

****ATTENTION****

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting:
 - On Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable (On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)
 - Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
 - On the City's website at <https://ci.billings.mt.us> and click on "Watch Meetings Online".

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P. O. Box 1178, Billings, MT 59103
- Email: <https://ci.billings.mt.us/1538/City-Council-E-mail-Messages>.
 - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6196**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact Denise Bohlman, City Clerk, bohlmand@billingsmt.gov, with any questions.



VISION STATEMENT:
"The Magic City: A diverse,
welcoming community
where people prosper and
business succeeds."

WORK SESSION AGENDA
Tuesday, January 19, 2021

5:30 P.M.

Council Chambers are Closed.
The meeting will be held remotely via
virtual meeting room. Please see
coversheet for details and instructions
for viewing and participation.

CALL TO ORDER: Mayor Cole

- 1. COVID-19 Update by Unified Incident Command (UIC)**
(Presented by: John Felton, Yellowstone County Health Officer)
- Public Comment

- 2. MDT 27th Street Railroad Crossing Study Alternatives.**
(Presented by: Wyeth Friday, Planning Director; Debi Meling, Public Works Director; MDT Representative, Rod Nelson; and Tim Erickson, HDR)
-Public Comment

- 3. Massage Therapy Business License Ordinance.**
(Presented by: Chris Kukulski, City Administrator, Gina Dahl, Interim City Attorney, and Stephanie Baucus, Yellowstone County Area Human Trafficking Task Force)
- Public Comment

- 4. Human Relations Commission Annual Report.**
(Presented by: Kody Christensen-Linton, Downtown Billings Alliance, Resource Outreach Coordinator)
- Public Comment

- 5. Yellowstone County HazMat Response Plan - Updated.**
(Presented by: K.C. Williams, Yellowstone County Disaster and Emergency Services Director)
- Public Comment

COUNCIL DISCUSSION:

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required. *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please call 237-6196 during the public comment period.)*

ADJOURN:

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session at the end of a Work Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4)(a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.
- Council meetings may be viewed at any time by accessing Community 7 Television online at www.comm7tv.com and

clicking on archived programs.

Council Work Session

2.

Meeting Date: 01/19/2021

Title: Presentation and Discussion of MDT 27th Street Railroad Crossing Study Alternatives

Presented by: Wyeth Friday

Department: Planning & Community Services **Division:** Planning

RECOMMENDATION

This presentation and discussion of the MDT 27th Street Railroad Crossing Study is to provide Council with the background, status, and potential alternatives defined by the study and how they could impact Downtown Billings. City staff has concerns with the construction alternatives' impacts to Downtown Billings, and also that the study has not adequately assessed all options to relieve traffic delays at the crossing. The Council at this meeting should consider providing comment to MDT on the City's position on a future crossing project or other crossing mitigation strategies to help inform whether MDT should consider anything in the near future other than a No-Build Alternative. Staff supports expansion of the study to adequately assess the application of ITS and the use of the existing underpasses to mitigate vehicle and train traffic conflicts at the 27th Street Crossing as viable, standalone mitigation options in addition to an overpass or underpass.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Montana Department of Transportation (MDT) is completing a \$1.2 million, multi-year study of the 27th Street Railroad Crossing in Billings. The scope of this project is to develop a feasibility study to determine short and long-term solutions for the existing at-grade railroad crossing on 27th Street in Billings. A high-level Montana Rail Grade Separation Study was completed by MDT in 2016, identifying this location as being a high priority for MDT to further assess. The more detailed 27th Street Railroad Crossing Study now being conducted is to identify specific solutions that are feasible and meet the needs at this location. This study is considering, at a minimum, traffic operational and engineering analyses, safety, Railroad coordination, bicycle/pedestrian facilities, ADA needs, environmental issues, geometric considerations, right-of-way, utilities, public engagement, stakeholder input and impacts to adjacent buildings. Information on the ongoing study and the public participation elements to date are available at <https://www.mdt.mt.gov/pubinvolve/billings27thstreet/default.shtml>

The at-grade main line railroad crossing at 27th Street in Downtown Billings has been a subject of significant discussion and study for at least the past 62 years. No less than 10 study efforts, including the current one, have focused on how to better address vehicle traffic flow through and around this crossing. The studies are as follows:

- 1958 – Evaluated 6 alternatives, recommended further study
- 1960 – Evaluated 4 alternatives, recommended cost/benefit analysis of relocating railroad
- 1962 – Examined possible relocation routes
- 1964 – Recommended short-term traffic management solutions
- 1980 – Recommended either an underpass or overpass
- 1997 – Downtown Framework Plan recommended preserving railroad tracks downtown
- 2003 – Statewide grade separation study recommended 2 lane underpass at 27th St.
- 2004 – “Over, Under, and Around” study recommended long range and short range projects-including traffic management solutions
- 2013 - City initiated analysis and effort to secure funds to install improved advanced warning system reader boards, implement computer software advanced warning systems, and study the 13th Street and 21st Street underpasses for improvement and traffic routing options. Funding was not awarded and project could not move forward.
- 2019 - MDT Study

Work to alleviate some of the impacts of the crossing has been completed, including

construction/implementation of a Quiet Zone along the railroad corridor through Downtown Billings, the current advanced warning signs installed along 27th Street that flash when a train is in the crossing, a southbound left turn phasing at Montana Avenue and 27th Street, and upgrades to traffic signal controllers to improve traffic flow during and following passage of a train.

The study has so far defined three options as possible outcomes of this most recent analysis: Not build anything; Build an overpass; Build an underpass. MDT has stated that, if there is enough interest, the study could look in depth at Intelligent Transportation System (ITS) elements to provide early warning systems and signage, and traffic re-routing software systems for emergency response vehicles and the general public. These options are identified as short or medium term options but are not fully vetted so far as study recommendations like the construction options. The study also is not assessing the feasibility of improving and taking advantage of the existing 13th Street or 21st Street underpasses to re-route traffic when the crossing is blocked by a train. City staff finds these other strategies and options as critical given the substantial costs and permanent, significant negative impacts to Downtown Billings from an overpass, and to a lesser but still significant extent, an underpass. It is notable that other cities in the country have gone to staggering expense in the past decade to remove or re-purpose overpasses in their neighborhoods and downtown core areas to revive economic and social activity, and eliminate negative environmental impacts. To have a highly technical 2020 study seeming to lean toward an overpass as the most viable option in the core of Billings to cross railroad tracks, seems counter to where transportation technology can take us in the next decade or less.

The purpose of this presentation and discussion is to help Council understand the study findings and the ramifications of the study's recommendations, and have the Council decide how it might weigh in to MDT on this study as it is completed in mid 2021.

ALTERNATIVES

Given the status of the study, the City Council may:

- Support one of the three current alternatives the study has defined: Not build anything; Consider building an overpass; Consider building an underpass;
- Support expansion of the study to adequately assess the application of ITS and the use of the existing underpasses to mitigate vehicle and train traffic conflicts at the 27th Street Crossing as viable, standalone mitigation options in addition to an overpass or underpass.
- Take no position on the study and its recommendations.

FISCAL EFFECTS

The impact to downtown needs to be reviewed in more depth and ITS solutions must be explored as a less intrusive and less costly alternative that will have a positive effect in our downtown. The MDT study has not considered the economic or property value impacts of constructing an overpass or underpass in Downtown Billings, or if there are economic benefits to have a project built. There appear to be safety benefits if traffic delays are reduced at the railroad crossings, but City staff is not aware the MDT study has looked at how these benefits may compare to the negative impacts.

Council Work Session

3.

Meeting Date: 01/19/2021

Title: Massage Therapy Business License Ordinance

Presented by: Chris Kukulski, City Administrator

Department: Legal

RECOMMENDATION

Staff recommends Council review the enclosed DRAFT massage business license ordinance and determine if it is ready to be considered for adoption.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On November 27, 2017, Council member Sullivan spearheaded an initiative, that was approved by the Council, to develop an ordinance to eliminate illicit massage businesses/spas in Billings. The Council's adopted priorities for 2019 and 2020 both included direct references to adopting a message business license ordinance to assist the City's efforts to improve safety. Since that time, there have been a significant amount of resources spent on researching and drafting the proposed ordinance. Staff have met with stakeholders, including local massage therapists, and requested input and feedback on the draft ordinance in an attempt to find a mutually acceptable draft. I have come to the conclusion that additional regulations of any kind will be apposed by some members of our community. The current draft has been reviewed by Administration, Code Enforcement, Finance, Police Department, as well as Legal for input.

This ordinance is a business license requirement and does not regulate spas/massage therapy businesses in a criminal arena. It does not allow for law enforcement inspection beyond established legal authority for such searches. However, we do believe the business license process and enforcement, will reduce the number of illegal businesses operating within our city limits.

Billings has a significant problem with illicit massage businesses (IMBs). Federal Borough of Investigations (FBI) data from 2017 tracked commercial sex ads in Montana. Bozeman and Missoula had nearly 5,000 ads, while other MT cities had between 2,000 and 3,000 and Billings had nearly 20,000. IMBs are considered to be a primary source of these ads. Over the past five years, there have been between 15 and 27 IMBs operating within our City on any given night. It is estimated that a woman at a Billings IMB provides sexual services to 25-35 men, generating up to \$18,000 per month.

This illegal activity is contributing to the City's crime problems. No one approach will eradicate this from our community. I believe Implementing this business license ordnance is one of the least expensive ways to chase several of these illegal businesses out of our community.

ALTERNATIVES

City Council may direct staff to place this item on a Regular Council meeting agenda or provide specific direction on how to proceed with any amendments.

FISCAL EFFECTS

The application for this business license fee will be \$25 for the first year - July 1, 2021 to June 30, 2022. After July 1, 2022, the fee will be increased to \$55. This is the easiest way to provide a credit back to the massage businesses who will be required to have a background check for the first year. According to the State of Montana's website, background checks range between \$10-\$30. Currently, all business licenses cost \$55 annually. This enhanced business license will not generate more money for the city. The \$30 discount for fiscal year 2022 will likely reduce business license revenues by ~\$2,500 (83 massage businesses x \$30).

Attachments

One Pager

Proposed Massage Therapy Business License Ordinance

QA

Billings, MT Human Trafficking Prevention Ordinance through Spa and Massage Business Licensing

(Originated in 2017 by Former City Councilmember Ryan Sullivan)

This Ordinance (Article 7-1800):

- (1) will reduce human trafficking by making it more difficult for illicit massage businesses (“IMBs”) to operate;
- (2) will save resources for law enforcement by allowing Code Enforcement to shut down IMBs; and
- (3) will drive away criminals masquerading as legitimate businesses in exchange for low cost, nominal regulation.

NEED FOR THE ORDINANCE

- **Human trafficking** is modern day slavery – its victims are trafficked or forced into servitude for sex or labor.
 - It is approximately a 150 billion dollar a year industry, with some 40 million current victims globally.
 - It comes in many forms, including escort services in motel rooms, day laborers, and IMBs.
 - IMBs are the second largest type of sex trafficking, with some estimated 9,000 IMBs across the country.
 - Those working there are generally kept inside all day every day until moved to a new IMB in another city.
- Some recent reports have ranked **Montana fourth per capita** in terms of human trafficking.
- **Billings has the most significant problem in the State by far – largely because of IMBs.**
 - FBI data from 2017 tracked commercial sex ads in Montana. Bozeman and Missoula had nearly 5,000 ads; other cities had between 2,000 and 3,000; Billings had nearly 20,000 – due to online ads for IMBs.
 - Over the past five years, there have been between 15 and 27 IMBs operating in town on any given night.
 - A woman at a Billings IMB provides sexual services to 25-35 men per month, generating up to \$18,000.
- **Billings has turned a blind eye to these IMBs for decades.**
 - BPD works with federal and state law enforcement to fight trafficking, but investigations are tough and expensive, and BPD does not have the resources to devote an officer solely to human trafficking crimes.
- **Existing laws and regulations are insufficient.**
 - Before 2019, some of the commercial sexual activities occurring in these IMBs were legal in Montana.
 - In 2019, the MT Legislature passed SB 147 that added “hand jobs” to the definition of prostitution.
 - That gives law enforcement one important tool, but that has not forced IMBs to leave town yet.
 - The Legislature also passed HB 749 (MCA 37-33-406), which allows Massage Therapy Board designees to check for licenses, but the bill was stripped of other protections, and many IMB workers have licenses.
 - City Code Enforcement currently has no ability to inspect IMBs for code violations.
 - Health inspectors can enter restaurants without reason or notice, but inspectors can’t enter IMBs.
 - A more robust regulatory scheme to ferret out these bad apples is needed.

WHAT THE ORDINANCE WILL DO AND WHAT IT WON’T DO

- Like other cities with these ordinances, the **ordinance will drive these businesses out of town.**
 - *See* Aurora, CO (ordinance led to shutting down 20 IMBs and to 33 indictments from a multistate investigation); Kent, WA (ordinance led to shutting down 18 IMBs); and Dayton, OH, among others.
- It will **allow a “license administrator” (the City Administrator), or his or her designee, likely Code Enforcement,** to inspect IMBs for compliance with the Ordinance, other City Ordinances, laws, and regulations.
- It will allow the administrator or designee to **report possible violations** to law enforcement for investigation.
- It will **save money and resources for law enforcement** through these tips and by driving IMBs out of town.
- It will **require three types** of things of businesses or individuals offering massage or body work:
 1. To get a **City massage license**, which will replace the existing City license for businesses offering only massage **for no additional cost**; the license will cost the same as regular licenses (now \$55 every year).
 - For businesses offering other services as well, a regular City license is still needed.
 2. To provide **information** initially in the confidential application and to certify updates annually. *See* § 7-1805 (re fingerprint background checks, compliance, ownership, and other information).
 - While this requires initial disclosures and costs \$10 for a background check and \$20-30 for a fingerprint card, these are one-time costs, which the City may be able to deduct from license fees.
 - These practices are like what many industries, from hotels to trucking, have themselves created.
 3. To comply with the listed rules in §§ 7-1809 and 1810, such as remaining fully clothed and generally prohibiting dormitory sleeping, engaging in sexual acts, locking doors, and darkened windows, and the like.
 - **Legitimate massage businesses follow these rules already.**
 - As with any other sections of City Code, Code Enforcement may conduct reasonable inspections to determine compliance with these rules, which it does on a complaint basis only.
 - By prohibiting these types of things, Billings can shut IMBs down and prevent trafficking because these types of things are consistently found during DCI investigations into IMBs.

