



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

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CONTINGENCY PLAN GUIDANCE

This information is to assist generators in meeting the hazardous waste Contingency Plan requirements under 40 CFR 265, Subpart D, which is applicable to generators under 40 CFR 262.34. The guidance is not necessarily all-inclusive, but should help the company develop a good, thorough and easy-to-read plan which will help to make the plan easy to use in an imminent or actual emergency situation. The regulations and the items below are intended to assist as a “checklist” when writing or revising a Contingency Plan. The Department will be looking for these items when reviewing the plan to determine if the plan meets the requirements. Please note that the Department is obligated to take enforcement action for hazardous waste violations, including not meeting Contingency Plan requirements.

Facilities that generate more than 1000 kg of hazardous waste in any month and all permitted hazardous waste facilities must have a Contingency Plan. Small quantity generators must have modified emergency procedures under 40 CFR 262.34(d); the Department suggests that written plan be developed also.

1. The plan should be well organized so that information can be obtained quickly in an emergency. A cover page should give the facility name, location and phone number, and date prepared plus any revision dates. A detailed Table of Contents and page numbers should be provided.
2. The plan must describe the actions that facility personnel must take in an imminent or actual emergency [§265.52(a)]. The actions should be specific to the hazardous waste handled and to the characteristics of the facility and surroundings (e.g. canals, storm drains, etc.). In other words, the plan should not merely recite the general language in §265.56, but rather should specify the actions that will be taken to comply with §265.56. Much of this information could be placed in a table or chart which gives such things as:
 - a. Chemical and trade name of each material (including amounts and locations);
 - b. Physical and chemical properties (e.g. flash point, density, etc.);
 - c. Hazards of the material (e.g. “toxic by inhalation”, “corrosive”, “flammable”, etc.), and special precautions (e.g. “keep away from flames and sparks, “keep away from acids and oxidizers”, etc.);
 - d. Emergency response actions (fire and spill responses), including identification of the specific neutralizing agents, fire extinguishing agents, absorbent materials, protective clothing, and any other appropriate materials and equipment to be used.

Such a chart would provide a quick and easy reference in an emergency, and most or all of this information can be obtained from Material Safety Data Sheets (MSDS). Alternatively, and more cumbersome and less preferable than a chart, would be to attach MSDS’s to the plan in an alphabetical or other organized matter.

A note of caution: MSDS’s often give vague, and sometimes questionable or even incorrect, disposal information. Please note that State of Florida rules require that hazardous wastes be manifested to a permitted hazardous waste management facility, and that none of the local sanitary landfills are permitted to accept any quantity of hazardous wastes.

ARRANGEMENTS

3. The Plan must describe arrangements agreed to by local authorities (police and fire departments and local hospitals), and by emergency response contractors and equipment suppliers [§265.52(c)]. Merely stating that the authorities have received a copy of the plan is insufficient. The Department suggests facilities retain certified mail Return Receipts as proof that the Contingency Plan has been provided to emergency agencies. The plan should state that the authorities have been notified of the facility layout, properties and hazards of the wastes, places where personnel are normally working, facility entrances and evacuation routes, etc. The specific arrangements must be described, i.e., the materials and services that each would provide on a 24-hour basis. For example:
 - a. Does the fire department have a HazMat team, and ample quantities of extinguishing agents such as foam and dry chemicals? How many trucks (fire engines) can they bring at a short notice, etc.?
 - b. Will the police provide crowd and traffic control?
 - c. Can the hospital treat injuries from exposures to the chemicals handled?
 - d. What materials and services will contractors provide? What is their response time? Can they provide extra overpack drums, absorbents, etc.? A list of materials and services they could provide is suggested.

4. The plan must include phone numbers of the local authorities and emergency response contractors, and should also include the following numbers:

DEP/District Offices	See Attachment
DCA (State Warning Point)	850/413-9911 *
National Response Center	800/424-8802 *
CHEMTREC (chemical info)	800/424-9300 *

(*24-hour numbers)

EMERGENCY COORDINATORS

5. The list of emergency coordinators must also include their home addresses and phone [§265.52(d)], and one person must be named as the primary coordinator with the others being listed in descending order.

6. The plan should include a statement that the emergency coordinators are authorized to commit the necessary resources during an emergency, and that at least one coordinator is always on-site or on call and can reach the facility on short notice during an emergency.

7. The plan must include a statement that immediately after an emergency, the emergency coordinator will provide for the proper management of recovered waste, contaminated soil or other debris, and any contaminated surface or groundwater [§265.56].

EQUIPMENT

8. The emergency equipment must be listed [§265.52] A table or chart should be compiled, which provides the required information. For example, the chart must include at a minimum:
 - a. Names and physical descriptions of each item;
 - b. locations of all equipment;
 - c. capabilities and limitations of each item.

Self-explanatory items such as shovels do not have to be described in detail. However, other items which have various sizes and capabilities must be described fully.

In addition to locations, the following types of information are needed:

- a. Numbers, sizes and types of fire extinguishers;
 - b. amounts, types and capabilities/suitability of absorbents;
 - c. minimum number and sizes of over pack and spare empty drums kept on-site;
 - d. communication and alarm systems and impermeable gloves should be described, along with other materials which would be used in an emergency.
9. The plan must include a statement that all emergency equipment will be cleaned, replaced or otherwise made fit for its intended use before operations resume [§265.56(h)].

DIAGRAMS

10. The plan must include an evacuation plan [§265.52(f)], including signals (both dependent and independent of electric power) used for evacuation. The routes should be shown on the site diagram (see #11, below).
11. A scaled site diagram(s) should be included in the plan. Evacuation routes, emergency equipment (including fire hydrants), chemical handling and storage areas, storm drains, etc. should be shown.

OTHER ITEMS

12. The plan must include information on the reporting requirements [§265.56(i) and (j)]. Note: the reports must be sent to the appropriate DEP Districts office (see attachment).
13. The plan must state where copies of the plan (plus any revisions) are kept at the facility, and must indicate what local authorities have received copies and revisions.
14. The plan should include a paragraph regarding amendment of the plan [§265.54].
15. The facility personnel must be trained for evacuation and, according to their job functions, must be trained in implementation of the Contingency Plan. The training must be in accordance with 40 CFR 265.16. The Department urges that workers be trained and authorized to pull fire alarms in an imminent or actual emergency, since too much time can be lost by notifying a supervisor who then notifies somebody else who then notifies an emergency coordinator. Such a time-consuming chain of notification could result in disaster.

SUGGESTIONS

16. Though the Contingency Plan requirements apply to hazardous waste, we strongly suggest that the plan also address hazardous raw materials. This will, in part, help the company meet worker "Right to Know" laws.
17. The Department suggests that the locations of any underground tanks and pipes be included in the plan, along with the types and amounts of materials stored.
18. Contingency Plans are dynamic in nature and should be checked and updated periodically.
19. A binder or notebook with tabs helps make the plan more organized, and also easier to update, review and use in an emergency.
20. DEP cautions facilities against relying on the receptionist for making emergency notifications and announcements. The emergency coordinator or other responsible, knowledgeable person should make such notifications.

The above guidance should be helpful in writing a complete plan. Although it is acknowledged that some items are suggestions, most are regulatory requirements.