolving the appeal in a timely manner. Per Section 260.546 “The burden of proof shall be on the political subdivision or volunteer fire protection district to document and justify such costs allowed under subsection 1 of this section.”

Questions about cost recovery may be directed to the department’s Environmental Services Program at (573) 526-3315.

## **Other Sources of Financial Assistance**

### **Fire Association Billing**

Missouri State law section 320.302 allows non-tax supported fire departments that respond to emergencies of nonmembers or non-subscribers to charge a fee. The amount may be up to \$100 for responding to the emergency and \$500 for each hour or a proportional sum for each quarter hour spent providing emergency services.

### **Local Government Reimbursement**

The U.S. Environmental Protection Agency (EPA) has a program designed to reimburse local governments that have been affected by costs beyond those routinely incurred when dealing with a hazardous substance release. The Local Governments Reimbursement Program (LGR) is found under federal regulations at 40 CFR Part 310, which defines a hazardous substance in section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Only emergencies involving CERCLA compounds will be eligible for compensation using the LGR program. This does not include petroleum, crude oil or any fraction thereof.

The LGR program will reimburse local governments for expenses incurred in carrying out temporary emergency measures. These measures must be necessary to prevent or mitigate injury to human health or the environment associated with the release of any hazardous substance, pollutant or contaminant. The financial relief is limited to \$25,000 per single response. To obtain more information about the LGR program or to receive an application, call 1-800-431-9209.

### **Oil Pollution Act**

The EPA has a program designed to reimburse cost associated with petroleum releases that enter or threaten to enter U.S. waters. The Oil Pollution Act improved the nation’s ability to prevent and provide money and resources necessary to respond to oil spills. To obtain more information about the Oil Pollution Act fund, contact EPA Region 7 at 913-551-7000.

### **For More Information, call or write**

Missouri Department of Natural Resources  
Environmental Services Program  
Environmental Emergency Response Section  
P.O. Box 176, Jefferson City, MO 65102-0176  
1-800-361-4827 or 573-526-3315  
573-526-3350 fax  
<http://www.dnr.mo.gov/env/esp/spillbill.htm>

# Anytown, MO Fire Department

## Hazardous Substance Emergency Response Cost Recovery Statement

Itemized statement needs to be completed by each responding department and given to the lead agency to mail to the responsible party. Please send by certified mail with return receipt requested.

Responsible Party: XYZ Trucking  
Address: 123 Main Street, Jefferson City, MO 65101  
Location: Highway B and Highway C Junction  
Date/Time of Incident: 1/1/2001, 1300

Statement mailing date: 2/15/2001

Equipment- Rescue Unit (greater than 1 ton), 1 hour = \$ 250.00

Personnel- Technical Rescue (\$50 X 5 staff) = \$ 250.00

### Personal Protective Equipment:

Suits: 6 Saranex @ 12.50 each = \$ 75.00

Gloves: 6 pairs heavy nitrile @ \$2.00/pr = \$ 12.00

### Sorbent Materials:

2 – 10 ft Booms @ \$20.00 each = \$ 40.00

200 Pads @ \$.25 each = \$ 50.00

5 – 10 lb. Bags of sorbent clay @ \$5.00/bag = \$ 25.00

### Plugging and Patching materials:

### Decontamination Supplies:

### Communication Costs:

Cellular: \$15.00 (see attached invoice) = \$ 15.00

### Other:

Replace 50' of 1.5" fire hose damaged by acid  
(see attached photos and narrative) = \$ 150.00

**Total Costs** = \$ **867.00**

Please make check payable to Anytown Fire Department.

Thank you,

Chief Joe Smith

Anytown Fire Dept.  
100 S. Main  
Anytown, MO #####



State of Missouri  
**Spiller Pays Cost Recovery**

<b>Engines:</b>	
<b>1:</b>	<b>Cost/Hr: \$150.00</b>
1000 GPM or Greater, 1200” 2.5” hose or larger, ground ladders, booster tank	
<b>2:</b>	<b>Cost/Hr: \$150.00</b>
500-750 GPM, 1200” 2.5” hose or larger, ground ladders, booster tank	
<b>3:</b>	<b>Cost/Hr: \$200.00</b>
Elevated Aerial Device	
<b>4:</b>	<b>Cost/Hr: \$100.00</b>
Other Engines not fitting above specifications	
<b>Tankers</b>	<b>Cost/Hr: \$175.00</b>
<b>Rescue Units:</b>	
<b>Greater than 1 ton</b>	<b>Cost/Hr: \$250.00</b>
Minimum equipment: Air Bags, Cribbing, Lighting, Hyd/Air operated/electric, extrication tools (ie: Hurst), porta power kit, generator, power saw	
<b>1 Ton or Less</b>	<b>Cost/Hr: \$100.00</b>
Equipment: Porta power kit, hand tools	
<b>Medical Unit</b>	<b>Cost/Hr: \$125.00</b>
<b>Bomb Unit</b>	<b>Cost/Hr: \$175.00</b>
<b>Decontamination Unit</b>	<b>Cost/Hr: \$150.00</b>
<b>Law Enforcement Vehicle</b>	<b>Cost/Hr: \$50.00</b>

**Note:** This information was provided by a committee comprised of the Missouri Department of Natural Resources, Division of Fire Safety, and local response agencies from across the State of Missouri. Equipment costs do not include personnel.

