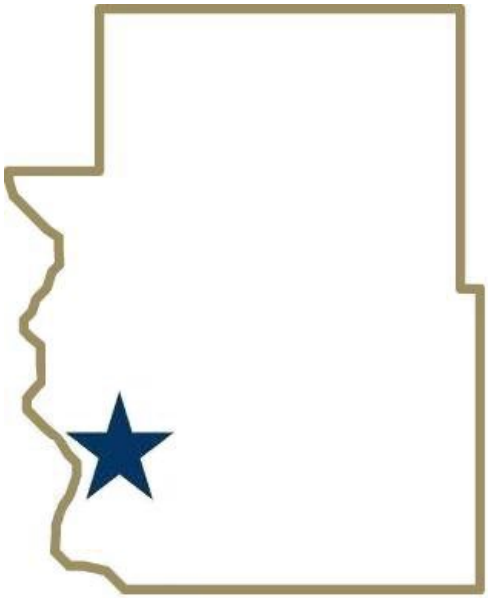
Burleigh County, ND

Local Emergency Planning Committee (LEPC)

Hazardous Materials Response Plan



Approved: November 10, 2026

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I. INTRODUCTION

A. PURPOSE

A variety of hazardous materials are transported, stored, and used within the City of Bismarck and Burleigh County area daily and include toxic chemicals, flammable liquids and gases, radiological substances, etc. These agents are used in agriculture, industry, business, and many other domestic applications.

This plan establishes the policies and procedures under which Burleigh County will operate in the event of a hazardous materials incident, oil spill, or other release. This plan is designed to prepare Burleigh County and its political subdivisions for incident response and to minimize the exposure to or damage from materials that could adversely impact human health and safety or the environment. This document outlines the roles, responsibilities, procedures and organizational relationships of government agencies and private entities when responding to and recovering from a hazardous materials event.

The plan provides guidance for hazardous materials incident planning, notification, and response as required by SARA Title III of 1986, also known as the Emergency Planning & Community Right-to-Know Act (EPCRA).

B. SCOPE

This plan is to be used in conjunction with the City of Bismarck and Burleigh County respective Emergency Operation Plans and describes the policies, situation, planning assumptions, concept of operations and responsibilities of a hazardous materials response. It must be supported by other state, local and facility emergency operations plans, appropriate equipment resources, and trained personnel.

The plan applies to all agencies responding to a hazardous materials release within the Burleigh County Local Emergency Planning Commission (LEPC) jurisdiction.

Agencies responding to a hazardous materials release will have their own Standard Operating Procedures, policies, or guidelines. This plan does NOT supersede those procedures—rather it is designed to coordinate efforts of the various agencies responding to the same incident.

C. AUTHORITY

- North Dakota Disaster Act of 1985 (ND Century Code 37-17.1 Emergency Services)
- Federal Water Pollution Control Act (1972) or the Clean Water Act
- The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Superfund Amendments and Reauthorization Act (SARA)
- CFR Title 40, Part 355 – Emergency Planning and Notification
- CFR Title 40, Part 370 – Hazardous Chemical Report: Community Right-to-Know

The Burleigh County Hazardous Materials Response Plan has been prepared to meet the statutory planning requirements of the federal Superfund Amendments and Reauthorization Act of 1986 (SARA) and to provide basic guidelines and establish responsibilities for response to a hazardous materials incident in Burleigh County.

This plan will provide appropriate response guidelines for the release of hazardous materials beyond a facility's boundary using, storing, or producing hazardous materials, and the release of hazardous materials that has the potential to injure or harm the population or the environment. All incidents must be reported, controlled, and thoroughly investigated.

Facilities and political subdivisions within the jurisdiction of this plan should establish and maintain operational plans and procedures that are compatible and consistent with this plan.

D. OBJECTIVES

- To establish procedures for notification, alerting, warning, and reporting incidents involving hazardous materials.

- To describe procedures for evacuation and stabilization and/or containment of the hazard.

- To delineate the responsibilities of local and state governments and facility owners/operators, and their relationships for response and recovery operations, as well as planning and exercising the operations.

E. REFERENCES

1. Burleigh County Emergency Operations Plans
2. City of Bismarck Emergency Operations Plan
3. ND State Emergency Operations Plan
4. US Department of Transportation Emergency Response Guidebook (ERG)

II. CONCEPT OF OPERATIONS

A. GENERAL

County and city emergency operations plans establish roles and responsibilities of the various local government organizations and must be utilized to support this document.