ORDINANCE NO. 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA, REGULATING MASSAGE FACILITIES THROUGH BUSINESS LICENSING CRITERIA, PROVIDING EXEMPTIONS, AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ADMINISTRATIVELY DENY, SUSPEND OR REVOKE BUSINESS LICENSES AND ALLOWING AN APPEAL FROM SUCH ACTION AND PROVIDING FOR CRIMINAL PENALTIES UPON CONVICTION OF A VIOLATION IN ORDER TO COMBAT HUMAN TRAFFICKING.

WHEREAS, licensed massage therapy is a professional pursuit which can offer the public valuable, useful and efficacious health and therapeutic services;

WHEREAS, §37-33-405, Mont. Code Ann. provides for the Board of Massage Therapy which was created by the Montana Department of Labor and Industry to regulate the profession of massage therapy in order to fulfill its purpose to ensure the health, safety, and welfare of the people of this state as set forth in Montana Administrative Rule 24.1.101(4)(iv)(L);

WHEREAS, these provisions do not prevent the City from regulating the massage therapy business and the City wishes to exercise its regulatory powers as a self-governing unit of local government;

WHEREAS, the City Council finds there is a need for local regulation because the Board of Massage Therapy has not enacted specific regulatory oversight of massage therapy businesses other than licensing and education regulations;

WHEREAS, the City Council finds the purpose and intent of this section is to regulate and protect legitimate massage therapy businesses in order to also safeguard and promote the public health, safety and welfare of the citizens of Billings, while recognizing that massage therapy is a legitimate health care profession that provides benefits to the residents of the City;

WHEREAS, the City Council further recognizes that, unless properly regulated, the practice of illicit businesses under the pretense of being spas or massage therapy businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community;

WHEREAS, the reputation and success of legitimate massage therapy businesses is denigrated and undermined by individuals who mask their unlawful sexual activities and human trafficking by falsely posing as massage therapy businesses; and

WHEREAS the presence of such illicit businesses has an adverse impact on surrounding properties and result in blight, cultivate further illegal activities and generally become a public nuisance.

NOW, WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Article 7-1800 of the Billings, Montana City Code be created and added so that such section shall read as follows:

Sec. 7-1801 Purpose and Intent.

It is the purpose and intent of this Article to regulate and protect legitimate massage therapy businesses in order to also safeguard and promote the public health, safety and welfare of the residents of the city, while recognizing that massage is a legitimate health care professional activity that provides benefits to the residents of the city.

Sec. 7-1802 Definitions.

For the purposes of this Article, and consistent with the definitions set forth in any applicable sections of the Montana Code Annotated, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this section shall have the following meanings:

- (a) "Agent" means an individual designated by a publicly-held corporation to act on behalf of the corporation. An agent shall be a bona fide resident of Montana, a citizen or legal resident of the United States, or otherwise authorized to work in the United States.
- (b) "Applicant" means an individual acting on behalf of a massage facility or spa to apply for a license.
- (c) "Board" means the board of massage therapy provided for in MCA 2-15-1782.
- (d) "Client" means an individual who enters into an agreement for massage therapy or spa services to be provided within the city for a fee, income, or compensation of any kind.
- (e) "Control" means the power to direct or cause the direction of the management and policies of an applicant, licensee or controlling person, in any way.
- (f) "Controlling person" means a person directly or indirectly possessing control of an applicant or licensee.
- (g) "Department" means the department of labor and industry provided for in MCA 2-15-1701.
- (h) "Dormitory" means a location, other than a residence, where there are signs that individuals working for a massage therapy facility or spa are living there

- or engaged in communal sleeping, including but not limited to, beds, mattresses or cots.
- (i) "Employee" means any person who performs any service at a massage facility or spa on a full-time, part-time, or contract basis, whether or not the person is designated an employee, independent contractor or otherwise. Employee does not include a person exclusively engaged in the repair or maintenance of the facility, or for the delivery goods to the licensee.
 - (j) "Erotic parlor" means a business or facility, other than those defined in Sec. 27-611(c)(10), that entices clients through advertising or other business practices directed toward sexual desires, lust or passions.
 - (k) "For compensation" means the exchange of massage or spa services directly or indirectly for money, goods, services or other valuable consideration. An establishment cannot avoid the requirements of this Article by offering nominally free massage in conjunction with other services or goods provided for compensation.
 - (l) "License" means a written document issued authorizing the holder to practice massage therapy or to engage in the business of providing massage for compensation.
 - (m) "Licensee" means the person holding a license.
 - (n) "License administrator" is the City Administrator or his/her designee, including but not limited to code enforcement officers.
 - (o) "Manager" is an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a manager by this section.
 - (p) "Massage facility" means any place of business where any massage therapy or full body massage is practiced, administered, or advertised. The term "massage facility" shall not include and therefore shall exempt businesses if they only provide services of the types provided by the professionals listed in MCA 37-33-404(1) (for healthcare professionals and others) and (4) (for Native American traditional healing or faith healing).
 - (q) "Massage" or "Massage Therapy" means massage therapy as defined in MCA 37-33-403(4) and, for purposes of this ordinance, also includes the practices listed in 37-33-404(5), including but not limited to, bodywork therapy, reiki, shiatsu, the Trager approach to movement education, the Rolf method of structural integration, Hellerwork, and reflexology.
 - (r) "Massage therapist" includes those professionals licensed by the Board of Massage Therapy as defined in MCA 37-33-403(3); those performing services as set forth in, and with the exceptions listed in, MCA 37-33-403(4); and practitioners who offer services such as those listed in MCA 37-33-404(5). Massage therapists do not include those healthcare professionals,

- teachers, students, people practicing Native American healing, or others who are exempted from the requirements applicable to licensed massage therapists by MCA 37-33-404(1), (2), (3), and (4).
- (s) "Operator" means any person who operates and is responsible for the day-to-day activities of a massage or spa establishment.
 - (t) "Owner" means any person who has any direct or indirect ownership interest in a massage or spa establishment.
 - (u) "Permit" means a written document authorizing the holder to practice massage therapy or to engage in the business of providing massage for compensation.
 - (v) "Person" means an individual, partnership, corporation, association, limited partnership, limited liability company, governmental subdivision, agency, or public or private organization of any character.
 - (w) "Sexual Act" means sexual contact, sexual intrusion, or sexual penetration as defined in MCA §45-2-101(67) and (68).
 - (x) "Spa" establishment means a business or facility that offers or engages in personal services that call for the patron to fully or partially disrobe, such as, but not limited to, massage, body wraps, hydro mineral wraps, body polish, body scrub, body wash, baths and hydro tub soak.
 - (y) "Table Shower" means an apparatus for the bathing or massaging of a person on a table or in a tub.

Sec. 7-1803 Licenses generally, minimum requirements.

The licenses required by this article replace the regular City licenses for businesses offering massage services, but are in addition to any other applicable licenses or permits required by the city code, county or state. Spa and massage facilities licensed under this article shall comply with all other applicable ordinances and laws, including the city zoning ordinances.

Sec. 7-1804 License Required.

- (a) It is unlawful for any person to operate a facility which offers massage in the City of Billings without a valid license issued by the city as required by this Article.
- (b) It is unlawful for any individual to practice massage therapy or administer massage for compensation in the City of Billings without first obtaining a valid license as required under MCA 37-33-501.
- (c) Students and instructors who meet the requirements of MCA 37-33-404(2) and (3) are exempted from the requirements of this section.

Sec. 7-1805 Application for license.

- (a) Any person desiring to obtain a license to operate a facility which offers massage shall make written application to the city finance office.
- (b) The application shall be verified and accompanied by the application fee.
- (c) Confidential information provided in the license application will not be publicly available.
- (d) All applicants shall provide the following information under oath:
 1. The full name and any aliases used by the applicant;
 2. If the applicant is an individual, the name, date of birth, place of birth, race (optional), sex (optional), address, telephone numbers and email address of the proposed licensee;
 3. If the applicant has resided at the current address for less than two years, two previous residential addresses immediately prior to the current residential address of the applicant and the dates of residence at each;
 4. Business, occupation or employment history of the applicant for the five years immediately preceding the date of application;
 5. The name, physical address, email address, and telephone number of the business and type of business organization (individual, partnership, corporation or limited liability company). If the business is a partnership, corporation, or limited liability company, the same information required of an individual applicant in subsections (2), (3), (14), (15) and (16) is required of all partners, officers, directors, managers, members or persons owning more than five percent of the common or preferred stock or other indicia of ownership of the business;
 6. The proposed address and name or names of the premises upon which the massage therapy business for which a license is sought will be located and any name under which the applicant plans to conduct business ("dba" name);
 7. The hours that the massage therapy business service will be open to the public, including such times that the door or doors providing entry to the massage therapy business may be locked as allowed under section 7-1810(e);
 8. A list of services to be provided at the facility;
 9. The name, physical address, email address, and telephone number of the owner of the premises upon which the massage therapy business is to be located;
 10. A certificate of good standing from Montana, or other state of incorporation or registration, if the applicant is a corporation, partnership or limited liability company;

11. Information as to whether the applicant or any partner, officer, director, manager, member or person owning more than five percent of the common or preferred stock or other indicia of ownership of the business has, within five years preceding the date of application, been convicted of, or on diversion or deferred judgment for any felony, financial crime, or sexual offense and an explanation of all such convictions, diversions, or deferred judgments (a conviction is not an automatic bar to obtaining a business license);
12. Information as to whether the applicant or any partner, officer, director, manager, member or person owning more than five percent of the common or preferred stock or other indicia of ownership of the business is currently under indictment, charge or information for any felony, financial crime, or sexual offense and an explanation of all such allegations (an indictment, charge or information is not an automatic bar to obtaining a business license);
13. A statement as to whether the applicant or any partner, officer, director, manager, member or person owning more than five percent of the common or preferred stock or other indicia of ownership of the business is a registered sex offender;
14. Information as to whether such individual or business has ever been refused any similar license or permit, or has had any similar license or permit issued to such individual or business in the city or elsewhere revoked or suspended, and the reason therefor;
15. A state fingerprint background check must be completed and provided with the application. Please visit the Montana Department of Justice website at <https://dojmt.gov/enforcement/background-checks/> for more information. Upon renewal of license under section 7-1813, an applicant will not be required to submit another background check if all information remains the same as the previous year.
16. A statement by the applicant that he or she is familiar with the provisions of this Article and is complying and will comply with them, and
17. Any applicant intending to practice massage therapy or administer massage must provide the license issued by the DOLI as required under MCA 37-33-501.

Sec. 7-1806 Requirements to obtain license.

- (a) To receive and retain a license to operate a spa or massage facility, all applicants must meet the following requirements:
 1. The required fees as established by City Council must be paid;

2. The application must be complete and provide all information required by section 7-1805;
 3. The applicant must not have knowingly made a false or misleading statement of a material fact in the application;
 4. The applicant must be at least eighteen years of age;
 5. The operation of the business as proposed, if permitted, must comply with all applicable building, fire, health and zoning laws. Additionally, any massage therapy business operating out of a residence is subject to this Article and must meet all home occupation requirements of this code.
 6. The applicant must provide a copy of the license issued by the DOLI as required under MCA 37-33-501 for any massage therapist who will be working as a massage therapist at the massage facility.
- (b) For applicants who fall into any of the categories listed below, the licensing administrator will conduct an investigation as to the propriety of issuing a license:
1. The applicant has been convicted in any jurisdiction of a felony, financial crimes, or sexual offenses within five years immediately preceding the date of the application, For the purposes of this section the term “conviction” shall include entering into pretrial diversion (deferred prosecution agreement), being placed on a deferred judgment, or being adjudged guilty upon entering a plea of no contest;
 2. The applicant is currently under indictment, charge, or information for any felony, financial crimes, or sexual offenses;
 3. The applicant is a registered sex offender with any federal, state or local government; or
 4. The applicant had a similar type of license in any jurisdiction previously suspended or revoked for good cause within five years immediately preceding the date of the filing of the application.
- (c) If the applicant is a partnership, corporation, limited liability company or other type of organization, all persons having financial interest in the applicant shall meet the requirements described in subsections (a) through (b) above. Financial interest includes any board member, manager, member, officer, director, or officer of the subject organization and any stockholder or other owner holding more than five percent of the stock or other indicia of ownership of the organization.

Sec. 7-1807 Review by other departments.

Prior to the issuance of any massage facility license, the corresponding application may be submitted to other departments, including the Police Department, for review. The

Police Department shall provide information as to whether the applicant and each of the individuals required to be listed in the application meet the requirements of section 7-1806 and any other requirements of this Article. Such review shall be completed within 20 days after the complete license application is submitted. The Police Department shall only provide information and shall not approve or disapprove of any application.

Sec. 7-1808 Issuance.

If after any necessary investigation, the licensing administrator finds that the applicant and each of the individuals required to be listed in the corresponding license application meet the requirements in sections 7-1804, 7-1805, 7-1806, and any other requirements of the Billings city code, then the license application shall be approved within 45 days following receipt of the completed massage facility license application. Applicants will receive a temporary license to conduct business that shall be conditioned upon approval of the application. If the application is not approved such temporary license shall be void and considered invalid immediately upon notice of such disapproval.

Sec. 7-1809 Limitations on operation-prohibited conduct.

It shall be unlawful for any person in the business of operating a massage facility, or any manager or employee thereof, to:

- (a) Operate a spa or massage facility without a valid massage facility license or with a license that has been suspended, revoked, or expired.
- (b) Be open for business for the practice of massage therapy without a massage therapist on the premises who is licensed in accordance with MCA 37-33-501 and -502.
- (c) Permit a licensed spa or massage facility to be used as a dormitory or for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). The owner and family members of a massage facility operated as a home occupation, as defined by Article 13 of Billings city code, are exempt from this prohibition.
- (d) Massage any other person, or give or administer any spa, bath or baths, including table showers, in a manner intended to arouse, appeal to, or gratify the lust or passions, or sexual desires of such other person. In no case shall the employee intentionally touch or offer or agree to touch male or female genitalia of the client.
- (e) Allow any employee to provide massage therapy or other massage service without being fully clothed. For purposes of this subsection, clothing shall be of a fully opaque, nontransparent material that shall not expose the employee's genitalia or substantially expose the employee's undergarments.
- (f) Require client nudity as part of any massage service without the client's prior consent.
- (g) Place, publish or distribute, or cause to be placed, published or distributed, any misleading or false advertising that would reasonably suggest to

prospective clients that any service is available other than those services described in this Article, nor shall any spa or massage facility employ language in the text of any advertising what would reasonably suggest to a prospective client that any service is available other than those services described in this Article.

