

**LUCAS COUNTY
EMERGENCY MANAGEMENT AGENCY**

**Lucas County Plan for Reimbursement of
Costs Associated with Response to
Hazardous Materials Emergencies**

**ENFORCEMENT OF
Ohio Revised Code 3745.13**

October 10, 2017

Lucas County Cost Recovery Policy for Unauthorized Spills

Purpose

To provide Lucas County with a consistent means for recovering costs associated with responding to and providing service at a hazardous material or other incident requiring activation of the Lucas County Emergency Response Plan.

Background

The Ohio Revised Code Section 3745.13 provides for counties in the State to recover costs from persons causing environmental emergencies. Agencies responding to Hazardous Material incidents can recover associated costs for incident response and mitigation provided those costs are reasonable and directly associated with the incident. It is the intent of this policy to facilitate the Lucas County Emergency Management Agency (EMA) to coordinate the cost recovery claims for Fire Jurisdictions within the County upon their request. This Policy is intended to be consistent with the Cost Recovery Policy in the Ohio Fire Service Emergency Response Plan for Hazardous Materials / WMD Incident Response (SOP 1.2 HMRT Cost Recovery).

Procedure

1. Claims for recovery of costs should be submitted to Lucas County EMA within twenty (20) working days of the termination of response and mitigation activities.
2. Complete appropriate “Attachment Itemizing Cost Recovery Claims” form(s). Search www.FEMA.gov for current Schedule of Equipment Rates.
3. Ensure that equipment costs apply only to equipment that was in actual operation in the response or mitigation. Standby equipment costs are not eligible for reimbursement.
4. Attached to the request for recovery of costs should be all necessary documentation of expenditures (e.g. wage schedules, equipment function (operational, personnel transport, etc.)).
5. Lucas County EMA will add a 10% administrative charge to the total bill for those cost recovery requests processed by the Lucas County EMA personnel.

Guidelines for Determining Cost Recovery

I. Cost Recovery Categories and Descriptions

- A. Vehicles/Equipment: The Lucas County EMA will use the Federal Emergency Management Agency (FEMA) Schedule for Equipment Rates for reimbursement where applicable. Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., for ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, OSHA equipment and other costs incidental to operation. **Standby vehicle/equipment costs are not eligible. The equipment must be in actual operation performing eligible work in order for reimbursement to be eligible.**
- B. Labor: Labor costs of equipment operator are not included in the equipment rates and should be listed separately from equipment costs. Actual wages and benefits must be submitted and must be consistent with the existing wage schedules for the jurisdiction. The cost of scheduled on-duty personnel is not billable. However, wages or overtime for replacement personnel is billable.
- C. Mileage: Mileage is applicable to and from the scene for the units directly involved with the incident resolution. Billing for fire apparatuses used solely for personnel transportation is not appropriate.
- D. Supplies: This includes items that are used exclusively for hazardous material incidents that cannot or should not be reused. Some examples would be absorbent pads, tyvek suits, gloves, colorimetric tubes, pH paper, and chemical classifiers.
- E. Operational charges: Operational charges are costs to support the response. Some examples would be fuel, water, personnel support, and billing preparation.
- F. Equipment replacement: This includes material used during normal operations that must be replaced due to contamination or breakage during the hazardous material incident response. Some examples of replaceable equipment could be shovels, ladders, vehicles, portable radios, electronic instruments, or sensors.

II. Recovery Cost Guidelines

- A. Vehicles: Reasonable and customary costs as established by ordinance or rule by the authority having jurisdiction who owns the vehicle(s). Where costs are not established or in major disasters and emergencies declared by the President, the current schedule of FEMA rates will prevail on or after their date of publication. Billing for stand-by time is prohibited in any case. Vehicles covered include but are not limited to the following.
 - i. Engine
 - ii. Command Vehicle
 - iii. Rescue Vehicles
 - iv. Support Vehicles
 - v. HazMat Vehicles
 - vi. Trailers
- B. Mileage: Mileage reimbursement will be based upon the current IRS Standard Mileage Rates.
- C. Equipment and Supplies: Actual replacement costs with accompanying explanation for extraordinary expenditures.
- D. HazMat Personnel: Actual wages and benefits must be submitted. The cost of scheduled on-duty personnel is not billable. However, wages or overtime for replacement personnel is billable. Volunteers are eligible to recover funds as prescribed in the Ohio Emergency Response Plan. However, in the event of a major disaster or emergency as declared by the President, FEMA rules and regulations pertaining to wage and benefit recovery will prevail.
- E. The current Schedule of Equipment Rates can be found by entering “equipment rates” in the Search box at www.FEMA.gov.

Attachment Itemizing Cost Recovery Claims
 Page __ of __ (copy additional pages as necessary)

Vehicle/Equipment Operations Cost			
Item	Rate	Total Time	Total Cost
Sub-Total			
Mileage			
Item	Total Miles to and From Incident		Total Cost
Sub-Total			
Personnel			
Name	Wage/Hr	Total Hours	Total Cost
Sub-Total			
Equipment/Supplies Replacement Costs			
Item	Quantity	Cost Each	Total Cost
Sub-Total			
Additional and/or Extraordinary Related Costs			
Item	Total Cost	Explanation	
Sub-Total			
LCEMA Admin Cost-10%			

Total Cost Recovery Request		
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Cause of Spill / Responsible Party Scene Notification

COMPANY NAME: _____

COMPANY ADDRESS: _____

PHONE NUMBER: _____

COMPANY REPRESENTATIVE: _____

OHIO EPA SPILL ID# _____

PRODUCT RELEASED _____

QUANTITY _____

DATE OF RELEASE _____

LOCATION OF RELEASE _____

SPILL DESCRIPTION: _____

I have been advised by the below listed fire department officer and/or EMA representative that I/my company am/is responsible for costs incurred during the cleanup of the above described spill as per Ohio law.

**COMPANY OFFICIAL/DRIVER
SIGNATURE** _____

**COMPANY OFFICIAL/DRIVER
PRINTED** _____

PHONE NUMBER: _____

DATE: _____

FIRE DEPARTMENT OFFICER _____