

**POLICIES AND STANDARD PROCEDURES
FOR DEM EMERGENCY RESPONDERS**

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DUTIES OF THE OFFICE OF THE EMERGENCY RESPONSE ADMINISTRATOR

- The Office is responsible for the direction and oversight of the DEM Emergency Response Program.
- The Office will designate a responder(s) for emergency call back, 24 hours a day, 7 days a week.
- The Office is responsible for tracking and maintaining records on all incidents to which there is a DEM Emergency Response.
- The Office will, insofar as possible, seek reimbursement for response costs.
- The Office will assist the Office of Human Resources as necessary in coordinating personnel actions such as promotions, disciplinary actions, etc.
- The Office will coordinate training of Emergency Response staff and relay training and medical monitoring information to the Office of Human Resources.
- The Office will provide to the DEM Director a budget for the operation of the Emergency Response Program.
- The Office will provide response supplies and safety equipment to DEM emergency responders.
- The Office will manage emergency response contracts and grants.
- The Office will serve as the contact for any incident that may require notification of other divisions or offices of DEM.
- The office will inform the Directors of DEM of any significant events that occur in Rhode Island. Unless directed otherwise, this information will flow through the normal chain of command.

SIGNIFICANT EVENTS are defined as:

- Any moderate or major coastal pollution incident, or any potential moderate or major coastal pollution incident;
- Any category 3 or 4 hazardous material inland incident, or potential category 3 or 4 hazardous material inland incident (See “Incident Severity” section of “Introduction”);
- Any oil or hazardous material incident, regardless of location in Rhode

Island, that results in a loss of life or causes injuries to a significant populace; or

- Any incident that generates significant media attention or political interest.

DEM EMERGENCY RESPONSE ON-CALL FUNCTION

DEM Emergency Response Staff are on-call to provide rapid field response as needed and to provide technical assistance to other first responders as requested. To assure that response is rapid, staff will be available on an on-call basis during both working and non-working hours. This includes weeknights, weekends, and holidays, 24 hours a day, 7 days a week. At the discretion of the Emergency Response Administrator, on-call staff may also be composed of personnel from outside the Office of Emergency Response.

ON-CALL RESPONSIBILITIES AND REQUIREMENTS OF EMERGENCY RESPONSE STAFF

- DEM requires that all ER staff keep their pagers and cell phones activated and available for need-to-know communications. This does not imply there are any restrictions on personal travel, activities, or actions by the individuals.
- At least one person on ER staff will be designated the primary on-call responder outside of normal working hours.
- The primary on-call individual will keep a pager and cell phone activated and available. The pager and cell phone shall never be turned off or placed out of hearing range.
- The primary on-call individual will remain within call-back range (inside or within a half-hour drive of Rhode Island) at all times or make arrangements for the transfer of on-call duty.
- If paged, a call back is expected immediately and is required within fifteen (15) minutes. Individuals on-call may be subject to audits to ensure they are in compliance with the call back requirements.
- All on-call individuals must have ready access to a telephone. On-call individuals shall have their assigned cellular telephone and a phone card immediately available at all times.
- The on-call individual shall have at a minimum the on-call schedule, a telephone directory, and appropriate reference materials immediately available at all times.
- The on-call individual will gather and assess all pertinent information concerning the incident from the dispatcher.
- Individuals serving as primary for on-call duty will not consume alcohol, take any controlled substances or take any medication that will impair his/her physical or mental abilities. If on-call individuals become sick to the point they cannot continue on-call duty, they will report that condition immediately to the Emergency Response Administrator or his/her designee.
- The on-call individual must maintain personal readiness to respond to emergency situations and incidents with their assigned PPE and the appropriately equipped DEM response vehicle.
- Response mobilization is expected immediately. The actual response must begin no later than 30 minutes after receiving the request for assistance. This will require on-call individuals to have immediate access

to the response vehicle or to carry their response gear and reference materials in their personal vehicle during their on-call period. If the on-call individual becomes unable to respond, the on-call individual shall immediately notify the DEM Emergency Response Administrator or his/her designee.

