



## REQUEST FOR BOARD ACTION

ITEM NO. 5

**DATE OF MEETING:** April 7, 2015

**REQUESTED BY:** Charles R. Collins, Emergency Management

**SHORT TITLE:** Approval of a FY 14-15 Budget Amendment to Accept Emergency Management Response to a Hazardous Materials Incident for \$240.00.

**BACKGROUND:** Pender County adopted a Hazardous Materials Cost and Recovery Ordinance on May 5, 2003 so Fire Departments could recoup the cost for being on scene for long periods of time. On January 26 2015 Charles Newman responded to a fuel spill and at the Scotchman at US-421 and NC-53 and was on scene for 4.8 hours. Based on the Haz-Mat agreement Emergency Management rate is \$50.00 per hour.

**SPECIFIC ACTION REQUESTED:** To consider approving a FY 14-15 budget amendment in the amount of \$240.00.

**BUDGET ORDINANCE AMENDMENT TITLE:** Emergency Management Performance Grant

Introduced by: Randell Woodruff, County Manager Date: 2015-03-20 Item #: \_\_\_\_\_

Fund: General Department: EM Division: \_\_\_\_\_



**PENDER COUNTY, NORTH CAROLINA**

FY 2014-2015 Budget Amendment # \_\_\_\_\_ Date Approved: \_\_\_\_\_  
 Appropriations

REVENUES		EXPENDITURES	
Increase: <input checked="" type="checkbox"/>	Decrease: <input type="checkbox"/>	Increase: <input checked="" type="checkbox"/>	Decrease: <input type="checkbox"/>
Account # and Title	Amount	Account # and Title	Amount (leave off \$ sign)
10-348801 Haz-Mat Spill Wards Corner	\$240.00	525-404500 Contract Services	\$240.00
Total: <span style="float: right;">\$240.00</span>		Total: <span style="float: right;">\$240.00</span>	

Reason and Justification for Request:  
 Haz-Mat response from Pender EM to Wards Corner offset cost for the response. *Needs Board Approval*

Dept Mgr. Approval: Tom Collins Date: 2015-03-23 Finance Officer Approval: Sylvia Blinson Date: 2015-03-23 Budget Officer Approval: [Signature] Date: 3-24-15

Board Approval (When Applicable) Item # \_\_\_\_\_ Date of Minutes \_\_\_\_\_

DATE: \_\_\_\_\_

INCIDENT: \_\_\_\_\_

## PENDER COUNTY HAZARDOUS MATERIALS EMERGENCY AGREEMENT

\_\_\_\_\_ Fire Department was dispatched to a Hazardous Materials Emergency located at or near \_\_\_\_\_. During our activities to control and eliminate the Hazardous Materials Emergency, it was determined that:

Company (or Corporation) Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

was involved with this Hazardous Materials Emergency. \_\_\_\_\_

Company Representative has advised the \_\_\_\_\_ Fire Department that he/she is the person representing the company (or person) listed above and has the authority to commit the company financially.

It is acknowledged that our company's products, equipment or personnel was involved with the Hazardous Materials Emergency. It is also acknowledged that our company is responsible for controlling, containing and cleaning up the Hazardous Materials Emergency. In consideration for services provided for emergency response, I agree that we will pay the cost of controlling and containing the Hazardous Materials incident per rates shown below.

### HAZARDOUS MATERIALS FEES

Vehicle Rate:	Pumper, Tanker Fire Apparatus	\$150.00/hour
	Support Vehicles (brush, utility, crash, etc.)	\$120.00/hour
	Ambulances	\$75.00/hour
	Emergency Management	\$50.00/hour

NOTE: These charges are set at a two-hour minimum, and include the necessary personnel to operate the piece(s) of equipment.

Equipment  
Charges:

Pender County Hazardous Materials Cost Recovery Ordinance states that fees may be recouped for costs to replace or repair equipment/supplies used or damaged, (i.e. foam, oil booms, oil dry, absorbent pads, oxygen, fire hose, etc.) This also includes any money paid out for specialized equipment or services.

\*The Pender County Hazardous Materials Cost Recovery Ordinance was adopted on May 5, 2003.

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Incident Commander

**HAZARDOUS MATERIALS COST RECOVERY ORDINANCE  
FOR THE  
COUNTY OF PENDER, NORTH CAROLINA**

**ARTICLE I            Title, Authority, Purpose and Jurisdiction**

Section 101    Title

This ordinance shall be known and may be cited as the Hazardous Materials Cost Recovery Ordinance for the County of Pender, North Carolina.

Section 102    Authority

This ordinance is adopted under the authority and provision of the General Statutes of North Carolina, Chapter 153A-101, 153A-102, 153A-121, 153A-128, and 153A-140.

Section 103    Purpose

The purpose of this ordinance is to provide a mechanism for emergency services agencies in Pender County to recover the costs associated with responding to and controlling incidents involving hazardous materials. The Emergency Management Coordinator (or his designee), Fire Departments, EMS, and Rescue Squads have the authority to summarily remove, abate, or remedy hazardous materials emergencies in Pender County that are dangerous or prejudicial to the public health and/or public safety. The company responsible for the shipment shall be liable for expenses incurred, as the costs of responding to the dangers posed by the spill or loss of containment of hazardous materials creates a burden for the County and emergency response organizations. This ordinance shall not limit any other remedies available to any person or agency.

**ARTICLE II            Definition of Hazardous Materials**

Section 102    Definition

A hazardous material is any substance or material that poses an unreasonable risk to the health, safety and/or welfare of the public and all properties. Materials could include but are not limited to and element, compound or combination thereof which is flammable, corrosive, toxic, radioactive or explosive that may have a detrimental effect on both operating and emergency personnel, the public, equipment, or the environment. Eligible incidents may include but are not limited to highway spills, unlawful hazardous dump clean up, natural gas line ruptures, or any incident which causes the lost of containment of a potential hazardous chemical, etc.

## **ARTICLE III            Eligible Charges**

### Section 301    Office of Emergency Management

The Office of Emergency Management shall have the authority to make a charge for the replacement of materials used in association with hazardous materials incidents. Charges for materials used in response to such incidents such as absorbents, containment materials, pads, booms, etc. shall be at the actual cost of replacement.

### Section 302    Fire Service

Fire departments that are dispatched to hazardous materials incidents shall have the authority to make a charge for services rendered to include but not limited to: fire suppression, rescue, stand-by, water supply or other actions necessary to neutralize or minimize the hazard. The authority to charge shall also include automatic aid and mutual aid departments.

### Section 303    EMS

Emergency Medical Services agencies that are dispatched to a hazardous materials incident shall have the authority to make a charge for services rendered to include by not be limited to: waiting charges and customary trip and treatment fees.

### Section 304    Related Equipment and Supplies

Fees may be assessed to recover the cost to replace or repair equipment or supplies used or damaged to include by not be limited to: foam, absorbent booms or pads, oil dry, oxygen, fire hose, protective clothing, etc. This will also include any money paid out for specialized equipment or services needed by the responding agency

## **ARTICLE IV            Billing**

### Section 401    Billing and Collection

The agency rendering services shall be responsible for all documentation, billing and collection procedures.

**ARTICLE V**

**Effective Date**

This ordinance shall be in full force and effective upon approval by the Pender County Board of Commissioners.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Dwight A. Strickland, Chairman

ATTEST: \_\_\_\_\_  
Andy Hedrick, Clerk to the Board