

**PEPIN COUNTY LOCAL EMERGENCY PLANNING COMMITTEE  
HAZARDOUS MATERIALS SPILL REIMBURSEMENT POLICY AND PROCEDURE**

<b>Function:</b> EPCRA/SARA	<b>No.</b>	<b>Page</b>
<b>Subject:</b> Spills Reimbursement Policy & Procedure	<b>Date Issued:</b>	<b>Date Revised:</b>
<b>Prepared By:</b> Maria Nelson	<b>LEPC Approval:</b> March 6 2020	

**1. PURPOSE:**

A policy on the response cost reimbursements to assist emergency response agencies responding to hazardous material spills, releases, or other incidents within Pepin County.

Pursuant to Wis. Stats. 323.71, the Pepin County Local Emergency Planning Committee (LEPC) is the designated reviewing entity for all claims that are reasonable and necessary expenses for emergency actions in response to the discharge of hazardous materials. Pepin County's LEPC shall coordinate the request(s) from responding agencies for payment following a hazardous material spill.

**2. PROCEDURE:**

Responding agencies shall submit their requests and supporting documentation within 30 days of the incident to the LEPC. The LEPC will utilize the following procedures following a hazardous material spill, (323.71):

- A. The LEPC shall submit a brief summary of facts that support the belief that the addressed party/spiller is the responsible party. Included in the summary shall be:
  - 1) Date and time the release occurred or was made known,
  - 2) The location where the release(s) occurred,
  - 3) Source or cause of release, and
  - 4) The hazardous substance(s) released and estimated quantity.
  
- B. Each responding agency at a hazardous materials spill, shall submit documentation of services provided to support the incident. The LEPC shall compile these reports to submit an overall summary of actions taken by responding agencies (as identified in Section B of Payment Process for Spill Response).
  
- C. The LEPC shall obtain a copy of itemized expenses incurred by each responding agency(s) and total of all costs incurred as a result of the hazardous material spill/release/incident. All information submitted shall be reviewed by the LEPC to

ensure that adequate documentation exists to support the expenses incurred, before any request for payment is sent to the responsible party/spiller.

- D. The responsible party/spiller shall respond by payment in the form of check or money order to Pepin County Treasurer within 30 days of receipt of request for payment. All checks shall be sent to the Pepin County LEPC, P.O. Box 39, Durand, WI 54736, Phone (715) 672-8897.
- E. A statement from the LEPC advising failure to respond will result in referral to the Pepin County District Attorney/Corporation Counsel, and/or the WI Department of Justice for collection of all costs incurred as per Wis. Stats. 323.71. A copy of Wis. Stats. 323.71 will be sent to spiller/responsible party.
- F. All requests for payment and administrative orders to spiller/responsible party shall be sent Certified Mail
- G. This policy may be modified by the Pepin County LEPC after proper notice and formal action.

**EXAMPLE REQUEST FOR SPILL RESPONSE PAYMENT**

\_\_\_\_\_, 20\_\_

CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

SUBJECT: Reimbursement of costs associated with the \_\_\_\_\_ spill in \_\_\_\_\_,  
Wisconsin

Dear \_\_\_\_\_,

Enclosed is invoice \_\_\_\_\_ which details expenses through \_\_\_\_\_, 20\_\_  
associated with the emergency response to the \_\_\_\_\_ (spill name) spill in  
\_\_\_\_\_ (location). \_\_\_\_\_ (indicate the basis for believing that the party  
is responsible for the spill – reference any pertinent prior correspondence or personal contacts  
with the responsible party).

Under §323.71 Wis. Stats., a local agency has the authority to recover all actual and necessary  
expenses incurred in carrying out its duties under 323.71 Wis. Stats. This letter and the  
enclosed invoice constitute the formal request for reimbursement of the costs associated with  
the response to the spill. Please remit the amount due in a check payable to the affected local  
agency(s) list in the invoice within 30 days of the invoice date. If you would like to discuss this  
request, please contact me prior to the end of those 30 days. Failure to respond will result in  
referral to the municipal attorney, county district attorney, or Pepin County Corporation Counsel  
for collection of all costs incurred.

Your immediate attention to this matter would be greatly appreciated. You may call Maria  
Nelson, Emergency Management Director at 715-672-8897 if you have any questions.