- On-call individuals cannot take personal sick leave and still remain on-call. If the on-call individual is off-work due to personal or family illness or injury at the end of his/her workday and takes sick leave, the employee cannot be on-call that evening. The on-call individual must obtain prior approval from his/her supervisor to return to on-call duty.
- All on-call individuals must complete the training and medical monitoring requirements as specified in the *RI DEM Respirator Policy and Program*.
- Failure to adhere to the above on-call requirements or violation of these requirements may subject the individual to disciplinary action and removal from the ER team.

ON-CALL SCHEDULES

- By the first working day of every month, the Emergency Response Administrator or his/her designee will develop an On-Call Schedule for the month. Copies will be distributed to ER Staff, to the Director's Office, and to the DEM Division of Law Enforcement.
- Staff members who are unable to meet scheduled on-call responsibilities must inform the ER Administrator or his/her designee as soon as possible, certainly no later than 48 hours before those responsibilities were scheduled to begin.
- If a member of the Emergency Response staff takes on-call duty for another person, that change must -- in advance -- be
 - Reported to the Emergency Response Administrator or his/her designee;
 - Reported to the Division of Law Enforcement; and
 - Recorded in a revised On-Call Schedule.
- Disciplinary actions for the failure to meet any of the on-call requirements will be in accordance with State policies and/or union contract provisions.

EMERGENCY CALL-IN PREMIUM PAY

When called in to report for work after having left their DEM workplace and outside their regular scheduled hours, DEM employees who are union members shall be compensated pursuant to union contract provisions. If their return to DEM duty exceeds four hours, they will receive pay for the actual hours worked – figured from the time they responded to the call to the time they were relieved of duty, portal to portal. These hours (Exception Code 404) must be reported on the appropriate time sheet.

AUTHORIZED OVERTIME

The Emergency Response Administrator or his/her designee may direct a member of the Emergency Response staff to work beyond scheduled hours (e.g., to stay on-site late or to show up early, resulting in total hours that exceed full-time, 7 hours per day and 35 hours per week.) Authorized overtime hours must be reported on the appropriate time sheet.

COMMUNICATIONS

- ER personnel are responsible for regularly reporting their location and the incident status to the ER Administrator or his/her designee
- A pager and cell phone shall be available to all ER personnel and on-call team members.
- Since all ER staff may be called at any time -- regardless of on-call schedules -- the pager and cell phone should be available and activated at all times, unless the person is traveling in excess of 3-hours driving time from the state of Rhode Island.
- At all times during the workday, ER staff shall carry activated cell phones.
- During off hours, cell phones may be placed on recharger but must be left on.
- When using a cell phone in direct connection (radio) mode, ER staff shall use established radio communication standards. (See appended "Guide to Radio Communications Standards for DEM Emergency Responders.")
- ER staff may be assigned phone cards for use if conventional landline communication is necessary.
- Personnel are responsible for the proper use of assigned communication equipment and for keeping it in good working condition.

CASE TRACKING

- The ER computer system will assign a case number to each incident, once it is logged in. Case numbers are formatted in eight digits (_ _ _ _ - _ _ _ _). The first four digits reflect the calendar year; the last four digits reflect the order of the incident in the sequence of the year's incidents, starting with 0001. ER personnel are responsible for tracking incidents by this case number.
- Case numbers are specific to an incident. Two separate incidents occurring at the same location will be assigned two separate case numbers. If the incident is an extension of a previous incident, then the case will be considered the same. If the incident is at the same location but a different situation exists -- one that is not related to the previous incident -- the incident would receive a new case number.
- Case numbers will be entered on all documents attached to an incident. Unless otherwise specified, case numbers will always be entered at the top of the first page of forms or maps. Photographs will have the case number, date, and location entered on the back of the photograph.

DRESS

When they arrive at the scene of an incident, ER staff should dress in a way that:

- Identifies them as DEM employees;
- Promotes a professional appearance; and
- Contributes to personal safety.

Such attire is appropriate during field responses, outreach, and training programs. Otherwise, personnel should dress appropriately for the office and for meetings. DEM identification badges are provided to ER staff. They are to be used for purposes of identification at the scene of an incident. Badges shall be used for official DEM business only.

