



Hazardous Substances Emergency Response Cost Recovery Information

Local fire departments and hazardous materials teams often respond to events involving the release of a hazardous substance. This fact sheet is intended to assist local hazardous substance emergency responding agencies recover cleanup costs in accordance with sections 260.500 through 260.550, Revised Statutes of Missouri, sometimes referred to as the “Spill Bill.”

Missouri Statute

RSMo Chapter 260 can be found in its entirety at the following Web address: <http://www.moga.mo.gov/statutes/chapters/chap260.htm>. For your convenience, Chapter 260.500-550 can be found in portable document format (pdf) on the Environmental Services Program home page at <http://www.dnr.mo.gov/env/esp/spillbill.htm>.

Changes to the Statute as of August 2008

During the 2008 legislative session, Senate Bill 931 was passed, resulting in the following changes to section 260.546, effective Aug. 28, 2008.

- Addition of language which makes the spiller liable for reasonable and “necessary” costs incurred by responders while securing or cleaning up any hazardous substance.
- Addition of a 60-day time limit for responders to submit an itemized statement of costs to the spiller.
- Addition of language, which directs the statement of cost shall include explanations of why the costs are reasonable and necessary; are not duplicative; did not include costs of services normally provided and/or may have included contracted services costs.
- Addition of a “best practices” clause for the initial response and assessment.
- Addition of language placing the burden of proof on the responding agencies to justify the costs of the response.

Recommended Procedure For Billing:

The following steps should be followed when trying to recover costs incurred while handling a hazardous substance release. Remember that the billing is to recover **actual** costs while trying to clean-up/mitigate the release of the hazardous substance. Its purpose is not to acquire new equipment that may be used by the agency for future responses or replace exhausted equipment. An attached price guide has been provided by a committee comprised of Division of Fire Safety, Department of Natural Resources, and local response agencies across Missouri.

Step 1

Ensure that the release has been reported to the DNR 24-hour spill line at 573-634-2436. This will help document the release and can assist with consistency in response details.

Step 2

Keep good documentation of the activities at the site and who performed various duties (using ICS forms and submitting them will help document the response). Include photos of any damaged equipment. If any gear needed to be cleaned or replaced submit documentation (including photos) of the cleaning and pricing.

Step 3

An itemized, detailed bill (see attached example invoice) should be sent via certified mail, with a return receipt requested, to the person having control of the hazardous substance (owner, responsible party, etc.). If equipment was destroyed and compensation is being sought, explain how and why it was lost, including information as to how the replacement cost was determined. This bill should include copies of all bills for any assistance that was required from other departments as defined in the statute. It should be noted that the person having control of the hazardous substance can contest the billing if done in accordance with the law.

Step 4

If payment is not received within 30 days, resubmit the detailed billing via certified mail, with a return receipt requested, along with a copy of the Chapter 260.500-260.550 (or at least Section 260.546). It is important to outline the part of the law that states, "Full payment shall be made within 30 days of receipt of the cost statement." Also, it would be advisable to note to them that "John Doe" signed for the initial statement, which was sent earlier.

Step 5

If the second step is unsuccessful at recovering costs incurred, your agency will need to seek legal counsel (city attorney, county prosecutor, etc.) to assist with the cost recovery.

Step 6

Send one invoice for all agencies involved. This invoice should be sent by the lead agency responsible for the incident with jurisdictional authority.

Appeal of Emergency Expenses

If the person having control over the hazardous substance elects to contest the payment of such costs, such person shall file an appeal with the director of the Missouri Department of Natural Resources within thirty days of receipt of the cost statement. If a billing is contested, it is important that the agency trying to collect incurred costs has submitted an itemized, detailed bill.

This itemized detailed bill and proper supporting documentation (narrative incident summary, final reports, invoices, receipts, etc.) will help the director in resolving the appeal in a timely manner. Per Section 260.546 "The burden of proof shall be on the political subdivision or volunteer fire protection district to document and justify such costs allowed under subsection 1 of this section."

Questions about cost recovery may be directed to the department's Environmental Services Program at at 573-526-3315.

Other Sources of Financial Assistance

Fire Association Billing

Missouri State law section 320.302 allows non-tax supported fire departments that respond to emergencies of nonmembers or non-subscribers to charge a fee. The amount may be up to \$100 for responding to the emergency and \$500 for each hour or a proportional sum for each quarter hour spent providing emergency services.

Local Government Reimbursement

The U.S. Environmental Protection Agency has a program designed to reimburse local governments that have been affected by costs beyond those routinely incurred when dealing with a hazardous substance release. The Local Governments Reimbursement Program, or LGR, is found under federal regulations at 40 CFR Part 310, which defines a hazardous substance in section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or CERCLA. Only emergencies involving CERCLA compounds will be eligible for compensation using the LGR program. This does not include petroleum, crude oil or any fraction thereof.

The LGR program will reimburse local governments for expenses incurred in carrying out temporary emergency measures. These measures must be necessary to prevent or mitigate injury to human health or the environment associated with the release of any hazardous substance, pollutant or contaminant. The financial relief is limited to \$25,000 per single response. To obtain more information about the LGR program or to receive an application, call 800-431-9209 or www.epa.gov/ceppo/web/content/lgr/.

Oil Pollution Act

The EPA has a program designed to reimburse cost associated with petroleum releases that enter or threaten to enter U.S. waters. The Oil Pollution Act improved the nation's ability to prevent and provide money and resources necessary to respond to oil spills. To obtain more information about the Oil Pollution Act fund, contact EPA Region 7 at 913-551-7000.