- (h) Use or possess adult-oriented merchandise or a sexual nature, including sex toys, sexual aids, vaginal or anal lubricant, or any contraceptive item, in any part of a massage facility.
- (i) Permit any individual, including a client, student, contractor, or employee, to engage in any sexual act in the massage facility.
- (j) Permit any person to make an agreement with an employee to engage in sexual activity in any other place in violation of Billings city code or state law.
- (k) Conceal persons in the facility, or refuse to provide identification to inspectors or law enforcement, or elude inspectors by exiting side or back doors or remain behind locked doors in the facility during an inspection.
- (l) Permit anyone to perform massage therapy without a valid massage therapist license issued under Billings city code and/or state law.
- (m) Operate between the hours of 10:00 p.m. and 6:00 a.m.
- (n) Operate an erotic parlor within the City as defined in this Article.

Sec. 7-1810 Requirements.

Every licensed massage facility shall be required to:

- (a) Maintain a current list of employees and contractors on site with start dates of employment or contracted service, full legal name, date of birth, place of birth, home address and telephone number, employment position, date first began service and the date when services were terminated, if applicable.
- (b) Maintain a copy of each massage therapist's Montana license for each employee and contractor performing massages.
- (c) Operate under or conduct business under only the designation specified in the license.
- (d) Massage therapists shall remain fully clothed in professional attire while administering massage to clients on business premises, including premises designated by the client through an outcall massage service.
- (e) Massage facilities interior and exterior doors shall remain unlocked while the massage facility is open except as follows:
 - 1. Restroom doors may be locked.
 - 2. Exterior doors may remain locked if permitted by applicable building or zoning codes and if the massage facility is owned by one individual with no more than one employee or independent contractor present in the facility. Exceptions may be granted by the license administrator.
 - 3. Internal doors may be locked to protect confidential client or business information except that internal doors may not be locked on rooms when a massage is being performed.

- (f) All massage facilities are required to have and maintain clear glass which is not painted over, darkened, or blocked by any cloth or obstruction, at the entrance to such establishment so that the front area where patrons are greeted is visible from the outside. A massage facility located in a building or residence that does not have glass on the front of the premises is required to notify the City in writing at the time of application or renewal.
- (g) List the address of the facility in any advertisement.
- (h) Provide a written list of prices for all services (through signage or written materials) of the massage facility available to all prospective customers.
- (i) Upon the sale or transfer of any ownership interest in a massage facility, the license issued pursuant to this Article shall be null and void, and a new application shall be required.

Sec. 7-1811 Inspections.

- (a) Any person operating a business within the City of Billings is subject to reasonable inspection provided in Section 13-432 to determine compliance with all laws and ordinances, including with this Section.
- (b) Each massage facility shall conspicuously display on the premises the license of each massage therapist working at the business or, for a mobile practice, make the license readily available as required by MCA §37-33-406(1), or as amended.
- (c) The license administrator, a designee of the Board of Massage Therapy, or a local law enforcement officer may enter a massage therapy business at any time during business hours to determine compliance with MCA §37-33-406(1), as provided in MCA §37-33-406(2).
- (d) All owners, managers, massage therapists, employees, contractors or persons occupying the facility other than clients shall present identification and shall not elude identification.

Sec. 7-1812 Denial, suspension or revocation of license.

The licensing administrator may suspend or revoke a massage facility license if he or she finds:

- (a) The licensee has violated any of the provisions of this Article; or
- (b) That the qualifications set forth in the application utilized to obtain a massage facility license were likely obtained through fraud, deceit or misrepresentation;
or
- (c) The State has revoked the massage therapy license of the licensee.

Any person or business entity aggrieved by any decision of the licensing administrator concerning the issuance or refusal to issue, suspension or revocation of a business license may appeal that action by filing a written notice of appeal with the city clerk. All appeals will be informally heard by an administrative hearing officer appointed by the city. Upon receipt of an appeal, the administrative hearing officer will schedule a time

and place for hearing such appeal. The city clerk will give written notice to the appellant of the time and place of hearing by causing the notice to be personally served or deposited in the United States mail at Billings, Montana, postage prepaid, addressed to the appellant at the address provided on the written notice of appeal. The administrative hearing officer will have authority to determine all questions raised on appeal.

The appeal shall clearly state the applicable basis for the appeal. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by appellant in the written appeal, as submitted. The rules of evidence and civil procedure shall not apply to such a hearing. The revocation shall remain in effect during the period of appeal until such time as the hearing officer has issued a written decision. After a decision by the hearing officer, an aggrieved person or licensee may appeal to the City Administrator who shall review the written decision of the hearing officer. No hearing shall be permitted. The City Administrator may affirm or reverse the hearing officer decision. The decision of the City Administrator is final.

Any license issued under this Article is subject to suspension or revocation by the City Administrator or his/her designee for violation of any provision of this Article, violations of city, state or federal law, or for any grounds that would warrant the denial of the issuance of the permit(s) in the first instance.

When any license shall have been revoked for any cause, no license shall be granted to any person for a period of one year for the operation of a massage facility in the premises described in the revoked license. Any additional license for any other massage facility may be revoked or suspended in the discretion of the City Administrator for up to one year if held by the person whose license was revoked for cause or by a corporation, partnership, limited liability company, or other organization in which that person hold a controlling interest. The one-year prohibition described above shall also apply to the licensee's spouse, facility business partner, or any person who holds more than a ten percent ownership interest in any corporation, partnership, limited liability company or other organization that owns the revoked license.

Sec. 7-1813 Renewal application.

Every holder of a license required by this Article shall make application for renewal of his or her license every year. The renewal application shall include an update on any and all information set forth on the initial application and the renewal fee as established by the City Council. The license holder shall submit a written application for renewal at least 45 days before the license expiration date. If the licensee fails to timely submit the application, fails to timely provide the update information, or fails to timely pay the renewal fee, the underlying license shall be null and void on the expiration date stated on the license.

The requirements of this Article shall be effective immediately upon enactment of this Ordinance, and no license renewal of this Article or license renewal of a previous license issued under Article 13 shall be approved unless the applicant satisfies the

requirements herein. Any valid business license held at the time of enactment of this Ordinance shall remain valid through the expiration date of such license.

Sec. 7-1814 Land use and zoning requirements.

The premises and the property on which the premises occupied by a massage facility are located shall conform to all applicable land use and zoning requirements.

Sec. 7-1815 Massage facility owner and operator responsibility for employee acts.

Spa or massage facility owners and operators will be responsible for the conduct of all employees, contractors, volunteers and other persons who provide massage services on the premises or through arrangements with the massage facility. All persons working in or for the massage facility will be considered under the control of the massage facility owner and operator for the purposes of this Article, including independent contractors and unpaid volunteers. Any act or omission of such persons constituting a violation of this Article will be deemed to be the act or omission of the owner and operator for purposes of enforcing this Article.

Sec. 7-1816 Violation and Penalty. Affirmative Defense. Remedies Cumulative

- (a) Any person or licensee who violates any section of this article shall upon conviction be guilty of a misdemeanor and may be punished by a fine of up to \$500.00 and/or incarceration for a term of up to six (6) months. Each such person or licensee shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by any such person or licensee, and he/she shall be punished accordingly.

It shall be an affirmative defense under this article for an employee or massage therapist that such employee or massage therapist was under duress or coerced into violating a provision of this article. This affirmative defense is not available to any person or licensee who created or participated in creating the duress or coercion or who knew or should have known of the existence of the duress or coercion.

A victim of human trafficking as provided in state or federal law shall not be criminally liable for any violation of this ordinance committed as a direct result of or incident to being trafficked.

- (b) Any massage facility that fails to comply with the requirements of this Article shall be deemed to be creating a public nuisance and shall be subject to misdemeanor criminal penalties as provided in section 7-1816(a) above and section 1-110 and shall further be subject to civil action to restrain or abate as

authorized in sections 18-301 et seq. as the city deems appropriate. Such ability of the city to prosecute and/or enjoin or abate is in addition to any other remedies available to the city at law or in equity.

Sec. 7-1817 Remedies Cumulative

The remedies provided in this article are cumulative and do not preclude any other available remedy at law or in equity.

Sec. 7-1818 Changes in law

When reference is made in this Article to any local law or regulation or to any state or federal statute, regulation or other law, the reference includes any subsequent amendment or superseding provision.

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of these ordinances are declared to be severable.

Section 3. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

APPROVED on first reading this ____ day of _____, 2021.

ADOPTED and APPROVED on second reading this ____ day of _____, 2021.

Billings City Council – Human Trafficking Prevention Ordinance Through Massage Business Licensing

Q&A Excerpts, Adapted from Document Prepared by End Exploitation Montana

1. **Illicit Massage Businesses (IMBs) in Billings, known to be committing crimes like sex trafficking and prostitution, are already identified by law enforcement. Why can't law enforcement shut them down?**

Human trafficking cases are notoriously difficult to prosecute. They require extensive investigation and are extremely expensive and time consuming. Law enforcement agencies do not have the funds or manpower to shut IMBs down one at a time by proving that human trafficking is occurring in these businesses. See FAQ #3 for more information.

2. **Why can't law enforcement utilize [HB 749](#), state legislation passed in 2019, to shut IMBs down?**
HB749 allowed for Department of Labor & Industry (DLI) designees or local law enforcement to check for licenses in massage businesses (codified in MCA 37-33-406, which sunsets on June 1, 2023), and it created funding for two state law enforcement officers to help combat human trafficking. Unfortunately, during the drafting process before it was enacted, HB749 was stripped of many of the protections that were originally included. DLI deals with individuals, NOT businesses. When a worker in an IMB is found to be “practicing” without a license, it is reported to DLI. DLI then writes to the individual regarding the matter. Typically, before the letter has even arrived, the trafficking victim has been relocated by their trafficker. The IMB remains untouched.

3. **How will this ordinance shut down IMBs?**

IMBs almost always have red flags indicating human trafficking in their business model. These include operating in the middle of the night, boarded or painted windows, women living on site, having workers not fully clothed, etc. It is much easier and more cost effective to shut down IMBs based off of these indicators than to attempt to shut them down by proving human trafficking is occurring. This ordinance makes these and other indicators officially illegal, thus allowing the city to legally shut down IMBs without the cost and time of a human trafficking investigation. Legitimate massage businesses already naturally comply with these proposed coding “regulations.”

These proposed requirements will be found in laws, but a LMT's clients will not see these requirements. Of course, there are exemptions provided; for example, if a LMT works from home, they are allowed to have sleeping quarters in their place of business, or if they are located in a building or residence that does not have glass at the front entrance, they can likewise receive an exemption from the city.

Also, the expanded license application and background check will provide necessary information about the business license applicants (see FAQ #5).

Similar ordinances passed in cities across the country have been effective in shutting down IMBs.

4. **What is this going to cost LMTs?**

This ordinance could cost you approximately \$40 total. That would cover a \$10 fingerprint background check and \$20-30 for the fingerprint card upon initial licensure; this is already required by many other professions. This cost would be incurred once per licensee in Billings.

If your business offers massage only, **no other costs** are incurred because the Massage Business License (\$55 per year) will replace your existing Business License (which is also \$55 per year).

Q&A Excerpts, Adapted from Document Prepared by End Exploitation Montana

If this ordinance passes, your current Business License will continue to be valid until it is time to renew, at which point you will apply for the new Massage Business License instead. Follow your regular license renewal routine and begin the process before your current license expires. There is no need to close your business while applying for the new license if you begin the application process early.

If your business provides additional services (mud baths, facials, manicures, etc.) you will be required to obtain the Massage Business License (\$55 per year) in addition to the regular Business License (\$55 per year) that you already have.

5. Why is the application for the Massage Business License so robust?

The application is designed to provide the city administrators with more information about the applicant and doubles as a deterrent for a trafficker from applying for a business license.

Applications are confidential and not on public record.

Past history (residence, employment) is required in order to identify if an applicant operated a business that was shut down by the city previously, or whose residence was involved in a human trafficking case.

Some have pointed out that a criminal will simply falsify the information on the application. This would merely provide another way to prosecute the offender in the event of an investigation into their illicit business; their license can be revoked, thus shutting down their criminal business and fulfilling the purpose of the ordinance.

Having a felony does not currently disqualify an applicant from owning a massage business, and the passing of this ordinance will not change this. The application is simply asking the applicant to disclose it. This is a common request on job applications, state licensing applications, etc. In this case, the City administrators are most interested in knowing if the applicant has a prior conviction relating to human trafficking; however, as some human trafficking cases end up being prosecuted on a related charge, the application asks for all felony charges to be disclosed. Again, criminal history is not an automatic bar to a license - it is merely cause for disclosure, explanation, and any necessary investigation.

This information will only need to be filled out once, the first time this Massage Business License is applied for. When renewing the license in subsequent years, only changes will need to be updated.

6. Will code enforcement officers be able to disrupt my legitimate business and go through my things?

Code Enforcement investigations occur on a complaint basis. Code enforcement only shows up when a complaint is filed. This already applies to massage therapists and other businesses; the ordinance will not change how this process occurs. For example, if your business is in your home, placing a sign in your yard may be a coding violation. Your neighbor may file a complaint, Code Enforcement will then come to investigate the complaint, and will tell you to take your sign down. They provide warnings and time for compliance before further action is taken. The passing of this ordinance will not change this process.

Legitimate LMT's already comply with the coding requirements that would be added under this ordinance (see #3).

Billings City Council – Human Trafficking Prevention Ordinance Through Massage Business Licensing

O&A Excerpts, Adapted from Document Prepared by End Exploitation Montana

7. Will this ordinance violate HIPAA laws?

No. To the extent any information is protected by HIPAA or other privacy laws, this ordinance will not change those rules or require disclosures in violation of those rules. Law enforcement will still have to go through the same legal channels they currently have to go through to obtain patient or client records. This ordinance has gone through a rigorous vetting process with consultation from many organizations and experts, including the City of Billings legal department.

8. Will this ordinance affect massage students?

No. Massage students will still be allowed to practice in school as currently allowed under the law. See Montana Code Annotated ([MCA](#)) [37-33-404](#).

9. What is the background of this ordinance?

In 2017, Ward 4 Councilman Ryan Sullivan brought forward an initiative to City Council for City staff to prepare a City ordinance that would address the IMBs in Billings. Councilman Yakawich seconded the motion and the motion passed unanimously by City Council.

