



Fairfield County Office of Emergency Management and Homeland Security
Administrator for the Fairfield County Local Emergency Planning Committee

COP

Director: Jon Kochis

September 13, 2007

Chief Timothy Tener
Circleville Fire Department
586 North Court Street
Circleville, OH 43113-2109

Re: August 27, 2007 Chlorine Leak

Chief Tener:

On August 27, 2007 at 1702 hours, the Fairfield County Special Operations Team (FCSOT) was dispatched to 663 Island Road, Circleville, OH to provide additional support to the Pickaway County Hazmat Team with a chlorine spill.

Pursuant to Ohio Revised Code Section 3745.13, parties responsible for an unauthorized release of hazardous materials are liable to the countywide emergency management agency for "necessary, additional or extraordinary costs it incurs in investigating, mitigating, removing, or abating the spill, release, or discharge."

The costs incurred by the FCSOT in the amount of \$462.47 are attached to this letter, along with a copy of the Standard Operating Guide.

Personnel Costs:	\$320.00
Operational Costs:	\$129.00
3% Administrative Fee:	<u>\$ 13.41</u>

Total Cost: \$462.47

Please submit your payment for \$462.47 to the Fairfield County Emergency Management Agency, 407 East Main Street, Lancaster, OH 43130-0626.

Very truly yours,

Deb Pearson,
Deputy Director

*Copy also sent
to Pickaway EMA*

Mission

To establish, coordinate and sustain partnerships throughout Fairfield County, united in efforts to prepare for emergencies and to minimize loss of life and property and help the community to return to normalcy when they occur.

**FAIRFIELD COUNTY
OFFICE OF EMERGENCY MANAGEMENT
AND HOMELAND SECURITY**

Standard Operating Guide

ISSUING COMMAND: EMERGENCY SERVICES		S.O.G.#: FCOEMHS 07-001
ISSUE DATE: AUGUST 10, 2007	EFFECTIVE DATE: AUGUST 10, 2007	
SUBJECT: COST RECOVERY FOR HAZARDOUS MATERIALS INCIDENTS		
SUB-TOPIC: PURPOSE, SCOPE, DISTRIBUTION, DEFINITIONS, POLICIES AND PROCEDURES		
REFERENCES: ORC 3745.13, 5502.26		

1.0 Purpose

The purpose of the cost recovery program is to provide assistance to Public Safety in the reimbursement of funds expended to alleviate a hazardous material incident. Pursuant to Ohio Revised Code 3745.13, *"When an emergency action is required to protect the public health or safety or the environment, any person responsible for causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment...is liable to the municipal corporation, county, township, countywide emergency management agency...for the necessary and reasonable, additional or extraordinary costs it incurs in investigating, mitigating, minimizing, removing, or abating the spill, release, discharge, or contamination, in the course of its emergency action..."*.

In order to take advantage of this law, the Fairfield County Office of Emergency Management and Homeland Security in association with the Fairfield County Local Emergency Planning Committee have developed the following forms and guidelines for the cost recovery process.

Please complete the forms and if you have any questions, call the Fairfield County Office of Emergency Management and Homeland Security at (740) 654-4357.

2.0 Scope

This Standard Operating Guideline (SOG) applies to all political subdivisions and Public Safety organizations that operate under the Fairfield County Local Emergency Planning Committee (LEPC). The Fairfield County Office of Emergency Management and Homeland Security (FCOEMHS) functions as the agent for all responding departments within the Fairfield County OEMHS jurisdiction. The Fairfield County Prosecutor's Office shall act as legal counsel for this process, providing a written demand that the costs be paid by the responsible party and taking civil action as necessary and authorized pursuant to Section 3745.13. All reimbursed funds obtained by this SOG will be submitted to "Fairfield County Office of Emergency Management and Homeland Security", 407 East Main Street,

Lancaster, OH 43130, Fund Account #12209300 550210. The FCOEMHS will, in turn, submit recovered funds to the appropriate responding agency.

3.0 Distribution

To all political subdivisions and Public Safety responders who operate under the authority of the Fairfield County LEPC (Local Emergency Planning Committee).

4.0 Definitions

A. Cost Recoverable Charges:

1. Personnel Costs - those personnel who respond or are directed to respond to a hazardous materials incident. Eligible charges include hourly wages, benefits and insurance costs. On-duty personnel costs are not recoverable during the first two hours of a **standard** incident response or when entering overtime status.
2. Costs of extra personnel called in due to the scope of the incident or to relieve on-duty personnel are chargeable.
3. Supplies - those items used exclusively for the hazardous materials incident that cannot or should not be re-used, such as, absorbent pads, tyvek suits, gloves, etc.
4. Operational Costs - those costs associated with supporting the response, such as; fuel, cellular phone charges, database access charges, food, etc. If this SOG is to be used, the FEMA Cost Recovery Schedule will be used whenever possible.
5. Equipment Costs - those costs for equipment or systems that must be replaced due to contamination or breakage, such as; shovels, ladders, vehicles, etc. or that equipment which must be rented or acquired by the agency to assist in the response.

B. Hazardous Materials Incident - any incident where emergency action is required to protect the public health or safety or the environment as the result of any person causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment.