- The badge may be displayed during a response or in the office.
- Do not wear the badge while off-duty.
- Do not use the badge to obtain special favors.
- Although ER staff are not sworn officers and unarmed, they may be

mistaken for law enforcement officers. Therefore, the ER badge should not be worn when entering public places, such as banks or stores.

- Since the badge is assigned to a position (vs. person), employees leaving ER or moving to other offices (upgrades or transfers) will turn the badge in to the Emergency Response Administrator or to the Office of Human Resources.

ER VEHICLES

ER on-call team members are assigned vehicles. They may be subject to emergency call back from their residence at any time. Each ER employee is also subject to DEM policies on ER vehicles:

- Persons assigned a vehicle must acknowledge that they have read, understand, and will follow DEM policies on ER vehicles.
- Red and white emergency lights, siren, and radios will be installed only with the approval of the ER Administrator.
- ER staff may refuel ER vehicles at state fuel stations. Refueling at any other site will be at the staff member's own expense.
- Only State-authorized bumper stickers, tags, or signs may be displayed on DEM vehicles.
- Response equipment will be kept organized and periodically re-supplied. For sport/utility type vehicles, equipment must be secured to prevent shifting that may injure the driver during operation of the vehicle.
- The person assigned the vehicle is responsible for maintenance.
- Vehicles shall be kept clean and neat in appearance.

VEHICLE USE

- ER employees will follow posted speed limits.
- Red lights and siren normally will not be used while traveling to the incident. Red light and siren usage is only to assist the SOSC to gain access through blocked or stalled traffic and to increase visibility along highways.

VEHICLE EQUIPMENT

Each DEM response vehicle will be maintained with a supply of tools, sampling equipment, monitoring equipment, sorbents, empty containers, PPE, and expendables. ER staff are expected to customize their equipment supplies based on their responsibilities and level of training. As a base equipment list, each DEM response vehicle will typically contain at least the following:

Hand Tools

- Steel Round-Point Shovel
- Non-Sparking Square-Point Shovel
- Shop Broom
- Non-Sparking Bung Wrench
- Drum Up-Enders
- Socket Wrench with 15/16 Inch Socket

Absorbents/Neutralizers

- Loose Oil Absorbent – clay or similar product
- Acid/Base Neutralizer
- Sorbents – pad and boom types

Sampling Equipment

- Stainless Steel Scoop/Spoon
- Hand Auger – bucket-head type
- Stainless Steel Pan/Bucket
- Glass Sampling Rods
- Pipettes and Droppers
- Stainless Steel or Polypropylene Dipper
- Wide-Mouth Glass Jars – 8, 16, and 32 ounce
- Labels for Sample Jars
- 40 ml VOC Vials
- Cooler
- Field Testing Equipment

Safety Equipment

- Appropriate PPE and Respiratory Protection
- Escape Pack (if necessary)
- First Aid Kit
- Traffic Safety Vest

Miscellaneous

- Various Tapes (barrier, evidence, duct, etc.)
- Empty Containers (to overpack other containers or materials)
- Extra Drum Bungs
- Fire Extinguisher
- Non-Sparking Flashlight
- Camera
- GPS Unit
- Binoculars
- Map of the State
- Rain Gear
- Visqueen
- Traffic Cones
- Bug Spray and Sunscreen
- Paper Towels
- Permanent Marker Pens
- HazMat References and DEM ER Forms
- Various Disposable Bags (Trash, Ziplock, etc.)
- Jumper Cables or Charger
- Measuring Tape

Due to contamination concerns, responders normally should not carry pre-cleaned sample jars, pre-cleaned sampling equipment, or pre-cleaned tools with them in the response vehicles. All pre-cleaned supplies should be obtained as needed from a contract lab or a secure storage area.

MEDIA MANAGEMENT

Public understanding of how well an incident is being handled will depend on information that news media provide. Since ER personnel, sooner or later, will have to speak to the media, this section is to assist them with media relations. ER responders are authorized to speak with the media only about incidents in which they are directly involved. Staff may also direct inquiries from the public to

the DEM Office of Technical and Customer Assistance. It provides public-information support through the DEM WWWeb site and pamphlets (chiefly introductions to various DEM divisions and policies on select functions, such as licenses and permits, wildlife and forest management, boating and seafood safety, agricultural marketing, fishing regulations, etc.)