From that point, the City Attorney began researching what other cities were doing to address IMBs in their city. The City legal department contacted a large number of cities throughout the country that have adopted massage business license ordinances with successful results, and received copies of their adopted ordinances. After reviewing all of the different ordinances, the City Attorney and Assistant City Attorney developed an initial draft based on language from the various ordinances from throughout the country.

The initial draft was refined, edited, and shaped into the current version based on review by LMTs, FBI, MT Dept of Justice, the American Massage Therapy Association, Billings Police Chief St. John, Mayor Cole, local attorney Stephanie Baucus in her capacity as a volunteer in the fight against human trafficking in Billings, and Lavon Watson (former Seattle law enforcement and LMT that consults on addressing IMBs and helped with the Kent, WA ordinance).

Two public meetings were held and officially noticed so that LMTs could provide feedback to the City.

Council Work Session

4.

Meeting Date: 01/19/2021

Title: Human Relations Commission Annual Report

Presented by: Karla Stanton, Human Resources
Director

Department: City Hall Administration

RECOMMENDATION

No recommendation is offered.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Per Section 2-552(5), BMCC, the Human Relations Commission (HRC) is required to provide the Mayor and City Council a report of its work at least once a year. During this meeting, Kody Christensen-Linton, Chair, of the HRC, will review 2020 events and present upcoming events planned for 2021.

ALTERNATIVES

N/A

FISCAL EFFECTS

N/A

Council Work Session

5.

Meeting Date: 01/19/2021

Title: Yellowstone County HazMat Plan

Presented by: William Rash, Fire Chief

Department: Fire

Division: Fire

RECOMMENDATION

Staff recommends City Council adoption of the Yellowstone County HazMat Plan by resolution, which will be at an upcoming business meeting agenda.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This Yellowstone County Hazardous Materials Response Plan provides basic guidelines and establishes policies and procedures in the event of a hazardous materials incident within Yellowstone County. This plan is designed to prepare Yellowstone County for an incident response and to minimize the exposure to and damage from materials that could adversely impact the environment or human health and safety. The plan provides guidance for hazardous materials incident planning, notification, and response in accordance with the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as the Federal Superfund Amendments and Reauthorization Act (SARA Title III) of 1986.

The Yellowstone County Hazardous Materials Response Plan as revised is now compliant and meets the regulations set by EPCRA, Section 303, requiring the establishment of a comprehensive emergency response plan.

ALTERNATIVES

City Council may approve or disapprove adoption of the Yellowstone County Hazardous Materials Response Plan by resolution.

FISCAL EFFECTS

None

Attachments

HazMat Response Plan - Updated

City of Laurel and Yellowstone County Resolutions

Proposed COB Resolution - HazMat Response Plan

Yellowstone County Hazardous Materials Response Plan



Edition 1 – September 2020

(Supersedes previous editions)

Yellowstone County Disaster and Emergency Services
316 North 26th, Room 3201
Billings, Montana 59101
Tel. (406) 256-2775
Fax (406) 256-6947
<https://www.co.yellowstone.mt.gov/des/>

Yellowstone County Hazardous Materials Response Plan

September 30, 2020

This plan serves Yellowstone County and incorporated cities

Prepared for:



Yellowstone County Disaster and Emergency Services
316 North 26th, Room 3201
Billings, Montana 59101
Tel. (406) 256-2775
Fax (406) 256-6947
<https://www.co.yellowstone.mt.gov/des/>

By:



Zylient, Inc.
Disaster Technology and Consulting
244 Shelter Valley Dr.
Kalispell, MT 59901
Tel (406) 201-1223
www.zylient.com

Montana Department of Emergency Services Contract DMA2020-0026

*This plan represents general guidelines, which can be modified by emergency personnel as appropriate.
This plan does not create any right or duty that is enforceable in a court of law.*

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Record of Distribution

Organization/ Department	Representative	Signature
Yellowstone County		
Emergency and General Services/DES Coordinator		
911/Dispatch Center		
Board of County Commissioners		
Sheriff's Office		
LEPC		
RiverStone Health		
YC Public Works		
City of Billings		
Administrator/Elected Official		
Regional HazMat Team		
Police Department		
Billings Fire Department		
Billings Logan International Airport Operations		
AMR		
Public Works		
City of Laurel		
Public Works Department		
Mayor/Chief Administrator		
Police Department/Chief		
Laurel Volunteer FD		
Laurel EMS		
Town of Broadview		
Town of Broadview Fire Dept		
Mayor		

Organization/ Department	Representative	Signature
Other Municipalities/Townships		
Lockwood Fire Department		
Worden Fire Department		
Shepherd Fire Department		
Fuego Fire Department		
Blue Creek Fire Department		
Custer Fire Department		
Haley Bench Fire Department		
Tribal		
Crow Nation - Director of Disaster & Emergency Services		
Medical		
St. Vincent Health Care/ Emergency Preparedness Coordinator		
Billings Clinic		
Community/Non-Profit		
American Red Cross		
United Way of YC		
State Agencies		
Montana Disaster & Emergency Services		
Montana DES - District Field Officer		
Montana Dept. of Transportation		
Dept of Natural Resources & Conservation		
Montana Highway Patrol		
Federal Agencies		
Bureau of Land Management & Fire Prevention		
NWS		

Introduction

Purpose

This *Yellowstone County Hazardous Materials Response Plan* provides basic guidelines and establishes policies and procedures in the event of a hazardous materials incident within Yellowstone County. This plan is designed to prepare Yellowstone County (YC) for an incident response and to minimize the exposure to and damage from materials that could adversely impact the environment or human health and safety.

The plan provides guidance for hazardous materials incident planning, notification, and response in accordance with the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as the Federal Superfund Amendments and Reauthorization Act (SARA Title III) of 1986. The *Yellowstone County Hazardous Materials Response Plan* helps meet the requirements of Section 303 of EPCRA, requiring the establishment of a Comprehensive Emergency Response Plan by the Local Emergency Planning Committee (LEPC).

Scope

This plan outlines the roles, responsibilities, procedures, and organizational relationships of all local, state, and federal agencies and private organizations responding to an accidental or intentional hazardous materials spill, release, or threat of release into the environment from a fixed operating facility or as the result of hazardous materials in transit within or impacting Yellowstone County. This plan provides suggested operational guidance and should not supersede or replace individual agency operational response plans during incident response.

This plan is structured to adapt to and meet the challenges of these situations by adopting the National Incident Management System's (NIMS) response framework, allowing government and private entities at all levels to work together in a coordinated manner. This framework facilitates adjusting, tailoring, and transitioning response operations to effectively manage incident response involving chemical, biological, radiological, nuclear, and explosive (CBRNE) materials.

The Yellowstone County LEPC prepared and maintains the 2019 *Emergency Operations Plan (EOP)*, which includes "Emergency Support Function (ESF) 10 - Oil and Hazardous Materials Response." This plan is not intended to replace, but to supplement the EOP and ESF 10.

Authority

In 1986 Congress passed the *Emergency Planning and Community Right to Know Act (EPCRA)* as *Title III* of the Superfund Amendments and Reauthorization Act (SARA). Congress enacted this law to help local communities protect public health and safety and the environment from chemical hazards. EPCRA requires regulated facilities that manufacture, use, or store certain amounts of hazardous chemicals to develop and implement emergency plans, report chemical inventories, and notify authorities in the event of a toxic release.

Montana follows EPCRA reporting requirements, with unique state-specific reporting procedures:

1. Safety Data Sheet (SDS) or chemical list reporting (EPCRA Section 311)
2. Tier II chemical inventory reporting (EPCRA Section 312)
3. Toxic Release Inventory (TRI) reporting (EPCRA Section 313)

4. Facilities must submit reports to the appropriate Tribal Emergency Response Commission (TERC), if applicable

The LEPC is a focal point for Title III activities in the community. As stated in the law, responsibilities of the LEPC include 1) development of an emergency plan, and collection and storage of information provided by facilities, and 2) making that information available to the public.

Federal

1. Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §§11001 et seq. (1986), enacted as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA; Pub. L. 99-499)
 - EPCRA Sections 304 and 312 amended under America’s Water Infrastructure Act of 2018
 - Emergency Planning and Notification, 40 CFR 355
 - Regulations governing hazardous waste, 40 CFR Part 260
 - Hazardous Chemical Report: Community Right-to-Know; 40 CFR Part 370
2. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707), amended by:
 - Pets Evacuation and Transportation Standards Act of 2005 (Public Law 109-308)
 - Disaster Recovery Reform Act (DRRA) of 2018
3. 29 CFR Part 1910 (OSHA) – Subpart H – Hazardous Materials
 - Occupational Safety and Health Standards, Hazardous Materials, Training Curriculum which level of Guidelines, 29 CFR 1910.120(q)
4. Standards for Competence of Responders to hazardous materials/WMD incidents, NFPA 472

State

1. Response to Hazardous Material Incidents, Montana Code Annotated (MCA) 10-3-1201 to 10-3-1218
2. Employee and Community Hazardous Chemical Information Act, MCA 50-78-101 to 50-78-402
3. Local and Interjurisdictional Emergency and Disaster Agencies and Services, MCA 10-3-201

Mission

The mission of this plan is to:

1. Establish a strategy to minimize the adverse effects of hazardous materials upon life, health, property, and the environment
2. Identify community resources for emergency planning, response, and recovery activities
3. Coordinate an effective and efficient response to a hazardous materials incident
4. Establish a community “Hazardous Materials Response Plan” to supplement the 2019 *Yellowstone County Emergency Operations Plan*

Situation and Assumptions

Situation

A hazardous materials incident can happen anywhere within Yellowstone County and involve any potentially hazardous material. The YC LEPC supports county-wide planning in addition to the site-specific planning by businesses, industries, and facilities that use hazardous materials. Residents are best served when response capabilities meet a broad range of hazards.

History shows that the majority of hazardous materials incidents present no health hazard beyond the immediate site of a release. This is due in part to the controls that many facilities employ and to the response capabilities that Yellowstone County has developed. This *Yellowstone County Hazardous Materials Response Plan* addresses the rare incident that may have an adverse health impact beyond the immediate site of a release.

For a plan to be successful, it must be used. Every type of response to a hazardous materials incident should be addressed by the plan to enable an effective transition if the scope of the incident escalates to a major emergency.

A hazardous materials incident may be concurrent with another emergency, in which case the operations of the *Yellowstone County Hazardous Materials Response Plan* will be integrated with the overall response. Examples of these emergencies include but are not limited to: a plane crash, train derailment, marine emergency, and/or acts of terrorism.

Assumptions

Environmental Protection Agency (EPA) guidance is limited to Extremely Hazardous Substances (EHS) and does not address other hazardous materials that may pose hazards to the community. The YC LEPC and the Billings Fire Department Hazardous Materials (BFD HazMat) Response Team support response capabilities for all chemical and physical hazard types, instead of an approach directed at a list of particular chemicals.

The YC LEPC's hazardous materials emergency planning philosophy is more comprehensive than the EPA's "Technical Guidance for Hazards Analysis," (December 1987). The following assumptions are at issue:

1. EPA guidance is limited to Extremely Hazardous Substances (EHS) and does not address other hazardous materials that may also pose risk to the community. The YC LEPC, the BFD HazMat Team, and available local industrial hazardous materials resources support response capabilities for a broad range of chemical and physical hazard types instead of an approach directed at a list of particular chemicals.
2. EPA guidance directs that a hazard analysis be done for each EHS present at a facility. The YC LEPC promotes facility planning to support a comprehensive hazard analysis that considers an "all risk" approach. It is possible that EHS chemicals may not pose the greatest vulnerability at a site and may in fact not even be involved in the incident.
3. A hazards analysis based on the EHS list may mislead the public about chemical hazards in the community. For example, chemicals on the EHS list may not always pose an airborne hazard to the community. Example: Phosphorus (CAS #7723-14-0), when alloyed in carbon steel, may pose an occupational hazard during milling or grinding. Yet in this form it is not likely to pose a hazard to the outside community or the environment.

4. EPA guidance instructs that a vulnerability zone be identified for each facility. In Yellowstone County this could result in identifying the same population several times while missing other at-risk populations in other areas of the County or in neighboring communities. The YC LEPC supports a comprehensive county-wide plan to ensure effective use of its resources for response to a hazardous materials incident anywhere in the county.
5. In addition to the EPA guidance referenced in Items 1-4, a Risk Management Plan (RMP) is required for an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR § 68.115 - Threshold determination. Compliance with the requirements of this part are to be no later than the latest of the following dates:
 - a. June 21, 1999
 - b. Three years after the date on which a regulated substance is first listed under §68.130
 - c. The date on which a regulated substance is first present above a threshold quantity in a process
6. The owner/operator of a stationary source subject to this section must submit a single RMP to EPA as provided in §68.150 to 68.185. The RMP shall include a registration that reflects all regulated processes.

Organization

1. The initial Incident Commander (IC) at the scene has authority to direct and control emergency actions and is responsible to recognize when an incident exceeds their training and capabilities and to request the assistance of additional resources such as the BFD HazMat Team.

The 2019 EOP specifies the BFD HazMat Team as the “Local Emergency Response Authority” (LERA) for the City of Billings, City of Laurel, Town of Broadview, and all county areas outside those municipalities.

2. Upon incident assessment, the IC will declare a Level of Magnitude (HazMat Level 0, 1, 2, or 3) and announce this declaration to the 911 Dispatcher, who will begin the agency dispatch and notification assigned to that Level of Magnitude.
3. The IC will establish a Command Post from which to direct and oversee all emergency operations. The IC will secure the site with the aid of law enforcement and other available agencies.
4. A Unified Command system will be employed to facilitate a coordinated response by all local, state and federal agencies.
5. Appropriate public alerting means will be employed to deliver information about protective actions.
6. Law enforcement will assist the IC by securing and controlling access to the scene.
7. EMS will assist the IC with on-scene triage, treatment, and transportation of victims, and medically support responding resources (e.g., BFD HazMat Team).
8. Special response teams in addition to the BFD HazMat Team are available from public and private-sector resources, including the BFD Technical Rescue Team (e.g., Confined Space Rescue, Swift Water Rescue), Billings SWAT and Bomb Squad, and Emergency Task Forces.

