

Title 128 - Department of Environmental Quality

Chapter 18 - CONTINGENCY PLAN AND EMERGENCY PROCEDURES

001 Applicability. The requirements of this Chapter apply to generators regulated under Chapter 10 (Large Quantity Generators).

002 Purpose and implementation of contingency plan.

002.01 Each generator must have a contingency plan for the site designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

002.02 The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten the environment or human health.

003 Content of Contingency Plan.

003.01 The Contingency Plan must describe the emergency procedures personnel must take to comply with Sections 002 and 007 of this Chapter, in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the site.

003.02 If the generator has already prepared a Spill Prevention Control, and Countermeasures Plan (SPCC) in accordance with the regulations of the Department, or some other emergency or contingency plan, the plan need only be amended to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of these regulations.

003.03 The plan must describe arrangements agreed to by local police and/or fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services, pursuant to Chapter 17, 007.

003.04 The plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (as defined in Section 006 of this Chapter) and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

003.05 The plan must include a list of all emergency equipment at the site (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

003.06 The plan must include an evacuation plan for personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin

evacuation, evacuation routes, and alternate evacuation routes (in cases where primary routes could be blocked by releases of hazardous waste or fires).

004 Copies of Contingency Plan. A copy of the contingency plan and all revisions to the plan must be:

004.01 Maintained at the site; and

004.02 Submitted to the Director, the State Fire Marshal (for new construction only), all local police and/or fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

005 Amendment of Contingency Plan. The contingency plan must be reviewed and immediately amended, if necessary, whenever:

005.01 The plan fails in an emergency;

005.02 The site changes - in its design, construction, operation, maintenance or other circumstances - in a way that materially increases the potential for fires, explosions or releases of hazardous wastes or hazardous waste constituents, or changes the response necessary in an emergency;

005.03 The list of emergency coordinators changes;

005.04 The list of emergency equipment changes; or

005.05 Applicable regulations are revised.

006 Emergency coordinator. At all times there must be at least one employee either on the site premises or on call (i.e., available to respond to an emergency by reaching the site within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the contingency plan, all operations and activities at the site, the location and characteristics of waste handled, the location of all records within the site, and the site layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

007 Emergency procedures.

007.01 Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

007.01A Activate internal alarms or communication systems, where applicable, to notify all personnel; and

007.01B Notify appropriate state or local agencies with designated response roles if their help is needed.

007.02 Whenever there is a release, fire or explosion, the emergency coordinator must immediately identify the character, exact source, amount and areal extent of any released

materials. This may be done by observation or review of site records or manifests and, if necessary, by chemical analysis.

007.03 Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water runoff from water or chemical agents used to control fire and heat-induced explosions).

007.04 If the emergency coordinator determines that there has been a release, fire or explosion which could threaten human health or the environment outside the site boundaries, findings must be reported as follows:

007.04A If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities and be available to help such authorities decide whether local areas should be evacuated; and

007.04B The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan), or National Response Center (using their 24-hour toll free number ((800) 424-8802) and the Department ((402) 471-4545) in accordance with the Department's Emergency Response Plan, and, if there is danger of fire occurring or explosion, the State Fire Marshal. The report must include:

007.04B1 Name and telephone number of the reporter;

007.04B2 Name and address of site;

007.04B3 Time and type of incident (e.g., release, fire);

007.04B4 Name and quantity of material(s) involved, to the extent known;

007.04B5 The extent of injuries, if any; and

007.04B6 The possible hazards to human health or the environment, outside the site boundaries.

007.05 During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur, or spread to other hazardous waste at the site. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

007.06 If the site stops operations in response to a fire, explosion or a release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes or other equipment, wherever this is appropriate.

007.07 Immediately after an emergency the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the site.

007.08 The emergency coordinator must ensure that, in the affected area(s) of the site:

007.08A No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

007.08B All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

007.09 The generator must note the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, a written report on the incident must be submitted to the Director, and, if there was fire and/or explosions, to the State Fire Marshal, also. The report must include:

007.09A Name, address and telephone number of the generator;

007.09B Name, address and telephone number of the site;

007.09C Date, time and type of incident (e.g., fire, explosion);

007.09D Name and quantity of material(s) involved;

007.09E The extent of injuries, if any;

007.09F An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

007.09G Estimated quantity and disposition of recovered material that resulted from the incident.

007.10 The generator must notify the Director, and appropriate State and local authorities, that the site is in compliance with Section 007.08 of this Chapter before operations are resumed in the affected area(s).

Enabling Legislation: Neb. Rev. Stat. §81-1505(13)

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