DEM COMMUNICATIONS OFFICE

All contacts with news media should be promptly reported to the DEM Communications Office. The primary responsibility of the Communications Office is planning, coordinating and tracking all news media contacts. This will ensure the SOSC presents a message that is accurate and consistent with DEM's stance on the issue or event. The following are some additional policy points the DEM Communications Office expects Emergency Responders to follow:

- Notify the Communications Office immediately of any incident or situation that involves DEM ER and that is or may become news worthy. This includes events that interest politicians (e.g., involving a local plant or employer), events that have been news media favorites in the past (oiled birds washing ashore), or events where a group of citizens are alleging health problems related to the event (nuisance landfills).
- Although the Communications Office may send a person to assist the SOSC with media relations during a high profile event, the SOSC will still be expected to give live interviews to the news media.
- Prior to release to the news media, all non-emergency written news releases, advisories, or fact sheets must be reviewed by the Communications Office. The material should be submitted at least eight (8) work hours prior to the anticipated release. The Communications Office can also help with distribution.
- Any inquires from the news media that the SOSC cannot handle must be referred to the Communications Office.

The DEM Communications Office will not relieve the SOSC from talking with the news media, but they can assist the SOSC with presenting a professional and informative picture of the event.

GUIDELINES FOR MEDIA RELATIONS

Developing effective media coverage requires a coordinated public information plan and people who are available, knowledgeable, and skilled in communication.

- Be cooperative with the news media. Make yourself available, do not hide or evade, and never distort the truth. Return telephone calls promptly.
- Whenever possible, prepare for a news media interview. Brush up on the facts.
- Avoid acronyms, abbreviations or technical jargon. Remember: Your audience is going to be the general public, not first responders or scientists. Use plain language that everyone is apt to know.
- Stick to the facts and issues that are the responsibility of DEM ER.

Refer other issues to the appropriate person/agency. It is best to have a spokesperson for each entity present at the incident to answer questions. For example, health effects should be referred to the Health Department; fire-fighting issues should be referred to the Fire Department or Fire Marshal, etc.

- Try to determine the reporter's aim. Is the reporter friendly, neutral, or adversarial?
- Never say "No comment" or provide evasive answers. If you cannot answer a question, explain why or, if appropriate, tell them you don't know.
- Don't discuss insurance or liability issues. Don't speculate as to the cause of the event unless you are absolutely positive, and don't exaggerate.
- Misquoting is a common problem for many persons. Organize your thoughts before you talk and speak slowly and distinctly.

COMPLETION OF FORMS

The proper completion of DEM forms and reports is essential and may even impact the outcome of an administrative hearing, civil action or criminal case. The following policies apply for completing forms and reports:

- All fields in the forms shall be completed. In any field that does not apply, write "N/A " or draw a line drawn through the field. If something is unknown, identify it as unknown.
- Identify latitude and longitude.
- Get the name of the actual individual reporting the incident. Be sure also to get an affiliation and telephone number in case we need to call back for additional information. If notification of DEM ER comes through the DEM Division of Law Enforcement, keep a copy of the DLE log and mark "DLE" as the source.
- Complete as much information as possible about the responsible party. As a minimum, get the company name, address, contact name, and telephone number. If you talk to the responsible party, ask for their insurance company name, telephone number, and policy number, if applicable.
- If the incident involves a vehicle, record the driver's name and license number, the plate number, VIN number, and make of the vehicle. If a vessel, get the vessel registration number and name.
- In narratives and reports:
 - Be clear and concise.
 - Focus on who did what, where, when, and why and on how events unfolded.
 - Write in the first person.
 - Write in the past tense. Cover events in the order in which they happened. Do not shift from present to past or past to present.
 - Write in the active rather than passive voice.
 - Write in a dispassionate, straightforward, objective voice. Feature specific facts and details, especially those that might be the basis for a generalization. Avoid speculative, figurative, personal, or unattributed generalizations.