9. The IC will designate a Joint Information Center (JIC) for media representatives.
10. The Yellowstone County Emergency Operations Center (EOC) may be activated for incidents requiring the coordination of a major response involving multiple jurisdictions or agencies. County EOC activities are coordinated by YC DES. The City of Billings and Yellowstone County operate a joint EOC located at 2300 9th Avenue North, Billings, Montana (basement of Fire Station #1). This location also serves as the EOC for the City of Laurel and Town of Broadview.
11. Additional resources are available from state and federal sources. Support for local response and/or additional capacity can be obtained through chain-of-command and Mutual Aid requests initiated by YC DES to MT DES. If these resources are not locally based, response time is according to their availability and travel distance. One of these resources can be a Federal On-Scene Coordinator for Hazardous Materials Response.
12. In the event of a disaster, MCA 10-3-402 to 403 may apply. While the IC assumes operational authority, only the Principal Executive Officer (PEO) of the affected municipality has authority to issue a local emergency proclamation or disaster declaration. A declaration of a State of Emergency utilizes and expands the authority of the local PEO.

Concept of Operations

Preparedness

Preparedness involves actions designed to save lives and minimize damage. It is raising awareness, planning, and training for appropriate response prior to an emergency.

1. Community Preparedness

Efforts to raise community awareness and preparedness for all hazards is encouraged.

Suggested actions may include but are not limited to:

- a. Signage and communication to residents of major, pre-designated evacuation routes
- b. Promotion of FEMA www.Ready.gov resources, guides, and toolkits
- c. Outreach to vulnerable populations with access or mobility challenges who may need additional assistance during an emergency, including those with special healthcare needs and language barriers

2. Hazard Analysis

a. Hazards Identification

Yellowstone County is an industrialized community with numerous fixed facilities that use, store, and produce a wide variety of hazardous materials. Yellowstone County has several transportation systems:

- Highways (including Interstate Routes 94 and 90 and Montana Highways 3, 47, 87, 212, 312)
- Railroads (BNSF east-west and north-south, Montana Rail Link east-west)
- Pipelines (including hazardous liquid and gas transmission)
- Air (including Billings Logan International Airport)
- Water (including Yellowstone River and tributaries)

An incident could occur anywhere in the County – at a fixed facility that may or may not be subject to the planning requirements of SARA Title III, or during transportation. Further, the incident might involve material(s) on the Extremely Hazardous Substances list, and/or a “non-listed” hazardous material that poses a threat to the community.

An incident in a neighboring county or tribal nation may cross the border and impact Yellowstone County.

b. Risk Analysis

Risk Analysis is an attempt to rank hazards by comparing the probability of a release with the severity of consequences of that release:

- Occurrence:
Yellowstone County has already experienced hazardous materials incidents at fixed facilities and on all transportation systems. The LEPC expects that incidents will continue to occur at similar past rates.
- Consequences:
Yellowstone County has already experienced minor and moderate hazardous materials incidents. The LEPC expects that minor and moderate incidents will continue to occur and that a major incident is possible.

c. Vulnerability Zone

Any part of Yellowstone County may be subject to airborne material during a release of a hazardous material. Therefore, for the purposes of this Plan and its activities, all of Yellowstone County is designated as the “vulnerable zone.”

d. Response Capabilities

Yellowstone County’s hazardous materials response capabilities include the expertise of one regional hazmat response team (BFD HazMat Team) and the resources of 11 fire departments, 4 law enforcement agencies, 4 EMS providers (AMR, Laurel, Lockwood Worden), and 2 healthcare systems (Billings Clinic and Saint Vincent). Further, hazardous materials planning and response activities are supported by private-sector organizations, numerous professional organizations, public safety training programs, and specialized response teams at the state and federal levels.

3. Facility Planning

a. Non-Regulated Facilities

Facilities not regulated by SARA Title III should:

- Maintain a list of 24-hour contact person(s) and submit it to YC DES
- Establish internal procedures for evacuation in the event of a hazardous materials incident

b. Regulated Facilities

Facilities regulated by SARA Title III must meet planning requirements:

- Prepare both an analysis of hazards at the facility (“Facility Hazard Analysis”), and a response procedure for those hazards (“Facility Response Procedure”).

Copies are submitted to 1) the LEPC, 2) the State Emergency Response Commission (SERC), and 3) YC DES.

- Comply with the applicable SARA reporting requirements and OSHA regulations.
- Participate in training programs identified in the “Training and Exercising” section.
- Designate an official (available on 24-hour call) who is capable of participating in a Command Post as a facility representative. This person will have information and the authority to:
 1. Identify the location, type and quantity of hazardous/flammable chemicals or materials
 2. Provide SDS information and technical data on properties of the chemicals or materials present
 3. Implement the Emergency Action Plan for the facility (“Facility Emergency Contingency Plan”), if appropriate and available.

4. Facility Reporting

Yellowstone County’s response is based upon effective planning and training. Primary emergency response is most effective when the community receives prompt notification of an incident. This section provides guidance to facilities and stresses the critical need for prompt and accurate reporting.

a. Reporting Requirement

- A facility must immediately report the release of a reportable quantity of a hazardous substance or extremely hazardous substance to the environment (EPCRA §304, 40-CFR§355.40).
- The report is to be made by **calling all**:
 1. 9-1-1 Dispatch to notify the Community Emergency Coordinator
 2. YC DES: (406) 208-0506
 3. MT DES Duty Officer: (406) 324-4377, alt 406-431-0411
 4. Montana Department of Environmental Quality: (406) 444-0379
- This reporting requirement does not apply to any release that results in exposure to persons solely within the site or sites on which a facility is located (EPCRA §304(d)).

b. Local Reporting Guideline

To better protect safety and to support the primary emergency responders, the LEPC requests that facilities immediately report “Perceptible Exposure” releases by calling 9-1-1.

“Perceptible Exposure” means: any release of a hazardous substance or extremely hazardous substance which is visible, produces a detectable odor or a distinctive taste, or impacts a human or environmental receptor physically, such as causing eye irritation, itchy skin, damaged vegetation, chronic injury, etc.

c. Follow-up Notice

As soon as practical thereafter, a written, follow-up emergency notice shall be submitted to:

- LEPC Community Emergency Coordinator
c/o Yellowstone County Disaster and Emergency Services
316 North 26th, Room 3201
Billings, Montana 59101
- Montana Department of Environmental Quality
See DEQ website for reporting requirements and to submit an online reporting form: <https://deq.mt.gov/DEQAdmin/ENF>

A sample follow-up notification form is provided in Appendix E.

Note: This section is intended to facilitate emergency response and does not guarantee compliance with reporting requirements under any other environmental or health and safety law. There may be other applicable reporting requirements depending on the circumstances of the release.

5. Training and Exercises

a. Training

- The LEPC supports a comprehensive training program for agency personnel and emergency staff to ensure a safe and effective response to hazardous materials incidents.
- Training requirements are established by state and federal regulations. Absent of such criteria, in-service training will be based upon the level of knowledge or skill required to perform the tasks associated with the job assignment. Training deficiencies should be identified through appropriate administrative channels for resolution.
- Title III, Section 303(c)(8) requires training for those responsible to implement chemical emergency plans. Yellowstone County intends to utilize courses sponsored by the federal and state governments and private organizations to fulfill this requirement. Local agencies and facilities will also schedule courses to address the unique concerns and needs of the local hazardous materials preparedness program.
- Local agencies, facilities, and organizations should provide in-service training to satisfy operational needs, to maintain appropriate certification standards, and to comply with applicable regulatory standards. It is recommended that a training officer be designated to establish an annual training program designed to meet requirements. Individual training records should be maintained on all emergency responders.
- The LEPC works in conjunction with the State Emergency Response Commission and community leaders to evaluate the hazardous materials training needs of local emergency response personnel. The LEPC will monitor and/or coordinate local training initiatives to ensure consistency with this plan and will take

advantage of training resources available from all levels of government and the private sector.

b. Exercises

- The LEPC supports a comprehensive exercise program to effectively implement and evaluate the Yellowstone County Hazardous Materials Response Plan.
- Title III, Section 303(c)(9) requires local jurisdictions to establish “methods and schedules for exercising the emergency plan.” An effective exercise program will strengthen response management, coordination, and operations, and identify areas for improvement. Corrective actions can then be taken to improve and refine public safety capabilities.
- Exercises are generally classified into five categories: Orientations, Drills, Table-top, Functional, and Full-scale. Each exercise type varies in activities and resources. Some require simple preparations and execution while others may be more complex and require greater efforts and resources. Each provides its own benefits and should be considered in the development of an exercise program to satisfy community and facility needs.
- Each facility should conduct at least one annual test of their emergency plan. These tests should be coordinated, when possible, with the appropriate fire department. Facilities should conduct an exercise debriefing and within 30 days prepare an after-action report noting corrective action and lessons learned.

Emergency Response

Risk-Based Decision Making

First responders and the Incident Commander, as well as Yellowstone County DES, Billings FD, and the BFD HazMat Team, rely on a risk-based decision making process to manage and mitigate a hazardous materials incident, termed “DECIDE.” More information can be found here:

http://www.henrycoema.org/EMA/HazMat_Training_Materials_files/DECIDE.pdf.

The DECIDE process includes the following steps:

1. **D**etect hazardous material presence
2. **E**stimate likely harm without intervention
3. **C**hoose response objectives
4. **I**dentify action options
5. **D**o best option
6. **E**valuate progress

Levels of Response Magnitude

The Levels of Response Magnitude outlined below describe the impact of a hazardous materials incident on the community and are categorized based on severity as Level 0, 1, 2, or 3. See Table 1. Criteria for determining the incident level include:

- Characteristics of the hazardous material
- Nature of the material release

- Population and area affected (e.g., sensitive ecosystems, waterways, transportation routes)
- Extent of multi-agency and multi-jurisdictional involvement
- Evacuations, injuries, or fatalities
- Technical expertise and equipment needed to safely mitigate the incident
- Duration

The determination of incident level shall be a collective decision between the IC and the BFD HazMat Team. If terrorist activities are suspected, the incident will be classified as a Level III and require federal involvement and additional activities.

1. Level 0 – Non-Emergency Condition

a. Definition:

A hazardous materials incident that is not likely to adversely impact or threaten life, health, property or the environment, where control of the incident is within the capabilities of resources available to the local response jurisdictions.

b. Criteria:

- Incident controlled by the facility or the local response jurisdictions
- BFD HazMat Team advice may be required for technical assistance

2. Level 1 – Controlled Emergency Condition

a. Definition:

A hazardous materials incident that may adversely impact or threaten life, health, property or the environment within an area immediately surrounding the point of release or potential release; where control of the incident is within the capabilities of the resources locally available to responders in Yellowstone County.

b. Criteria:

- Incident can be controlled by the first municipal response agency with the BFD HazMat Team
- Local response jurisdictions with special teams response, as defined in Organization (page 11)
- May require evacuation or sheltering for the area immediately affected by the release or potential release

3. Level 2 – Limited Emergency Condition

a. Definition:

A hazardous materials incident that may adversely impact or threaten life, health, property or the environment beyond the point of release; may be across municipal jurisdictions; where control of the incident is within the capabilities of the resources based within Yellowstone County.

b. Criteria:

- Incident that is beyond the capabilities of the first municipal response agency and requires broad-base community resources
- Evacuation or sheltering of residents or facilities should be considered
- Participation or support by mutual-aid agencies
- Multi-jurisdictional or multi-municipal involvement

4. Level 3 – Full Emergency Condition

a. Definition:

A hazardous materials incident that adversely impacts or threatens life, health, property, or the environment in a large geographic area. Additional resources are required to supplement those available within Yellowstone County.

b. Criteria:

- Serious hazard or severe threat to life, health, and the environment
- Large geographic impact
- Major community evacuation or sheltering
- Multi-jurisdictional involvement
- Requires broad-based resources

Table 1 Summary of Emergency Levels of Response Magnitude.

LEVEL OF RESPONSE MAGNITUDE	PRODUCT IMPACT	AREA OF IMPACT	CAPACITY TO CONTROL
LEVEL 0	Non-Threatening	Confined to site	Local jurisdiction
LEVEL 1	Threat	Within immediate area of release	...PLUS HazMat team and special teams ¹ as requested by the IC
LEVEL 2	Threat	Beyond immediate area of release Multi-jurisdictional	...PLUS broad-based community resources
LEVEL 3	Threat	Beyond immediate area of release Multi-jurisdictional Large geographic area	Broad-based resources are required to supplement those available within Yellowstone County

¹ Special teams as defined in Organization, page 11.

Dispatch & Notification

1. Level 0 – Non-Emergency Condition

Upon declaration of a Level 0 hazardous materials incident, 911 Dispatch may dispatch the following:

- Yellowstone County DES
- Local fire department
- Local law enforcement (tell them this is a Hazardous Materials Incident)
- Local EMS
- Other agencies as appropriate

2. Level 1 – Controlled Emergency Condition

Upon declaration a Level 1 hazardous materials incident, 911 Dispatch may dispatch the following:

- All Level 0 agencies, PLUS:
- BFD HazMat Response Team
- Yellowstone County Fire Warden
- Other agencies as appropriate

3. Level 2 – Limited Emergency Condition

Upon declaration of a Level 2 hazardous materials incident, 911 Dispatch may dispatch the following:

- All Level 1 agencies, PLUS:
- Other regional HazMat teams (e.g., Bozeman, Missoula)
- Other agencies as appropriate – EOC activation determined through consultation with YC DES, the County Fire Warden, and the IC

4. Level 3 – Full Emergency Condition

Upon declaration of a Level 3 hazardous materials incident, 911 Dispatch may dispatch the following:

- All Level 2 agencies, PLUS
- Other fire departments via mutual aid
- Other EMS agencies via mutual aid
- Other regional HazMat teams (e.g., Bozeman, Missoula)
- EOC activated by YC DES
- Other local State and/or Federal agencies as appropriate

Operations

Actions taken by emergency responders shall be based upon the need to protect life, health, property and the environment.

Operations shall comply with applicable OSHA regulations, which may include:

1. 29 CFR 1910.120 – Hazardous Waste Operations and Emergency Response (HAZWOPER)
2. 29 CFR 1910.134 – Respiratory Standard
3. 29 CFR 1910.156 – Fire Brigade Standard
4. Standard Operating Procedures as specified by individual agencies

Approaching the Scene

Emergency responders should approach the scene of a hazardous materials incident from upwind and uphill if possible. **Emergency responders should not pass through a vapor cloud or a spill.**

Arriving at the Scene

1. Emergency responders should meet with a facility representative, or other knowledgeable person, to learn about the incident.
2. Establish a perimeter to isolate the hazard area and deny entry.
3. Address immediate life-threatening situations. If possible, begin decontamination triage.

