

Department of Public Works and Engineering

Subject: Potentially Hazardous/Contaminated Material Located on City Property or Right-Of-Way	Departmental Policy 8 - 1
	Effective Date: Upon Approval

I. Purpose

To protect the general public and Department of Public Works and Engineering employees by properly dealing with material located on City property or right-of-way which is potentially hazardous and/or contaminated.

II. Scope

This policy applies to all Department of Public Works and Engineering employees and full-time contract employees, and covers all property owned or otherwise under the control of the city. This policy supersedes any other former Departmental policy, procedure or directive.

III. Definitions

Appropriately trained - The minimum acceptable level of training is at least a 32-hour course in accordance with OSHA 29CFR 1910.120, and annual refresher courses.

City Property - For the purpose of this policy, this shall include real property owned or leased by the City, as well as rights-of-way.

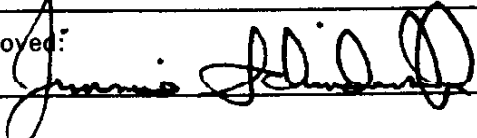
First responder - The first appropriately trained City employee to arrive at the site in question.

HAZMAT - The Hazardous Material Unit of the Fire Department.

Incident Commander - The Fire Department official in charge of a hazardous material incident.

Potentially Responsible Party or PRP - The entity which appears to be responsible for causing the hazardous/contaminated material to occur on City property. *This determination is usually based on physical evidence.*

Senior employee - The senior Fire Department employee at the site, or if no Fire employees are at the site, the senior (based on job classification) appropriately trained City employee at the site.

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Stable or stabilized - Rendered not immediately dangerous to life or health. This does not necessarily mean that the hazardous/contaminated material is remediated.

IV. Responsibility

Department directors are responsible for seeing that their employees conform to this procedure, and that potentially hazardous/contaminated material is dealt with according to procedures established by the sites' operating department. The Director of Public Works and Engineering is responsible for managing assessment and remediation projects if requested by other Directors who do not employ appropriately trained and experienced employees.

V. Procedures

- A. City employees who are not appropriately trained and equipped shall not approach, open, or touch drums, containers or piles containing unknown substances. From a distance of at least 150 feet, employees encountering such items on their work site shall make note of what they see, including information on the number of containers and any markings on them. If such unknown material is encountered or is present in an excavation, the work shall immediately be suspended within 150 feet of the material. Supervisors and/or safety coordinators shall be notified immediately.
- B. Upon receiving information that material suspected of being hazardous and/or contaminated is located on City property or right-of-way, City employees who learn of the situation shall attempt to determine the severity of the situation before visiting the site. This will normally be done by requesting additional information from persons who are at the site or who have other first-hand information.
- C. If the available information indicates that the situation is immediately dangerous to life or health, the employee receiving the information shall immediately call the Fire dispatcher at 911 and request assistance from HAZMAT, and any other appropriate emergency responders such as fire, police, EMS, etc.
- D. If the available information indicated that the situation is probably not immediately dangerous to life or health the employee receiving the information shall immediately notify his manager. The manager shall arrange

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for appropriately trained personnel to assess the situation. Departments which do not have appropriately trained personnel shall refer the situation to HAZMAT, Public Health Engineering Section of the Department of Health and Human Services, or the Bureau of Environmental Engineering Section of the Department of Public Works and Engineering (Environmental Engineering).

- E. It is the policy of the City to permit only appropriately trained and equipped personnel to be dispatched to investigate and assess hazardous and contaminated material situations. In addition, only employees who are participating in a medical monitoring program approved by a City-employed physician or the Director of Health and Human Services are permitted to handle (perform cleanup work, collect samples, etc.) potentially hazardous/contaminated material.
- F. If the situation is determined to be potentially dangerous to life or health and is being investigated by someone other than HAZMAT personnel, the investigator shall immediately notify HAZMAT.
- G. Upon arrival at the site the senior Fire Department official responding to the site shall assume the role of incident commander. If the incident commander determines that additional private resources (personnel, equipment, materials, etc.) are required to deal with the situation, the City's hazardous material contractor may be engaged to assist HAZMAT. The incident commander shall assess the situation and determine if further assessment and/or cleanup is required.
- H. As soon as possible after beginning to investigate the situation, the senior employee shall try to determine if the incident was caused by an entity other than the City, and if that entity, the PRP, can be identified. The Fire Department and other City entities which deal with PRPs in the normal course of their business shall follow their normal procedures. Other departments and entities shall proceed as follows:
 - Should a determination be made that an identifiable entity is probably responsible for the incident, the Legal Department shall be notified. The Legal Department shall immediately contact the potentially responsible party (PRP) to determine if they will actively participate in assessment, cleanup and disposal activities. The Legal Department will coordinate all contacts between the City (except for entities who deal directly with PRPs as mentioned above) and the PRP.

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- I. After assessing the situation, bringing it to a stable condition if required, and notifying the Legal Department if appropriate, a senior employee experienced in cleanup operations will determine if the material in question has been contained, and must merely be removed, or if an assessment will be required to determine the level of effort required by regulations and usage considerations. If it is determined that no release has occurred, and only material removal is required, and if the Legal Department indicates that no PRP participation is expected, the department responsible for the site shall arrange to have the City's hazardous material disposal contractor pick up and dispose the material, and pay for the work. The senior employee shall notify Environmental Engineering in writing so that a record can be maintained regarding the incident, and so that an assessment can be performed if required.
- J. In general, Environmental Engineering shall be responsible for all environmental regulatory notification, maintenance of permanent records regarding releases and other significant environmental incidents, site assessments, related to releases and the management of all cleanups, unless it is determined by the Chief of Staff that another City organizational entity shall be responsible for said work items related to a particular incident. This provision is not to limit the Fire Department's interaction with any regulatory agency during the emergency response phase of an environmental situation. Environmental Engineering, or the designated entity, shall direct the work of any consultants and/or contractors retained to work on the project, except that the Fire Department shall direct the work of any contractors retained to assist them during emergencies. Environmental Engineering will be held responsible for compliance with any orders issued by regulatory entities, except for provision of necessary funding.
- K. The department operating the site in question shall be responsible for all costs not borne by PRPs, including consultants and contractors retained by Environmental Engineering and other direct costs incurred by Environmental Engineering to perform necessary work. At times there may be funds available designated for costs associated with disposal and cleanup of material not generated by the City.

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VI. Compliance

Adherence to the above is mandatory. Any Employee who violates this policy may be subject to disciplinary action up to and including indefinite suspension.

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