- Use military time.
- When a FOSC is notified, identify the agency (USCG or EPA), the Coordinator's name and rank or title, the NRC report number, date reported, time reported, and the FOSC response.
- Do not abbreviate words or titles unless the abbreviation is known to the majority of people, such as "U.S.A." or "etc."
- Every incident needs a resolution.
- Maps from the Internet assist with identifying the exact location of an incident and its characteristics. See:
 - DEM maps at: <http://www.state.ri.us/dem/maps/index.htm> (e.g., "Oil Spill Planning and Response" at http://zog.doa.state.ri.us/ospar_detail.htm)
 - RIGIS data at <http://www.edc.uri.edu/rigis-spf/rigis.html>
- Attach accident reports or any other documents that pertain to the incident.
- If the incident is over and there will be no more entries or action, print in capital letters, "NO FURTHER ACTION."
- To assure legibility, all forms must be completed on a computer.
- Always proofread the form and/or report before submittal.

REIMBURSEMENT OF EXPENSES

The DEM is required to seek reimbursement for all expenses incurred during an emergency response. DEM is also authorized to take appropriate enforcement action to recover those costs. Cost recovery is normally the responsibility of office rather than field personnel.

DEM will seek reimbursement from one of two sources: directly from the responsible party or from the federal government.

RESPONSIBLE PARTY REIMBURSEMENT

DEM will normally recover all ER costs and expenses from the responsible party. Costs and expenses may include the following (see *Investigation Expense Report* form):

- Personnel wages when beyond regular working hours (authorized overtime or call-in). Wages are calculated by multiplying the hourly base rate (including benefits) for the applicable position times the number of hours on site.
- Equipment usage. The Master Price Agreement has established rates for various pieces of equipment and expendables.
- Vehicle mileage.
- Photography.
- State contractor costs.
- Laboratory analysis.
- Telephone calls and FAXes.
- NRDA costs.

The Office of ER may decline to pursue cost recovery if it finds the amount involved too small or the likelihood of recovery too uncertain. Generally, it is ER's policy not to pursue reimbursement of amounts under \$200 for inland

incidents. For incidents impacting Rhode Island waters, DEM is normally required to seek cost recovery, regardless of the amount.

RP COST RECOVERY PROCESS

- DEM incurs costs from response and cleanup actions.
- An agency letter signed by the DEM ER Administrator is mailed to the RP requesting reimbursement to the Department.
- The RP at this point has three options:
 - Pay DEM, in which case the process is terminated;
 - Write the Department and request a hearing in accordance with the administrative rules; or
 - Fail to respond to the DEM letter, in which case the incident case will be turned over to a collection agency.

PAYMENT

Payment is due within 30 days of receipt of a letter from DEM requesting cost recovery. A copy of the letter (which contains a cost recovery number) must accompany a check made payable to the State of Rhode Island General Treasurer. It must be submitted to:

DEM Office of Management Services
235 Promenade Street, Suite 340
Providence, RI 02908-5747

OIL SPILL LIABILITY TRUST FUND REIMBURSEMENT

The Oil Pollution Act of 1990 (OPA 90) authorizes reimbursement to state governments for any discharge of oil that impacts or substantially threatens to impact navigable waters when the responsible party is unknown, refuses to take containment or cleanup action, or fails to reimburse the state for response expenses within 90 days. The fund created by OPA 90 is called the Oil Spill Liability Trust Fund (OSLTF) and is managed by the U.S. Coast Guard, National Pollution Funds Center. The same costs and expenses that DEM would seek from a responsible party are eligible for reimbursement from the National Pollution Funds Center.

The National Pollution Funds Center requires the following conditions to be met by the state before submitting a claim to the OSLTF:

- There has been a discharge or substantial threat of discharge of oil.
- The spilled substance must be known or proven to be oil. Oil is defined by OPA 90 as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoils, or any fraction which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of Section 101(14) of CERCLA.
- The discharge must impact or threaten to impact navigable waters. Navigable water is interpreted to mean any waters that are in or eventually lead to coastal waters (Atlantic Ocean). For example, a storm sewer that leads to a ditch, that leads to a creek, that empties into a bay, that connects to the Atlantic Ocean is considered navigable water.