Identifying the Materials Involved

1. Identify hazardous materials BEFORE exposing personnel or taking remedial action.
2. Binoculars may be used to view placards, license plates, vehicle identification information, and containers for clues about product(s) involved.
3. Obtain shipping papers and/or Safety Data Sheets (SDS). Correct spelling of the chemical name is critical.

Obtaining Hazard and Handling Information

The physical and chemical properties of a product, as well as its hazards and handling information, may be obtained from sources including:

- Safety Data Sheets (SDS)
- Chemical reference books: US DOT – Emergency Response Guidebook, National Fire Protection Association (NFPA) Handbooks
- CHEMTREC 1-800-424-9300
- American Association of Poison Control Centers (800) 222-1222
- Agency for Toxic Substances Disease Registry 1-800-232-4636
- Chemical data base (e.g., CAMEO mobile phone application)
- Plume dispersion and mapping models (e.g., ALOHA or ADASHI)
- E-Plan
- WISER (Wireless Information for Emergency Responders)

On-scene Measurements

On-scene measurements may be taken with direct-reading instruments including, but not limited to:

- Carbon monoxide meter
- Colormetric indicator tubes
- Combustible gas indicator
- Oxygen Meter
- Ph paper
- Radiological survey instruments
- Chemical test/detection equipment
- Multi-gas meter with photoionization detector (“PID”)

Weather

Weather may play an important role in the outcome of a hazardous materials incident. The National Weather Service can supply:

- Wind speed and direction
- Temperature
- Relative humidity
- Precipitation
- Stability of the lower atmosphere
- Forecast

Expertise

Expertise may be obtained from sources including:

- Manufacturer
- Shipper
- Carrier
- Consignee
- Facility representative
- BFD Hazardous Materials Response Team
- Chemical industry personnel
- College and university personnel
- Farm and related industry personnel

Site Control / Hazard Control Zones

The Incident Commander shall establish hazard control zones for emergency responders and the public in accordance with state and federal guidelines:

1. Exclusion (Hot) Zone: area with actual or potential contamination and the highest potential for exposure to hazardous substances.
2. Contamination Reduction (Warm) Zone: transition area between the exclusion and support zones. This area is where responders enter and exit the exclusion zone and where decontamination activities take place.
3. Support (Cold) Zone: area of the site that is free from contamination and that may be safely used as a planning and staging area.

The following factors should be considered in the establishment of hazard control zones:

- Wind speed and direction
- Drainage and topography
- Location of Command Post, Staging, and Emergency Medical Treatment areas
- Access control points
- Decontamination/Entry corridors

Decontamination

1. A decontamination area shall be established for victims and equipment to minimize the spread of contamination.
2. Prior to departing an incident scene, all contaminated personnel and equipment shall be decontaminated as much as possible. Equipment marked for further decontamination must be completely decontaminated before returning to service.
3. It is the Incident Commander's responsibility to see that if decontamination is needed, it is accomplished properly at the scene before any patient is turned over to EMS.
4. Once EMS is on scene, EMS decides patient care in consultation with the BFD HazMat Group Supervisor, Incident Commander, and EMS Medical Director.

Safety and Health

The Incident Commander shall designate an on-scene Safety Officer who shall ensure that emergency responders use personal protective equipment (PPE) and procedures that comply with local, state and federal regulations.

Mitigating the Incident

1. The Incident Commander, in conjunction with facility personnel and other technical specialists, shall develop a risk-based response process and carry-out that plan to avoid unnecessary exposure. A risk-based response is a systematic process by which responders analyze a problem involving hazardous materials/weapons of mass destruction (WMD), assess the hazards, evaluate the potential consequences, and determine appropriate response actions based upon facts, science, and the circumstances of the incident (NFPA 472 3.3.57).
2. Containment and Control:
 - a. Qualified emergency responders may perform containment and control tasks to mitigate the incident and to minimize adverse environmental impacts.
 - b. Containment and control may include: closing valves, plugging or patching holes, transferring material from one container to another, damming, diking, booming,

absorbing, neutralizing, diluting, suppressing vapors, extinguishing, and using water spray to keep containers cool.

- c. If flammable vapors and gases are present, combustible gas indicators may be used to determine the potential ignition area. All ignition sources in that area should be eliminated.
 - d. Some materials are water reactive. Water used to extinguish a fire may create a much bigger problem when it becomes contaminated run-off. If hazardous materials are involved in a fire, it may be best to let the fire burn.
3. In cases where contamination of the environment has occurred, the YC DES and the State of Montana Department of Environmental Quality (DEQ) shall be informed so they may evaluate the situation and take appropriate action.
 4. In cases where contamination of a water-supply system has occurred or may occur, YC DES, MT DEQ, RiverStone Health, and the affected downstream water supplier or community shall be informed so they may evaluate the situation and take appropriate action in accordance with the *Yellowstone County Source Water Protection Plan (2020)* and state and federal laws.
 5. In cases where contamination of a sewer system has occurred or may occur, YC DES, MT DEQ, and the affected sewer agency or community, shall be informed so they may evaluate the situation and take appropriate action in accordance with the *Yellowstone County Source Water Protection Plan (2020)* and state and federal laws.

Radio Communications

Radio Communications are primarily between the incident site and 911 Dispatch for:

1. Dispatch and information exchange among base stations, mobiles, and portables
2. Command of personnel and resources
3. Agency Coordination
 - a. In situations involving mutual aid, or similar multi-agency or multi-jurisdictional response, integration of the various communications systems can be achieved by coordinating information at 911 Dispatch, the Command Post, and/or the EOC.
 - b. If it is necessary to operate a secondary, or alternate communications center, the emergency service agency that regularly controls the channel shall provide personnel to operate the equipment.
4. Support Systems
 - a. Public works, transportation and related agencies have the capacity to provide equipment, vehicles, and personnel to support an incident if needed.
 - b. YC DES can provide a mobile unit with radio, data, and telephone communications equipment designed for Command Post support.
 - c. Amateur radio and TV links can be activated through DES.

Protective Actions

Evacuation, sheltering-in-place, or a combination should be considered in defining protective actions to reduce or eliminate public exposure to hazardous materials that are released during an incident.

1. Evacuation

Evacuating the public is a decision based on information indicating that the public is at greater risk by remaining in or near the hazard area. Information that should be considered in the decision to evacuate includes:

- Severity of dangers
- Population affected
- Availability of resources to evacuate the affected population
- The notification means to provide emergency instructions
- Safe passage for the evacuees, including adequate time
- Availability of reception centers, shelters, and sustenance
- Special needs of evacuees

2. Shelter-In-Place

Sheltering-in-place means advising the affected population to seek protection within the structure they occupy or in a nearby structure. Like evacuation, this decision is based upon hazard analysis. If the danger to the public is mitigated by sheltering-in-place, then it should be employed as a protective measure.

With certain hazards, (e.g. short-term exposure, line-of-sight exposure) the best decision may be to shelter-in-place. One distinct advantage of sheltering-in-place is the relative ease of implementation. Some considerations are:

- Availability of resources
- Time available to take protective actions
- Public's understanding of sheltering-in-place

For some hazards, sheltering-in-place can be enhanced by seeking the most protected refuge in the structure. For chemical, radiological, and some biological hazards it is enhanced by reducing the indoor-outdoor air exchange rate.

3. Combination Protective Actions

There may be circumstances when using both evacuation and sheltering-in-place is appropriate. For example, when time or resources cannot support the immediate need to evacuate a large population, only those closest to the hazard and at greater danger could be instructed to evacuate, while people outside of the immediate area would be advised to shelter-in-place.

4. Implementation of Protective Actions

The Incident Commander(s) shall be responsible to designate personnel in charge of protective actions. Protective actions may require the declaration of a local state of emergency.

- Traffic Control Points and Access Control Points shall be established to direct traffic and people out of the affected area and to prevent entry.
- Sources of transportation capable of supporting an evacuation shall be identified.
- All residents of the affected area should be identified and accounted for.

- Forced entry into homes and businesses shall only be performed if there is a reason to believe that a victim may be inside.
- In the case of persons who refuse to leave their homes during an evacuation order: their names, address, next-of-kin, and time of notification shall be documented.

5. Family Assistance Centers

The evacuees may need to stay at a temporary staging area until a suitable Family Assistance Center can be established. The Family Assistance Center shall be coordinated by the American Red Cross with personnel support from other COADs and/or public health representatives from RiverStone Health.

Public Alerting

Once a decision has been made to evacuate or shelter-in-place, the Incident Commander(s) shall have YC DES and local law enforcement alert the public.

See Appendix F for a Sample Evacuation Announcement and Appendix G for a Shelter-in-Place Announcement.

Public Alerting provides timely and reliable emergency information pertaining to the need for protective actions. For protective actions to be effective, the public must first be alerted that an emergency exists, and second be instructed on what to do. Since a hazardous materials incident is normally a rapidly developing situation, initial public alerting by emergency response personnel is a critical aspect of public safety.

1. When to Alert the Public

- Level 0 – Non-Emergency Condition
This Level of Magnitude does not normally require Public Alerting. However, the Incident Commander (IC) or designated Public Information Officer (PIO) shall respond to public and media requests for information.
- Level 1 – Controlled Emergency Condition
This Level of Magnitude may not require Public Alerting. However, the IC or designated PIO shall respond to public and media requests for information.
- Level 2 – Limited Emergency Condition
This Level of Magnitude may require Public Alerting.
- Level 3 – Full Emergency Condition
This Level of Magnitude requires Public Alerting.

2. Methods of Public Alerting

- Press Release
A press release may be relayed by the PIO or through the JIC to media representatives or made directly to on-scene media representatives.
- Route Alerting

Emergency personnel utilizing emergency vehicles, equipped with a siren, a public address system, and appropriate PPE may drive through the affected area and announce the emergency.

- Residential Door-to-Door Alerting

Emergency personnel, equipped with appropriate PPE, may walk through the affected area and announce the emergency situation on a door-to-door basis.

- Integrated Public Alert & Warning System (IPAWS) / CodeRed Emergency Notification System

Activation of IPAWS and/or CodeRed can only be accomplished by YC DES, pre-designated government officials, or the National Weather Service.

An updated roster of IPAWS-certified personnel is maintained at 911 Dispatch and YC DES.

- Mass Notification

Mass notification through the CodeRed Notification System may be initiated by either 911 Dispatch or YC DES.

3. Public Alert Message Content

Components of a public alert message may include:

- Affected area
- Health hazards
- Protective actions
- Evacuation routes
- Location of Family Assistance Center(s)
- Medical treatment
- Telephone number for mobility impaired to call for assistance

Recovery

Recovery immediately follows emergency response. It involves direction to restore the community to normal conditions and may include the following aspects:

- Request by the Governor for a Presidential Disaster Declaration
- Maintaining access control
- Clearing debris
- Restoring public utilities
- Providing emergency social services (shelter, clothing, food, etc.)
- Rebuilding
- Investigating the incident

- Demobilizing emergency personnel and resources, which may include emergency worker counseling
- Adjusting traffic control perimeters
- Continuing public information – general purpose and health-related
- Maintaining security in restricted areas
- Providing long-term counseling for residents
- Continuity planning for business and industry (economic preservation)

Specific short and mid-term recovery actions should include:

1. Cleanup and Disposal

- a. The cleanup and disposal of hazardous wastes will comply with applicable local, state, and federal regulations
- b. The party responsible for the incident is legally and financially responsible for the cleanup and disposal of hazardous wastes
- c. Emergency responders should understand that if they initiate contact with a commercial cleanup company, they may be held responsible for the costs incurred
- d. If the party responsible for the incident is unknown, unwilling, or unable to accomplish cleanup and disposal, MT DEQ may hire a commercial cleanup company with State funds

2. Relocation and Re-Entry

a. Relocation

In cases where contamination of the environment has occurred and the long-term relocation of residents is necessary, the Montana Department of Health and Human Services (DPHHS) may provide relocation assistance.

b. Re-Entry

Re-entry to an area that has been sheltered-in-place or evacuated shall not be allowed until authorized by the Incident Commander(s).

The Incident Commander(s) shall confer with the YC DES and RiverStone Health and other appropriate officials to establish re-entry procedures that will include:

- A time to return
- Safety precautions
- Health precautions
- Decontamination
- Symptoms of illness as a result of exposure

The PIO shall inform the public of the re-entry procedures. This may be done by the following methods:

- Social media

- News release
- Emergency Alert System / CodeRed
- Mass notification system
- Announcements and/or printed materials at reception or congregate care centers
- Printed materials issued at Traffic Control Points and Access Control Points

Traffic Control Points and Access Control Points shall be maintained, as necessary, to ensure an orderly re-entry by the public.

3. Incident Evaluation

OSHA Standard 1910.120 requires the Incident Commander(s) to debrief and evaluate the emergency response as soon as possible.

a. Incident Debriefing

The IC shall ensure that an incident debriefing occurs as the incident conclusion or as responders leave the scene. The debriefing should include, but not be limited to providing the following information:

- Hazard information
- Exposure signs and symptoms of materials involved
- Name of individual responsible for post-incident medical contact
- Administrative procedures
- Gather name(s) of all outside responders and agencies

b. Critique

The IC shall conduct a critique for all Level 1 or greater hazardous materials incidents. Such critique will review the incident with the purpose of identifying both those areas that worked well and those areas that need improvement. (If requested, YC DES will aid with the critique.) The critique process should include, but not be limited to the following:

- Be held after allowing sufficient time for the emergency to be investigated and appropriate information collected.
- Include at least one representative of each agency that played a role in handling the incident.
- May consist of a single multi-agency meeting or various inter-agency meetings.
- The findings of such a critique, and identity of its participants, shall be documented in writing, in an After-Action Report with Improvement Plan.
- Areas of improvement or changes identified in local or community plans or training will be incorporated in local or community activities as appropriate.

Direction and Control

The Incident Commander(s) will control and direct all activities at the scene in accordance with the Incident Command System (ICS).

If a disaster is declared by the Principal Executive Officer of a political subdivision as described in MCA 10-3-402, the YC DES Director will exercise authority over all disaster operations in the municipality or county in accordance with mission assignments contained in this Plan.

A Command Post will be established by the Incident Commander(s). This is the center from which all emergency operations will be directed. Staffing for the Command Post, as directed by the Incident Commander(s) should be limited to primary responders: fire, law enforcement, EMS, YC DES, communications, and others who may be appointed by the Incident Commander(s).

The news media will assemble at the Joint Information Center (JIC) and when the Incident Commander(s) deems the site accessible, be escorted to the scene staging area (designated by the Incident Commander(s)). If the County's EOC is activated, the EOC Public Information Officer will disseminate information in conjunction with the on-scene PIO.

