

RECOVERY OF COST FOR HAZARDOUS MATERIAL RESPONSE

I. PURPOSE:

The following guideline establishes procedures for establishing a protocol for billing individual or organizations responsible for creating hazardous material emergencies which require the use of the City's resources.

II. RESPONSIBILITY:

It is the responsibility of the Little Rock Fire Department (LRFD) to cause hazardous material to be contained, moved or be made inert. This will involve the initiation of Department Incident Command Procedures. It is the responsibility of the Office of Emergency Management to accumulate and document the direct costs (i.e., labor, material and equipment) associated with these incidents. The Finance Department will provide a general overhead cost factor. In addition, the Finance Department will be responsible for presentation of the bill to the responsible parties, and the collection and accounting for revenues received.

Coordination of multiple jurisdiction and City Department involvement during a hazardous material incident is the responsibility of the Office of Emergency Management (OEM).

III. POLICY:

The Little Rock Fire Department is responsible for rapid response to incidents within the City Limits resulting in immediate or foreseeable exposure of the citizenry to hazardous materials. This responsibility may extend outside the City Limits when authorized by the Fire Chief. In order to fulfill this mission and to protect citizens and firefighters, the City has invested substantial sums in specialized equipment, training, supplies and personnel. Costs of maintaining readiness of these resources are funded from the City's general revenues. Incidents which may involve utilization of City resources are categorized as follows:

- A. A hazardous material endangerment of the public resulting from the activities of a commercial entity within the City's public right-of-way.
- B. A hazardous material endangerment of the public, whether induced by the activities of a commercial entity or individual occurring outside the City's boundaries; where the LRFD or other City Departments have responded at the request of the appropriate governmental authority.

- C. Hazardous material endangerment of the public, occurring within the City resulting from the non-business related activities of a citizen.

It will be the policy of the City to recover costs associated with incident categories A and B above. The procedure is as follows:

1. The Fire Chief, or designee (i.e., Officer in charge of LRFD operations at the scene), will initiate the attached Hazardous Materials Incident Cost Summary (HMICS) Form. The LRFD will document the cost factors called for on the form pertaining to LRFD direct costs. The HMICS Form will be forwarded to the Emergency Services Administrator within fifteen (15) days of the incident.
2. Responsible party billing information will be obtained by the LRFD prior to departing the incident scene in Category A above, and from the Governmental Official requesting assistance in Category B. For Category B, the City of Little Rock will hold the governmental jurisdiction responsible for payment. It will be that entity's responsibility to pursue recovery of its costs from parties creating the endangerment. In the event that the LRFD is not involved in the incident, the HMICS Form will be initiated by the Office of Emergency Management.
3. The OEM will fully complete the HMICS Form, which will involve obtaining cost information and Department Director sign-off from the Parks and Recreation Department, the Public Works Department and Fleet Services. The OEM will provide copies of the completed HMICS Form to all involved Departments.
4. The HMICS Form will be forwarded by the OEM to the Finance Department Director within thirty (30) days of the incident. Duplicate copies will be maintained with other incident-related documentation within the LRFD and the OEM. The Finance Department will then pursue collection against the responsible party. This activity will include the involvement of the City Attorney's Office.
5. The Finance Department will maintain the appropriate records of collections, attaching each incident. Receipts will be accounted for as an identifiable operating revenue source.
6. The LRFD and the OEM will initiate a timely response to hazardous materials emergencies as directed by Departmental Policy with a view to protecting life and property. This responsibility will not be contingent upon the potential for cost recovery, or the status of billings.

Approved:



Bruce T. Moore
City Manager