- The discharge will harm the environment by damaging or destroying state or federal resources, which can include wildlife and their habitat.
- The discharge is cleanable and the cleanup is conducted in accordance with the NCP.
- A claim cannot be submitted to the National Pollution Funds Center while DEM is pursuing cleanup costs from the responsible party. If the responsible party is unknown, DEM must document the efforts taken to discover the responsible party.
- The RI SOSC has followed proper response procedures, including:
 - Contact the National Response Center immediately (within two hours) at 1-800-424-8802
 - Immediately contact the on-call Federal On-Scene Coordinator for the EPA or USCG.
 - Demonstrate that DEM has coordinated its response with EPA or USCG.

In the coastal zone, the USCG Captain of the Port is the designated Federal OSC, and in the inland zone, EPA Region I Response and Removal Branch OSCs are the Federal OSC.

The DEM ER Administrator or his/her designee is designated as the state representative for any reimbursement requests from the State of Rhode Island.

In documenting a claim for reimbursement of the state's response costs from the OSLTF, the state must provide:

- Evidence of the Incident, including:
 - The State On-Scene Commander's report or his/her justification of why there is no SOSC report.
 - Information on when the State notified USCG or EPA and who was contacted.
 - Newspaper reports describing the incident (contemporaneous, not historical).
 - Witness accounts of the spill.
- General Information
 - A detailed description of actions taken.
 - A letter, signed by a state official, granting the person who signed the claim the authority to bind the government in a settlement; OR a copy of such an letter of authorization previously filed with NPFC
 - Analysis of the spilled substance showing that it was oil and that it was not contaminated with CERCLA substances.
 - A complete investigation file on the responsible party.
 - A map of the impacted area and/or a description of it sufficient to locate the threat to navigable waters.
 - A report from the FOSC that the response activities were necessary, appropriate, and consistent with the NCP.
- Contractor Costs (using cost data from the Master Price Agreement in

effect at the time of the incident)

- Delivery tickets, receipts, invoices, or similar records with descriptions of the work performed and a daily breakdown of activities and costs.
- Paid invoices for subcontractors and material suppliers.

NOTIFICATIONS

(See “Notifications” Section of ERP)

DEM EMERGENCY RESPONDERS (Less confidential information)

Name	Office Extension	Pager	Cell Phone	Home Phone	Radio Unit
James Ball	7129				
John Leo	7127				
Jill Eastman	7150				
Raymond Meunier	7128				
David Dumsar	2031				

CONTRACTORS

Name	Phone Number
A Barber Excavating	(401) 265-9392
Allstate Power-Vac, Inc.	(800) 442-5336
Clean Harbors Env Services	(401) 431-1847
Gill Services	(877) 645-8265
Global Remediation Services, Inc.	(508) 828-1005
Newton B Washburn, LLC	(401) 300-6791
Western Oil, Inc.	(800) 240-5540
Enpro Services “NRC”	(800) 223-8865
PAL Environmental Safety Corp	(401) 232-3353 (800) 659-3353

ADDITIONAL SUPPORT

Person or Agency	Phone Number
Chem Trec	(800) 424-9300
EPA, Region 1	(617) 723-8928
Peter Duhamel (DEM Fish & Wildlife)	(401) 423-1927
Charles Brown (birds – DEM Fish & Wildlife)	(401) 789-0281
Mark Gibson (DEM Fish & Wildlife)	(401) 423-1935
Jamestown Fire (skimmer)	(401) 423-0062
Mystic Aquarium (seals) Heather Medic	(860) 572-5955, ex. 107
Narragansett Electric	(800) 322-3223
Poison Control Center	(401) 444-5727
RI Department of Health	(401) 222-2231
State Fire Marshall	(401) 294-0861
USCG, Long Island Sound Marine Safety Switchboard	(203) 468-4444
USCG, MSO New Bedford	(508) 999-0072
USCG, MSO Providence	(401) 435-2300
US DOT, Hazardous Materials	(800) 467-4922