1. Unified Command

In the event of a Level 2 or Level 3 hazardous materials incident (see response descriptions beginning on page 16), the responders shall utilize Unified Command to provide effective leadership, coordination, and unified on-scene command of emergency response forces.

All on-scene actions shall be consistent with the objective of ensuring the safety of all emergency responders and the public.

A hazardous materials incident may require a broad range of on-scene response organizations including, but not limited to: emergency response personnel from all levels of government; industry representatives; private contractors; and the media. The need for specialized equipment and technical knowledge during response may also be extensive, as are the number of critical decisions that must be made in the area of the incident: containment, emergency worker safety, public protective actions and environmental protection.

This Plan addresses the need to ensure control of a multi-jurisdictional/multi-agency response to a hazardous materials incident and highlights the demand for a unified Incident Command System (ICS) under the direction of the Incident Commanders.

The concept of Unified Command simply means that the main agencies that have jurisdictional responsibilities will have an incident commander as part of the unified command system to contribute to the process of:

- Determining overall response objectives
- Selecting response strategies
- Ensuring joint planning and application of tactical and operational activities
- Maximizing use of available resources
- Public alerting and press releases

Incident commanders from main response agencies and with jurisdictional responsibilities include:

- a. First Responder

The primary responsibility of the first responder is to determine the potential hazards to life, health, property, and the environment resulting from the incident. If it is determined that the incident presents a potentially hazardous situation, the first responder should promptly communicate this to 911. The first responder should then initiate the following actions:

- Evacuate all non-emergency personnel from the hazard area
- Attempt to identify the material(s) involved
- Establish a Command Post
- Determine if community notification, sheltering, or evacuation is needed and the geographical area likely to be impacted
- Isolate contaminated persons in a safe location
- When representatives of the Lead Agency having jurisdiction designate an Incident Commander(s), the first responder should brief the Incident Commander(s) on the extent of injuries, damage and the status of efforts to control the incident

b. Incident Commander

As part of the initial response to a hazardous materials incident, the fire department having jurisdiction shall serve as the Lead Agency. A qualified on-scene member of that fire department shall serve as the Incident Commander.

Using a risk-based response process and the incident response descriptions (beginning on page 16), the Incident Commander shall establish a response plan and declare a Level of Magnitude for the incident. If conditions change, the Level of Magnitude may be upgraded or downgraded as appropriate.

When the designation of the Incident Commander(s) needs to be evaluated, the following factors should be considered:

- Declared “State of Emergency”
- Geographic area affected
- Impact upon the community
- Single or multiple jurisdictions affected
- Number of response agencies
- Operational requirements
- Resources commitments
- Scope and technical complexity of the incident

The Incident Commander(s) must ensure that all participating agencies (local, state, tribal, and federal) are effectively communicating within the designated command structure.

If the designation of Incident Commander(s) changes where the Incident Commander(s) is not physically at the scene, it may be necessary to designate an Operations Section Chief.

c. Emergency Operations Center (EOC)

An EOC provides off-site incident coordination and assistance as required.

YC DES maintains procedures for activating Yellowstone County's EOC.

Upon notification of a Level 2 hazardous materials incident, YC DES shall contact the Incident Commander to assess whether Yellowstone County's EOC needs to be activated and the degree to which it should be staffed.

d. Command Responsibilities

Level 0 – Non-Emergency Condition

Implement incident command. The Incident Commander shall:

- Establish contact with a facility representative
- Determine the number and type of response units that are needed to handle the incident
- Evaluate the need to declare a higher or lower Level of Magnitude
- Respond to public and media requests for information

Level 1 – Controlled Emergency Condition

The above activities, plus:

- Establish a Command Post
- Establish liaison with the Facility Emergency Coordinator
- Ensure that all appropriate agencies are represented in the Command Post
- Designate Sections and Section Chiefs, as appropriate

Level 2 – Limited Emergency Condition

The above activities, plus:

- Consult with YC DES about activating the EOC
- YC DES shall notify and brief the PEO of the affected political subdivision
- The PEO of the affected political subdivision shall evaluate the need to declare a State of Emergency, in accordance with MCA 10-3-402

Level 3 – Full Emergency Condition

The above activities, plus:

- The Incident Commander(s), YC DES, Fire Warden, EMS Coordinator, Sheriff, Public Health Director, local officials (including local law enforcement), and the PEO shall reevaluate the existing designation of the Incident Commander
- MT DES coordinates the application of the state's resources in an emergency

Special Considerations for Weapons of Mass Destruction (WMD) and Other Intentional Releases of Hazardous Materials

Typically, units from law enforcement, fire, and EMS will all be dispatched to a WMD incident in which an intentional nuclear, chemical or biological exposure is claimed to have occurred or is imminent. Priorities for emergency response personnel are similar to other types of hazardous materials event responses. However, there are some special circumstances that should be considered and implemented.

- In incidents involving a known or suspected WMD, a request for the Federal Bureau of Investigation (FBI) should be made. According to the National Response Plan and Presidential Directives, the FBI is the lead federal agency for incidents involving chemical, biological, or nuclear weapons. This means that the incident site should be considered a federal crime scene.
- A request to the Montana National Guard 83rd Civil Support Team should be considered.
- A request to the Billings Fire Department Bomb Squad should be considered.
- Increased media attention to these incidents may require an early assignment of a PIO.
- A safe assessment of the entire scene, using extreme caution to avoid exposing or contaminating any additional personnel, should occur.
- Any victims should be medically evaluated, documented, and, when possible, debriefed by law enforcement authorities before leaving the scene.
- Handling any device that is suspected of containing potentially hazardous nuclear, chemical, or biological materials should be kept to an absolute minimum. This is important to both preserve evidence and to reduce the number of people that are potentially exposed to harm. Emergency responders should not handle suspect letters or other materials.
- Personnel should be aware that the device could be "booby-trapped" and that there may be a secondary device in the vicinity.
- Because of the possibility of a secondary explosive device, **do not use radios or cellular phones within 50 feet of the incident scene.**
- Set an appropriate evacuation distance of at least 300 feet.
- Notification to YC DES is required.

Mission Assignments

Incident Commander

The senior official from the Lead Agency will, upon arrival, normally serve as the Incident Commander. Assignment of responsibilities to all other emergency response units will be coordinated by this individual. The Incident Commander shall:

1. Establish the Incident Command System (ICS) structure and staff the Command Post to handle the operation. ICS unit responsibilities may include:
 - Life safety and rescue operations
 - Evaluation of incident cause and response risk
 - Scene security
 - Public alerting, evacuation, or shelter-in-place announcements

- Fire suppression
 - Spill containment and leak control
 - Re-entry and recovery
2. Direct on-scene operations to ensure that objectives are identified, and assignments are made including hazard assessment and First Responder briefings
 3. Coordinate actions through support agency representatives who will retain control of their respective forces under the ICS
 4. Designate a hazard area, define its limits, and establish other zones as needed
 5. Determine the need for public alerting, sheltering-in-place or evacuation and notify the appropriate agency representative who will initiate actions
 6. Establish functional sections to support operations, in accordance with the ICS. Functional sections may include:
 - Resources Unit (within the Planning Section)
 - Situation Unit (within the Planning Section)
 - Medical Unit (within the Logistics Section)
 - Communications Unit (within the Logistics Section)

Fire Service

1. Fire Department

As the Lead Agency, the Senior Fire Officer present should take actions to implement the ICS. Fire Department responsibilities may include the identification of materials, bringing fires under control, and the containment of spills. The fire department coordinates and notifies appropriate authorities to implement the safe removal of the product and may monitor the cleanup and decontamination of the site.

2. Billings Fire Department Hazardous Materials Response Team:

- BFD HazMat Team will provide overall technical assistance in conjunction with the on-scene qualified industrial representative
- BFD HazMat Team may identify the product, its potential hazards, and provide this information to the Incident Commander
- BFD HazMat Team may make entry into the hot zone to control, contain, and stop the leak and/or spill
- BFD HazMat Team operations and recovery will be conducted in accordance with appropriate state and federal regulations

3. County Fire Warden

If requested by the Incident Commander, or if conditions warrant, the Yellowstone County Fire Warden shall:

- Serve as the on-scene fire liaison
- Act as the principal coordinator for mutual aid requests and the BFD HazMat Team
- Provide technical advice and assistance as required

Law Enforcement

Law enforcement duties may include securing the immediate area and limiting access at the scene of the incident; rerouting traffic; public alerting; and possible incident investigation in the case of accidental or criminal intent.

Emergency Medical Service (EMS)

EMS will coordinate on-scene emergency and non-emergency medical care, treatment, and transportation for victims of a hazardous materials incident. EMS will assure adequate resources are available for the rehabilitation and treatment of first responders operating at the incident. They will also ensure that EMS mutual aid plans are implemented.

A release of hazardous materials into the environment may cause multiple injuries and/or casualties. EMS may be needed to provide medical care to those injured and/or exposed (e.g., facility employees, emergency responders, the public). Furthermore, a hazardous materials incident may require mutual aid among EMS providers and hospitals.

1. EMS is in charge of all patient care at the scene. Patient care decisions are the providence of the senior EMS provider at the scene and may be made in consultation with a physician via online medical control.
2. Yellowstone County EMS Administrator

The emergency medical responsibilities of the EMS Administrator include the following:

- On scene EMS liaison
- Coordination of EMS activities with the Incident Commander, EMS responders, YC DES, area hospitals, and RiverStone Health, and in accordance with mutual aid agreements, as required
- In response to a mass casualty event, coordination with YC DES to implement mass casualty response procedures outlined in 1) ESF #8 Public Health and Medical Services (2019 EOP), 2) "Mass Fatality Management Procedures" (Appendix I, 2019 EOP) , and 3) *Disaster Medical Health Plan for Billings, Laurel, Broadview, and Yellowstone County* (2011)

3. Hospitals

Hospitals shall provide primary medical care to persons who are injured and/or exposed to hazardous materials.

Public Health - RiverStone Health

RiverStone Health serves as the Lead Agency for Yellowstone County Public Health. Incident responsibilities include, but are not limited to:

1. Serving as the local representative of the Montana DPHHS
2. Notifying the appropriate state agencies of those incidents that result in the exposure of hazardous materials to the public

Coroner

Coroner services in Yellowstone County are provided by the Sheriff's Office in conjunction with the Department of Justice Medical Examiner's Office. Coroners shall provide for the management of the deceased in accordance with "Mass Fatality Management Procedures" (Appendix I, 2019 EOP).

Public Safety Communications (9-1-1 Dispatch)

The Billings City/County 911 Communications Center is responsible for, but not limited, to the following:

1. Serving as the community point-of-contact for persons reporting hazardous materials incidents
2. Activating dispatch/notification protocols for appropriate responders
3. Maintaining communication with the Incident Commander
4. Relaying critical information to responders on their operating channels
5. Maintaining 911 Dispatch communication services for the duration of the incident
6. Ensure notification of pipeline officials via emergency contact numbers **BY REQUEST**
7. Coordinate activation of community warning systems as directed by IC
8. Notify nearby critical operations and vulnerable populations (i.e. schools, hospital, government)

Disaster and Emergency Services

YC DES responsibilities include, but are not limited to:

1. Designating an on-scene liaison to facilitate response
2. Keeping the Principal Executive Officer fully informed of all operations
3. Supporting emergency response forces at the Command Post
4. Establishing an EOC in accordance with emergency plan protocols or by request of the Incident Commander and/or the Principal Executive Officer
5. Coordinating staffing and functions of the EOC
6. Collecting, displaying, and disseminating information in the EOC
7. Coordinating with MT DES regarding support from state and federal agencies
8. Coordinating support from private agencies and volunteer groups
9. Directing volunteer civil response organizations
10. Coordinate local damage assessment and survey

Emergency Operations Center

Depending upon the incident other governmental agencies may be required to support containment, control, and recovery. These requests could include transportation, public works, equipment, specialized personnel, materials, and communications. The Incident Commander(s) may request such support directly or via the YC EOC.

The EOC will coordinate:

1. Agencies within County government, city government, the community, and the private sector
2. Command and control on behalf of the Principal Executive Officer (upon MCA 10-3-402 declaration)
3. State and federal agency response

Public Information Officer

1. Facilities and public agencies should develop media relations plans. Such plans should designate spokespersons who are available on 24-hour call and who are prepared and authorized to discuss an emergency situation with the media.
2. The spokesperson designated to speak on behalf of the Incident Commander is the Public Information Officer (PIO)
3. The PIO should establish a Joint Information Center (JIC) where the media can obtain information.
 - The JIC should be located in a safe and secure area
 - Allowing media representatives into the Command Post is not recommended, as it can be disruptive to the operation. However, cooperation with the media is essential to ensure that the public is informed of the situation and what precautions and/or protective actions are necessary.
4. As appropriate, the PIO, in conjunction with a facility spokesperson, should make joint media releases
5. The PIO should assist in coordinating media requests for information
6. Facilities and public agencies should not make media releases without coordination with, and approval from, the PIO

Facility Operator/Transporter

Representatives are responsible to report a hazardous materials release that is greater than the reportable quantity and/or conditions that could result in an incident that may affect personnel and/or the environment. In addition, a facility operator or transporter representative shall:

1. Implement the facility emergency response plan and provide supplies, trained personnel, and equipment to mitigate the emergency
2. Provide management and technical support to the Incident Commander
3. Coordinate incident remediation and recovery (i.e., clean up company, service restoration)

Principal Executive Officer

If a State of Emergency is declared in accordance with MCA 10-3-402, the Principal Executive Officer (PEO) is responsible for, but not limited to, the following functions:

1. Participate with the YC EOC, which coordinates the efforts of volunteer agencies, state and federal authorities, public utilities, and other support agencies during the emergency response, recovery, and re-entry phases
2. Brief other elected and appointed officials about the nature of the emergency

3. Designate a spokesperson who is prepared and authorized to discuss the emergency with the media. The spokesperson and the Incident Command PIO shall make joint news releases as appropriate and coordinate media requests for information.
4. Request state aid through MT DES if the emergency is beyond local capability
5. Ongoing communications with and support to the Incident Commander for on-scene operations

Locally-Based Resources

The Incident Commander may request support from other local government agencies as required to support the incident response and recovery, e.g. transportation, public works, specialized equipment and personnel, and materials.