Sincerely,

Maria Nelson, Pepin County  
Emergency Management Director

Joel Wener  
Pepin County Sheriff and LEPC Chair

Enclosure

## **PAYMENT PROCESS FOR SPILL RESPONSE**

The State Emergency Response Board and the Department of Justice have agreed on the following:

Chapter 323.71, Wis. Stats., reimbursement procedures:

1. Request for payment will be made by the Pepin County Local Emergency Planning Committee (LEPC) for reimbursement by the responsible party. Agency claims should be received by the LEPC within a reasonable time period (such as 30 days). The request should include:
  - A. A brief summary of the facts which lead the LEPC to believe the addressee is a responsible party:
    - 1) Indicate the date and approximate time the release occurred or was discovered,
    - 2) Indicate the location where the release occurred,
    - 3) Identify the source or cause of the release, and
    - 4) Identify the hazardous substance(s) release and estimated quantity.
  - B. A summary of the action taken by local agencies:
    - 1) Indicate the date and approximate time the response was initiated.
    - 2) Indicate the date of response completion
    - 3) Indicate the jurisdiction in which the response occurred.
    - 4) Indicate whether the jurisdiction in which the response occurred has in place a local emergency planning response plan
    - 5) Identify all agencies, including responders from neighboring agencies or contractors
    - 6) Summarize all response activities, including the temporary emergency measures for which reimbursement is being sought. Provide information about which agency performed which aspects of the response.
    - 7) Indicate only the temporary emergency measures for which reimbursement is sought
    - 8) Attach any additional material pertinent to the response.
  - C. A statement of the County's authority to take action and to be reimbursed for costs incurred (Chapters 323.71 (2), (3), (4), (5), and (6), Wis. Stats.).
  - D. A request for payment
  - E. An invoice, which itemizes the expense incurred by the local agency:
    - 1) Staff salaries
    - 2) Fringe benefits

- 3) Indirect costs (Indirect costs are the overhead costs that the local agency incurs associated with staff time spent on the spill.)
  - 4) Supply and travel costs
  - 5) Contractor costs
  - 6) Public Works Standardized Equipment Rental Rates (Contact Highway Department or Municipal Departments for current rates)
  - 7) Level B HazMat Team (Menomonie Fire Department) Response Rates
  - 8) Fire Department Response Rates
  - 9) EMS Service Rates
- F. A date by which the responsible party must respond, either by payment or to review the request for payment. (The time period should be reasonable considering the amount requested).
- G. Notice that failure to respond will result in referral to the municipal attorney, county district attorney, or Pepin County Corporation Counsel for the collection of all costs incurred.
2. If no response is received to the demand of payment, a second demand may be made. The second demand should include:
- A. The same identification as the first request for payment
  - B. A brief summary of the first request for payment
  - C. Notice that their failure to respond has resulted in the LEPC starting the process to refer the matter to the municipal attorney, county district attorney, or the Pepin County Corporation Counsel for collection of the costs incurred by the local agency.
  - D. Explanation that if the responsible party cannot afford to pay the entire amount due immediately, the LEPC would be willing to discuss an installment payment plan; indicating that if the responsible party is interested in an installment payment plan, they should contact the LEPC immediately.
3. A referral package to the municipal attorney, county district attorney, or the Pepin County Corporation Counsel should be put together if no response is received to the first request for payment. Referral should be made as soon as possible after the response date for the first request for payment has passed.

All requests for payment and Administrative Orders must be sent via certified mail. Bill payment requests should be reviewed by the LEPC to ensure that adequate documentation exists before any request for payment is made.

## COST ELEMENTS TO BE INCLUDED

1	Personnel Compensation	<p>Straight time and overtime for services in excess of the local agency's standard workday or work week</p> <p>Experts and consultants for services rendered on a per diem or fee basis or for services of an intermittent, advisory nature</p>	Compensation of straight time and overtime costs incurred specifically for a response will be considered
2	Transportation	Passenger vehicle rental for transportation of persons during evacuation	Passenger and non-passenger vehicle rental costs will be considered
3	Utilities	Utilities for power, water, electricity and other services exclusive of transportation and communications	Utility costs will be considered
4	Other Contractual Services	Contracts for technical or scientific analysis – for tasks requiring specialized hazardous substance response expertise	May include such items as specialized laboratory analyses and sampling
5	Supplies and Materials	Commodities for protective gear and clothing, cleanup tools and supplies and similar materials purchased specifically for and expended during the response	May include items such as chemical foam to suppress a fire, food purchased specifically to support evacuation, air purifying canisters for breathing apparatus, disposable protective suits and gloves, and sampling supplies.
6	Equipment	<p>Replacement or repair of equipment damaged or lost as a result of contamination during the response</p> <p>Rents for use of equipment owned by others</p>	<p>Equipment replacement or repair costs will be considered</p> <p>Equipment rental costs will be considered</p>
9	Medical	Medical surveillance and consultation costs immediately following or subsequent to the release	Medical and consultation costs will be considered