The hazardous materials operations will be executed in two phases:

1. Response operations, and
2. Recovery operations.

The response phase will start with initial notification and situation assessment/incident analysis and continue through the containment/stabilization for the release.

The recovery or cleanup phase will start when the release is contained and a serious threat to the immediate safety of the general public no longer exists.

The procedures outlined here will be executed when an uncontrolled release of a substance or material hazardous to the population or environment occurs, is imminent, or local emergency operations officials deem necessary, or a local disaster or emergency is declared.

B. EMERGENCY RESPONSE OPERATIONS

1. Notification.

    a. The responsible party for the incident is required to make mandatory notification to the proper authorities when a hazardous materials release occurs that could have adverse impacts to health, safety, or the environment. However, notification could also originate from a citizen or local public health.

b. During the initial notification, critical information is required by state and local emergency operations center staff for response and recovery operational support to effectively proceed. CenCom must gather crucial information to include:

- Name of the reporting party (including number and address)
- Date and time of release
- Location of release
- Containment status
- Waterway involved
- Immediate potential threat
- Type of hazardous material (if known)
- Size of spill
- Injuries or deaths
- Evacuations or shelter-in-place orders
- Anticipated impacts (public health, safety, environmental)
- Where to report (distinguishably marked location)
- Route of travel (especially if routes are compromised or threatened by the hazardous material)
- To whom to report

c. Upon notification that a potential or actual hazardous material incident has occurred, the Central Dakota Communications Center (CenCom) will:

i. Notify local responders by: Paging, Radio, or Phone.
ii. If requested by Incident Command, or per CenCom notification protocols, notify the County or City Emergency Manager of the incident. Activation of the Emergency Operations Center will be determined by the respective Emergency Operations Plan.

2. Initial Response.

a. After the initial notification, the next step is to conduct a complete incident analysis or situation assessment. Local fire, law enforcement, local public health, environmental health professionals and other emergency response agencies may incur initial responsibility for response to a hazardous materials incident.

b. Responders must constantly evaluate the potential need for outside assistance so it may be delivered in a timely manner.

3. Evacuation and/or Shelter-in-Place

a. When the local public safety officials can assess the situation, all decisions concerning the extent and length of the evacuation or shelter-in-place will come from the Incident Commander.

b. If evacuation and/or shelter-in-place is recommended, the emergency operations plan will be utilized to ensure:

   i. Public Safety Officials will conduct off-site evacuation operations (warning, restricted use of roads, barricades, etc.) depending on the incident assessment/analysis.
   ii. Activation of the Individual and Family Assistance function to coordinate care of evacuees as deemed necessary.
   iii. CenCom functions (Emergency Alert System, Wireless Emergency Alert, and/or automatic notification system) are used to provide appropriate information to affected citizens and emergency workers.
   iv. Activation of Public Information Officer(s) to provide information via news releases, social media, websites, and scheduled press conferences as needed.

4. Containment.

   a. Refer to facility plans or the on-site assessment by the local officials.

   b. Utilize City and/or County Public Works resources by contacting Bismarck Public Works Department and/or the Burleigh County Highway Department.

   c. If additional assistance is necessary, state assistance can be requested through the Emergency Manager.

5. Control Life-Threatening Hazards.

   a. Control the release if possible.
   b. Contain the released materials if possible.
   c. Suppress any fires unless using a controlled burn.
   d. Treat casualties:
      i. Local emergency medical services.
      ii. Utilize Bismarck/Burleigh Public Health as deemed necessary.
      iii. If additional assistance is necessary, state assistance can be requested through the Emergency Manager.

6. Cleanup Protocols.

   a. While it is the statutory responsibility of the designated local organization or agency to respond to hazardous material incidents, it is not the normal responsibility of said organization or agency to conduct removal or remedial action. The responsibility lies with the legally responsible party; be it the landowner, owner, buyer, shipper, manufacturer, or insurance carrier.

   b. The person or entity owning or contributing to the release of a hazardous substance(s) is responsible for properly cleaning up and disposing of the released substance(s).

   c. If the State Health Officer officially declares a situation an emergency, the contractor must have the capability to respond upon request.

   d. If the responsible party is known:

      - The responsible party will coordinate clean-up of hazardous material/contamination
      - The responsible party is responsible for incurring/reimbursing all response and recovery (clean up) costs associated with the incident.
      - The ND Department of Environmental Quality (NDDEQ) is responsible for providing oversight of clean-up operations and ensuring recovery/clean-up is performed in accordance with appropriate regulations and standards determined by the site classification (e.g., federal standards for super-fund sites and/or state standards) in coordination with local agencies (i.e., public health, emergency management). If the responsible party is negligent in satisfying clean-up requirements within established standards, the local authority will assess the situation with on-scene command and determine viable hazardous material clean-up/disposal alternatives.
      - Some factors to consider in the assessment process are listed below:
        - Existence of time critical exigent circumstances for performing cleanup as quickly as possible, e.g., blocking of a major thoroughfare or the proximity of threatened populated areas
        - The estimated arrival time of qualified cleanup contractors
        - Lethality/type of released hazardous material and level of Personal Protective Equipment (PPE) required for responders
        - Availability of equipment for clean-up (such as front-end loaders, dump trucks, etc.), and a means of secure transport/disposal such as sealable containers
        - Location of a suitable facility for disposing of the contamination
        - Identity of the responsible party, if known.
        - Although factors listed above are critical considerations, none permit placing responders in harm's way by performing tasks beyond their capabilities.

- In most cases and situation permitting, the services of a qualified, private contractor are preferred for performing hazardous material clean-up and disposal.

e. Procedures for recovery/cleanup if the responsible party is unknown or refuses to accept responsibility:

- For cases when the responsible party (be it the spiller or the local government authority) fails to take action (inaction), the NDDEQ may, on a limited basis, assist in identifying state or federal resources to address the situation.
- If, after a thorough investigation of the incident, a responsible party cannot be identified or insufficient action is taken by the landowner, the local government having jurisdiction for the geographical area where the contamination occurred, will coordinate with applicable stage agencies (to include the ND Department of Emergency Services and the ND Department of Environmental Quality) to address cleanup and disposal of contaminated material. Examples of this would be the discovery of contaminated material and no information is brought forth as to the responsible party's identity and/or the landowner has not the wherewithal to sufficiently reconcile hazardous material cleanup/ disposal. Hazardous materials post-incident cleanup is not an established capability or responsibility of local fire departments or the regional hazardous materials response teams. The resources listed sources may be utilized to reimburse costs associated with the incident.
  - Local Government Reimbursement (LGR) – local governments may be eligible for reimbursement through the EPA for some costs associated with hazardous material cleanup and disposal. A link to the website for determining program eligibility and making application is listed under references.
  - ND Disaster Relief Fund (DRF) - If the hazardous material cleanup is a part or direct result of an incident that is a presidentially declared disaster or emergency, disaster reimbursement through FEMA and the state DRF is possible.
  - Under certain conditions (Century Code 38-08-04.4.) where a responsible party can't be found, The State Industrial Commission may enter into public or private contracts for oil industry related spills/contamination.
  - Other state agency funding – Individual state agencies such as the NDDEQ, may have minimal or limited internal funding available for response to and cleanup of hazardous materials incidents. These agencies may be contacted regarding the availability of any such funding. Situations will be handled on a case-by-case basis.

7. Reporting Procedures.

   a. In accordance with state and federal law, the intentional or unintentional release of hazardous materials must be reported to the state within 24 hours of the incident. This can be accomplished by using this reporting system to meet the requirement of notifying all state agencies, both online and by calling **1-833-99SPILL (1-833-997-7455)**. This number provides a one-call routing menu with options for reporting based on the nature of the spill.

      www.spill.nd.gov

   b. Reportable Quantities: Specific minimum quantities for mandatory reporting of spills have not been established. All spills which may potentially impact waters of the state (surface or ground) must be reported. This includes all substances, not just "hazardous materials." Examples not normally considered a hazard include "nontoxic" substances such as molasses or salt. These may not be immediately harmful to human health, but they may impact aquatic life or soil fertility.

III. UPDATING, TRAINING AND EXERCISING THE HAZARDOUS MATERIALS PROCEDURE

Updating the Hazardous Materials Response Plan is continuous and will be accomplished on a yearly by the Local Emergency Planning Committee.

Training and exercising are a necessary part of maintaining an effective response capability and can be accomplished through a variety of ways as a department, discipline, or community-wide:

- Conferences
- Drills
- Workshops
- Tabletop Exercise
- Functional Exercise
- Full-Scale Exercise
- Actual Event

IV. FIXED FACILITY/SITE INFORMATION

Fixed Facility/Site Information via Tier II submissions will be collected by the ND Department of Emergency Services' HazConnect online system on a yearly basis. This information is a key to local resources development, the setting of training/exercise needs, and additions to local response and recovery procedures for hazardous materials.

Additionally, the Tier II information will be available for public review through local Emergency Management, 316 N 5th St, Bismarck during business hours pursuant to the Community Right-to-Know Act.

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