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State of Missouri  
**Spiller Pays Cost Recovery**

<b>Brush – Wildland Unit:</b>	
<b>Pump, Tank, Hose</b>	<b>Cost/Hr: \$100.00</b>
<b>Special Equipment/Units:</b>	
<b>Air Teams/Unit</b>	<b>Cost/Hr: \$150.00</b>
<b>Bomb Unit</b>	<b>Cost/Hr: \$175.00</b>
<b>HazMat Unit</b>	<b>Cost/Hr: \$150.00</b>
<b>Lighting Units (towed)</b>	<b>Cost/Hr: \$150.00</b>
<b>Command Vehicle</b>	<b>Cost/Hr: \$100.00</b>
<b>Mobile Communications/Command Post</b>	<b>Cost/Hr: \$200.00</b>
<b>Foam Unit (foam charged separately)</b>	<b>Cost/Hr: \$150.00</b>

<b>Personnel: Fire, HazMat, Medical, and Law Enforcement</b>	
<b>Fire Department Personnel</b>	<b>Cost/Hr: \$25.00</b>
<b>Technical Rescue</b>	<b>Cost/Hr: \$50.00</b>
<b>Paramedics (ALS)</b>	<b>Cost/Hr: \$50.00</b>
<b>EMT (BLS)</b>	<b>Cost/Hr: \$25.00</b>
<b>Bomb Technician/Disposal Personnel</b>	<b>Cost/Hr: \$50.00</b>
<b>HazMat Technician</b>	<b>Cost/Hr: \$50.00</b>
<b>HazMat Operations</b>	<b>Cost/Hr: \$25.00</b>
<b>HazMat Awareness</b>	<b>Cost/Hr: \$15.00</b>
<b>HazMat Specialist</b>	<b>Cost/Hr: \$50.00</b>
<b>Law Enforcement</b>	<b>Cost/Hr: \$25.00</b>

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State of Missouri  
Spiller Pays Cost Recovery

<b>HAZ-MAT Related Equipment (charge only if used)</b>	
<b>PID- Photo Ionization Detector</b>	<b>Cost/Hr: \$20.00</b>
<b>FID- Flame Ionization Detector</b>	<b>Cost/Hr: \$20.00</b>
<b>CGI- Combustible Gas Indicator</b>	<b>Cost/Hr: \$20.00</b>
<b>RAD Meter</b>	<b>Cost/Hr: \$20.00</b>
<b>Haz-Mat ID</b>	<b>Cost/Hr: \$125.00</b>
<b>APD 2000</b>	<b>Cost/Hr: \$125.00</b>
<b>Haz-Cat Kits</b>	<b>Cost/Hr: \$20.00</b>
<b>Hapsite (GCMS)</b>	<b>Cost/Hr: \$250.00</b>
<b>Identifinder (Radiation detector)</b>	<b>Cost/Hr: \$20.00</b>
<b>Organic vapor analyzer</b>	<b>Cost/Hr: \$20.00</b>
<b>pH meter</b>	<b>Cost/Hr: \$5.00</b>
<b>Anthrax test strip identification</b>	<b>Cost/Each: \$50.00</b>
<b>4 gas meter</b>	<b>Cost/Hr: \$25.00</b>
<b>3 gas meter</b>	<b>Cost/Hr: \$25.00</b>
<b>Air monitoring/communication devices (AreaRAE)</b>	<b>Cost/Hr: \$125.00</b>
<b>M8 paper</b>	<b>Replacement cost</b>
<b>M9 paper</b>	<b>Replacement cost</b>
<b>M256 Kits</b>	<b>Replacement cost</b>
<b>PH paper</b>	<b>Replacement cost</b>
<b>Absorbent pads and booms</b>	<b>Replacement cost</b>
<b>Overpack drums</b>	<b>Replacement cost</b>
<b>Colorimetric tubes</b>	<b>Replacement cost</b>
<b>Personal Protective Equipment (PPE)</b>	<b>Replacement cost</b>

*\*Actual replacement cost should be used for expendable supplies, equipment, PPE. Equipment costs do not include personnel. The Department of Natural Resources maintains an emergency response contract which could serve useful in helping establish rates for HazMat equipment not listed in this bulletin. This contract also has rates for heavy equipment. The emergency response contract can be found at <http://oa.mo.gov/purch/noa/c307154.pdf>*