5.0 POLICY

- A. It is at the discretion of the responding department's Chief whether an invoice for costs will be submitted for reimbursable expenses by their department or to use this SOG.
- B. All incidents using this SOG will be invoiced through the Fairfield County Office of Emergency Management and Homeland Security.
- C. There will be no charge for the first two hours of an initial **standard** response except for supplies or operational charges.
- D. Submitting organizations or agencies are responsible for maintaining evidentiary material that may be necessary in the recovery of costs in the case of civil action. This material can include, but are not limited to personnel time sheets or cards, bills, receipts or invoices for each item of equipment or supplies used or destroyed as a result of contamination or damage and a full job description for all full, part-time or volunteer employees.
- E. In accordance with these guidelines, procedures, and Section 3745.13 of the Ohio Revised Code, all political subdivisions and responding agencies authorize the Fairfield County Office of Emergency Management and Homeland Security to enter into a settlement sum of a claim on their behalf against a responsible party.

6.0 PROCEDURES

- A. All invoices will be submitted to the Fairfield County OEMHS within **two weeks** after the incident "**Signal O**".
- B. The primary jurisdictional agency will provide a list of all responding departments or agencies to the Fairfield County OEMHS when submitting their invoice.
- C. Fairfield County OEMHS will submit a single combined invoice to the party responsible for the incident.
- D. Organizations or agencies submitting an invoice to FCOEMHS will use the approved forms in Appendix 1 to this guideline.
- E. Reimbursement for all **supplies** used will be billed at the current pricing of the Special Operations Team preferred supplier.

SUB-TOPIC: PURPOSE, SCOPE, DISTRIBUTION, DEFINITIONS, POLICIES, AND PROCEDURES

ISSUE DATE: AUGUST 10, 2007

S.O.G.#: FCOEMHS 07-001

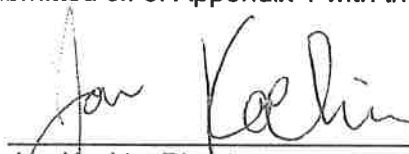
F. Costs for **equipment** and **personnel** are defined as:

Vehicle Charge	\$50.00 per hour
Officer Charge (Chief, Asst. Chief, Capt.)	\$40.00 per hour
Tech Charge	\$20.00 per hour
Mileage	\$.50 per mile
Administrative Costs	3% of total

G. All **other** costs for supplies and equipment use or replacement will be based the FEMA Cost Recovery Schedule at <http://www.fema.gov/government/grant/pa/eqrates.shtml>

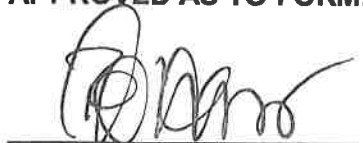
H. Departments submitting will also need to provide and Invoice on their department letterhead with the date of the incident, Incident type, and the total cost they are seeking based off the sheets submitted off of Appendix 1 with the Chief's signature.

ISSUING AUTHORITY:



Jon Kochis, Director
Fairfield County Office of Emergency Management
And Homeland Security

APPROVED AS TO FORM:



Roy E. Hart, Assistant Prosecuting Attorney
For Fairfield County, Ohio

SUB-TOPIC: APPENDIX 1	
ISSUE DATE: August 10, 2007	S.O.G.#: FCOEMHS 07-001

INCIDENT INFORMATION:

Location of Incident: 663 Island Rd. Circleville

Jurisdiction: City of Circleville Fire

Date: 8-27-07 Time: 1402 hrs

DEPARTMENT/AGENCY INFORMATION

Name and Address of Department/Agency Completing This Form:

Contact Person: Fairfield County Special Operations Team
407 E. Main St Lancaster, OH 43130 Asst. Chief Craig Spiller

TOTAL COST (From Previous Page)

Personnel Costs	\$320.00
Itemized Supplies Cost	\$0
Operational Charges	\$129.00
Replacement Cost	\$0
Total	\$449.00

* Attach Receipts when Applicable

CERTIFICATION:

I certify that the above expenses are actual, or if shown as estimates, are as accurate as possible. The Community of jurisdiction and its legal counsel are authorized to submit this claim to responsible parties for payment in full.

 _____
 Chief's Signature Date 8-4-07

SUB-TOPIC: APPENDIX 1	
ISSUE DATE: August 10, 2007	S.O.G.#: FCOEMHS 07-001

FAIRFIELD COUNTY
EMERGENCY RESPONSE COST
SETTLEMENT AUTHORIZATION

Incident Date: 8-27-07

Incident Location: 663 Island Rd Circleville, OH

If a settlement in full cannot be reached with the responsible parties, the community of jurisdiction and its legal counsel and/or the Fairfield County Office of Emergency Management and Homeland Security and its legal counsel are authorized to negotiate a settlement of this claim or litigate this claim in order to enforce collection of costs and expenses on behalf of my jurisdiction.



Authorizing Signature

7-4-07

Date

RETURN FORMS TO:

Fairfield County Emergency Management Agency
407 East Main Street
Lancaster, Ohio 43130

(740) 654-4357 office
(740) 652-1520 fax

NOTICE

Be prepared to submit copies of the following:

1. Time sheets or time cards of each individual listed.
2. Bills, receipts, or invoices for each item of equipment/supplies used or destroyed.
3. Job descriptions for full, part-time, and volunteer employees.

SUB-TOPIC: APPENDIX 1	
ISSUE DATE: August 10, 2007	S.O.G.#: FCOEMHS 07-001

C: OPERATIONS CHARGES

DEPARTMENT NAME: Fairfield County Special Operations Team

Item	Quantity	Time	Cost Per Unit Time	Total Cost
Hazmat Truck (Rescue 641)	1	2	\$50.00	\$100.00
Mileage	58 miles		\$.50	\$29.00
Total				\$129.00