For More Information

Missouri Department of Natural Resources
Environmental Services Program
Environmental Emergency Response Section
P.O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-526-3315
573-526-3350 fax
www.dnr.mo.gov/env/esp/spillbill.htm

Anytown, MO Fire Department

Hazardous Substance Emergency Response Cost Recovery Statement Itemized statement needs to be completed by each responding department and given to the lead agency to mail to the responsible party. Please send by certified mail with return receipt requested.

Responsible Party: XYZ Trucking
Address: 123 Main Street, Jefferson City, MO 65101
Location: Hwy B and Hwy C Junction
Date/Time of Incident: 1/1/2001, 1300

Statement mailing date: 2/15/2001

Equipment - Rescue Unit (greater than 1 ton), 1 hour	= \$ 250
Personnel- Technical Rescue (\$50 X 5 staff)	= \$ 250
Personal Protective Equipment:	
Suits: 6 Saranex @ 12.50 each	= \$ 75
Gloves: 6 pairs heavy nitrile @ \$2.00/pr	= \$ 12
Sorbent Materials:	
2 – 10 ft Booms @ \$20.00 each	= \$ 40
200 Pads @ \$.25 each	= \$ 50
5 – 10 lb. Bags of sorbent clay @ \$5.00/bag	= \$ 25
Plugging and Patching materials:	
Decontamination Supplies:	
Communication Costs:	
Cellular: \$15.00 (see attached invoice)	= \$ 15
Other:	
Replace 50' of 1.5" fire hose damaged by acid (see attached photos and narrative)	= \$ 150
Total Costs	= \$ 867

Please make check payable to Anytown Fire Department.

Thank you,

Chief Joe Smith
Anytown Fire Dept.
100 S. Main
Anytown, MO #####



State of Missouri
Spiller Pays Cost Recovery

Engines:	
1:	Cost/Hr: \$150
1000 GPM or Greater, 1200” 2.5” hose or larger, ground ladders, booster tank	
2:	Cost/Hr: \$150
500-750 GPM, 1200” 2.5” hose or larger, ground ladders, booster tank	
3:	Cost/Hr: \$200
Elevated Aerial Device	
4:	Cost/Hr: \$100
Other Engines not fitting above specifications	
Tankers	Cost/Hr: \$175
Rescue Units:	
Greater than 1 ton	Cost/Hr: \$250
Minimum equipment: Air Bags, Cribbing, Lighting, Hyd/Air operated/electric, extrication tools (ie: Hurst), porta power kit, generator, power saw	
1 Ton or Less	Cost/Hr: \$100
Equipment: Porta power kit, hand tools	
Medical Unit	Cost/Hr: \$125
Bomb Unit	Cost/Hr: \$175
Decontamination Unit	Cost/Hr: \$150
Law Enforcement Vehicle	Cost/Hr: \$50

This information was provided by a committee comprised of the Missouri Department of Natural Resources, Division of Fire Safety, and local response agencies from across the State of Missouri. Equipment costs do not include personnel.



State of Missouri
Spiller Pays Cost Recovery

Brush – Wildland Unit:	
Pump, Tank, Hose	Cost/Hr: \$100
Special Equipment/Units:	
Air Teams/Unit	Cost/Hr: \$150
Bomb Unit	Cost/Hr: \$175
HazMat Unit	Cost/Hr: \$150
Lighting Units (towed)	Cost/Hr: \$150
Command Vehicle	Cost/Hr: \$100
Mobile Communications/Command Post	Cost/Hr: \$200
Foam Unit (foam charged separately)	Cost/Hr: \$150

Personnel: Fire, HazMat, Medical, and Law Enforcement	
Fire Department Personnel	Cost/Hr: \$25
Technical Rescue	Cost/Hr: \$50
Paramedics (ALS)	Cost/Hr: \$50
EMT (BLS)	Cost/Hr: \$25
Bomb Technician/Disposal Personnel	Cost/Hr: \$50
HazMat Technician	Cost/Hr: \$50
HazMat Operations	Cost/Hr: \$25
HazMat Awareness	Cost/Hr: \$15
HazMat Specialist	Cost/Hr: \$50
Law Enforcement	Cost/Hr: \$25

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State of Missouri
Spiller Pays Cost Recovery

HAZ-MAT Related Equipment (charge only if used)

PID- Photo Ionization Detector	Cost/Hr: \$20
FID- Flame Ionization Detector	Cost/Hr: \$20
CGI- Combustible Gas Indicator	Cost/Hr: \$20
RAD Meter	Cost/Hr: \$20
Haz-Mat ID	Cost/Hr: \$125
APD 2000	Cost/Hr: \$125
Haz-Cat Kits	Cost/Hr: \$20
Hapsite (GCMS)	Cost/Hr: \$250
Identifinder (Radiation detector)	Cost/Hr: \$20
Organic vapor analyzer	Cost/Hr: \$20
pH meter	Cost/Hr: \$5
Anthrax test strip identification	Cost/Each: \$50
4 gas meter	Cost/Hr: \$25
3 gas meter	Cost/Hr: \$25
Air monitoring/communication devices (AreaRAE)	Cost/Hr: \$125
M8 paper	Replacement cost
M9 paper	Replacement cost
M256 Kits	Replacement cost
PH paper	Replacement cost
Absorbent pads and booms	Replacement cost
Overpack drums	Replacement cost
Colorimetric tubes	Replacement cost
Personal Protective Equipment (PPE)	Replacement cost

*Actual replacement cost should be used for expendable supplies, equipment, PPE. Equipment costs do not include personnel. The Department of Natural Resources maintains an emergency response contract which could serve useful in helping establish rates for HazMat equipment not listed in this bulletin. This contract also has rates for heavy equipment. The emergency response contract can be found at <http://oa.mo.gov/purch/noa/c307154.pdf>