Community Organizations Active in Disasters

1. Montana211 *2-1-1, www.montana211.org
2. United Way Yellowstone
3. Team Rubicon
4. The Salvation Army
5. American Red Cross

Congress established the American Red Cross as the principal organization to undertake relief activities during time of disaster. Red Cross services include:

- Identifying and staffing emergency shelters
- Providing food for victims and emergency workers
- Assisting with evacuation and distribution of emergency supplies
- Lead Agency to coordinate volunteer relief agencies in disaster operations

Response Organizations

YC DES and/or BFD maintain a list of qualified cleanup resources. Hazmat Cleanup resources:

State and Federal Agencies

State and federal laws may require the notification of other governmental agencies. Such notification is generally the responsibility of the facility/transporter responsible for the materials involved in the incident. Generally, the primary role of these agencies will be to assist the local emergency response agencies and ensure that the parties responsible for the incident provide adequate cleanup and decontamination. In most cases, state and/or federal personnel will only be dispatched to the scene of major incidents.

Support

At the basic level, emergency response operations are initiated with locally-based responders using local procedures and plans. However, any thoughtful planning must recognize the potential need for additional outside resources. Such planning must outline the basic processes and established guidelines which govern the requesting, integration, and management of such aid.

In Montana, there are two major mechanisms in place to solicit outside resources: 1) the emergency declaration process outlined in state statutes, and 2) mutual aid agreements and policies that were established either multilaterally by the state or region, or unilaterally between various agencies.

Special Requirements

Hazardous Materials Response Plan - Review

As required by statute, the LEPC performs an annual review of this *Hazardous Materials Response Plan*. Comments, corrections, or suggestions on any part of the Plan should be forwarded to:

Local Emergency Planning Committee
c/o Yellowstone County Disaster and Emergency Services
316 North 26th, Room 3201
Billings, Montana 59101

Hazardous Materials Response Plan - Distribution Summary

1. State Emergency Response Commission
2. Members of the LEPC
3. All municipalities within Yellowstone County
4. All police, fire, and EMS agencies providing service in Yellowstone County
5. All 'covered facilities' within Yellowstone County (as defined by PL 99-499)
6. The local media
7. Yellowstone County Commissioners
8. The plan is posted on the Yellowstone County LEPC/DES website

Local Emergency Planning Committee

The YC LEPC complies with structure and process mandates:

1. The Committee carries 11 Core Membership categories that comprise essential PI relationships in addition to General Membership categories that support the LEPC purpose and activities
2. The Committee meets on the second Thursday of each month at 1:30pm, in the Emergency Operating Center, Billings Fire Station #1, 2305 8th Avenue North (in the basement)
3. Committee meeting minutes are disseminated to LEPC members and published on the DES website

Since the LEPC's inception, many new environmental regulations have been passed into law. As environmental legislation has expanded, the LEPC's role has also grown.

1. SARA Title III requires the LEPC to:
 - Maintain emergency plans and community right-to-know programs
 - Improve preparedness through training and education
 - Conduct exercises to test plans and procedures
 - Receive emergency notifications and activate the Plan

- Receive and file SARA Title III reports
2. The Hazardous Materials Transportation Safety Act of 1990 requires the LEPC to:
 - Plan, train, and prepare for transportation incidents involving hazardous materials
 3. The Clean Air Act Amendments of 1990 (including section 112r, Risk Management Planning), requires the LEPC to:
 - Improve coordination of facility and community emergency plans by sharing information
 - Provide information for facility emergency response plans
 - Provide information for facility Risk Management Plans
 - Review plans for SARA Title III related issues
 4. The Occupational Safety and Health Act requires the LEPC to:
 - Improve safety of emergency responders and facility workers through employer activities
 - Provide guidance on response planning and training requirements
 - Provide information for facility process safety plans
 - Provide information for facility emergency response plans
 5. The Oil Pollution Act of 1990 requires the LEPC to:
 - Improve planning and response for oil and hazardous materials discharges to water
 - Coordinate the local community Plan with facility plans
 6. The Pollution Prevention Act of 1990 requires the LEPC to:
 - Reduce risk by promoting source reduction and pollution prevention measures

Glossary

Billings Fire Department (BFD) Regional HazMat Team –Regional hazardous materials response team that provides local expertise for all hazmat events. The Team coordinates with six other regional teams across Montana to respond to hazmat incidents anywhere in the state. They are designated as the “Local Emergency Response Authority” (LERA).

CBRNE Materials – Chemical, biological, radiological, nuclear, and explosive materials.

Chairperson of the Local Emergency Planning Committee (LEPC) – Principal Officer of the LEPC. The Chairperson shall be subject to the control of the LEPC and shall, in general, supervise and control all of the business and affairs of the LEPC.

CodeRed -- The Yellowstone County CodeRed Emergency Notification System provides the public with the ability to receive voice, text, and/or email notifications generated by government and public safety officials. More information is available from the Yellowstone County Emergency Management Information Line at 406-256-2775.

Command Post (CP) – The Command Post is the nucleus of the decision-making process at any incident. There is only one CP for the incident. In a Unified Command Structure where Incident Commanders from several agencies or jurisdictions are involved, the responsible individuals

designated by their respective agencies would be co-located at the CP. If needed, planning and logistics functions are also performed at the CP.

Covered Facility – see “Facility” definition.

Disaster and Emergency Services (DES) – DES is the focal point of emergency services in Yellowstone County for all hazards incidents as well as local, state and national security emergencies. DES develops, maintains, and administers a comprehensive emergency management plan designed to save lives and protect property through prevention, mitigation, readiness, response, and recovery.

Emergency Manager – The Director of Disaster and Emergency Services is the Yellowstone County Emergency Manager.

Emergency Operations Center (EOC) – When activated, an EOC is a protected site where representatives of government (municipal, county, state, or federal) and private sector agencies convene during disaster situations to make decisions, set priorities, and coordinate resources for response and recovery.

Emergency Operations Plan (EOP) – Yellowstone County ICS guidelines are included in the *Yellowstone County Emergency Operations Plan (2019)*.

Extremely Hazardous Substance (EHS) – Chemical substances that could cause serious irreversible health effects from accidental release. See Appendix A for information resources about the EHS list, known as the “List of Lists.”

Facility – (A) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, placed or otherwise come to be located, at which an extremely hazardous substance is present in an amount in excess of the applicable threshold planning quantity; except for the purposes of the release requirement for which “facility” means any of the items listed in (A) or (B) at which a hazardous chemical is produced, used or stored. The term does not include any consumer product in consumer use or any vessel.

Fire Warden – In Yellowstone County, this person is responsible for all rural fire operations, coordination, and response activities.

Hazardous Chemical – Any chemical exposure that poses a physical hazard or health hazard.

Incident Command System (ICS) – An organized system which defines standard operating procedures and roles and responsibilities used to manage and direct emergency operations as outlined in NIMS and the *Yellowstone County Emergency Operations Plan (2019)*.

Joint Information Center (JIC) – A JIC is a place which receives and processes information from the Command Post and/or the EOC, about the event for accurate and timely dissemination to the news media and the public. Media representatives report to the JIC for official information about the event.

Local Emergency Planning Committee (LEPC) – The Local Emergency Planning Committee.

National Incident Management System (NIMS) – The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations, and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents.

Perceptible Exposure – Any release of a hazardous substance or extremely hazardous substance which is visible, produces a detectable odor or a distinctive taste, or impacts a human or environmental receptor physically, such as causing irritated eyes, itchy skin, damaged vegetation, chronic injury, etc.

Principal Executive Officer (PEO) – The mayor, presiding officer of the county commissioners, or other chief executive officer of a political subdivision (MCA 10-3-103, Item 11).

Protective Actions – Official direction to evacuate the area or to shelter-in-place as precaution from harmful exposure.

Public Alerting – Decisive action to notify the public and to direct them to take specific actions. Several means can be used by public officials.

Public Information Officer (PIO) – This is the spokesperson for the event. This person is responsible to develop information about the incident and release information to the news media and other agencies, after authorization from the Incident Commander(s) or the EOC Manager.

Release – Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or containment), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine, (c) release of source, byproduct or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 170 of such Act, and (d) the normal application of fertilizer.

Reportable Quantity (RQ) – Determined by the EPA and set forth in Appendix A. For all other hazardous substances, the Reportable Quantity (RQ) is one pound.

Risk Management Plan (RMP) – A document that assists the preparer in foreseeing risks, estimated impacts, and define responses to risks.

Safety Data Sheet (SDS) – Formerly known as a Material Safety Data Sheet (MSDS). Information sheet(s) about a chemical product including: emergency responder precautions, protective actions, emergency treatment, and the physical characteristics of the product, among others.

Site – All contiguous property owned or leased by the owner or operator of the facility at which the release occurred, but does not include property across a public right of way.

State of Emergency – In the event of a disaster, rioting, catastrophe or similar public emergency, or in the event of reasonable apprehension of immediate danger, and upon a finding by the Principal Executive Officer (PEO) of a political subdivision that the public safety is imperiled within the territorial limits of the county, city, town or village, the PEO of that political subdivision may proclaim a State of Emergency within any part or all of the territorial limits of such local government. Following such proclamation, the PEO of the political subdivision may promulgate local emergency orders to protect life and property or to bring the emergency situation under control in accordance with MCA 10-3-402).

Threshold Planning Quantity (TPQ) – The quantity established by the EPA for each extremely hazardous substance (EHS) stored or processed at an industry facility that can pose a health risk should an accidental release occur. See Appendix A for information resources about EHSs and TPQs.

Unified Command – A method for all agencies or individuals who have a jurisdictional responsibility and in some cases for those who have functional responsibility at the incident, to contribute to:

1. Determining overall objectives for a safe resolution of the incident
2. Selecting a strategy to achieve these objectives
3. Ensuring the maximum effective use of all resources

Appendices

Appendix A - List of Extremely Hazardous Substances

1. Available by telephone:

The most current edition is available from the Federal Environmental Protection Agency's "Emergency Planning and Community Right-to-Know HOTLINE":

1-800-424-9346 (select option #4, Monday - Friday, 10:00 a.m. – 5:00 p.m. EST)

Ask for Document EPA 550-B-19-003 (June 2019) which is known as the "List of Lists."

2. Available electronically:

https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf

Information at the website includes:

LIST OF LISTS

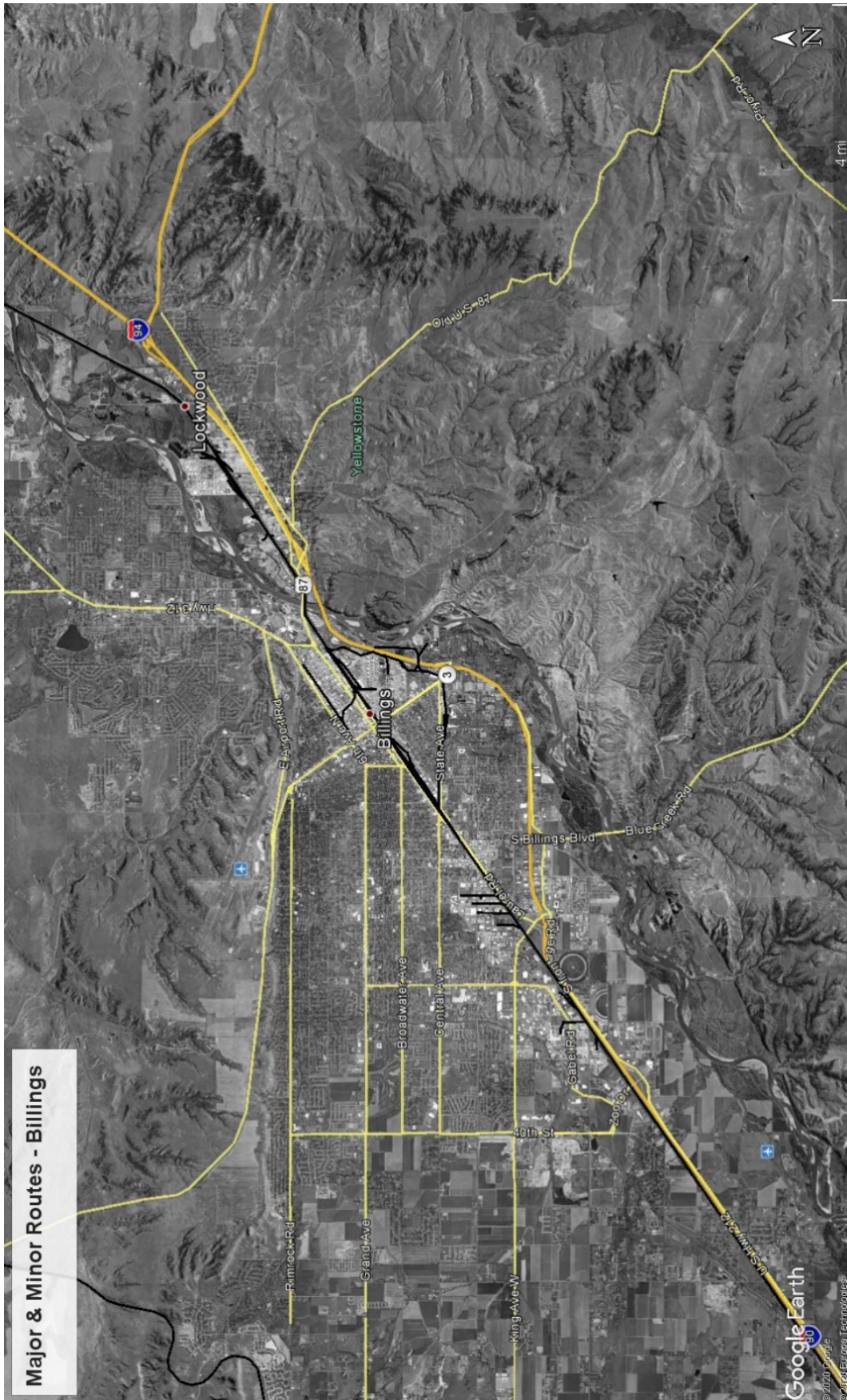
Consolidated List of Chemicals Subject to the Emergency Planning and Community Right to-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act

This consolidated chemical list includes chemicals subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act (CAA). This consolidated list does not include all hazardous chemicals subject to the reporting requirements in EPCRA sections 311 and 312, for which Safety Data Sheets (SDSs) must be developed under OSHA's Hazard Communication Standard (29 CFR 1910.1200). These hazardous chemicals are identified by broad criteria, rather than by enumeration. There are over 500,000 products that satisfy the criteria. See 40 CFR Part 370 for more information.

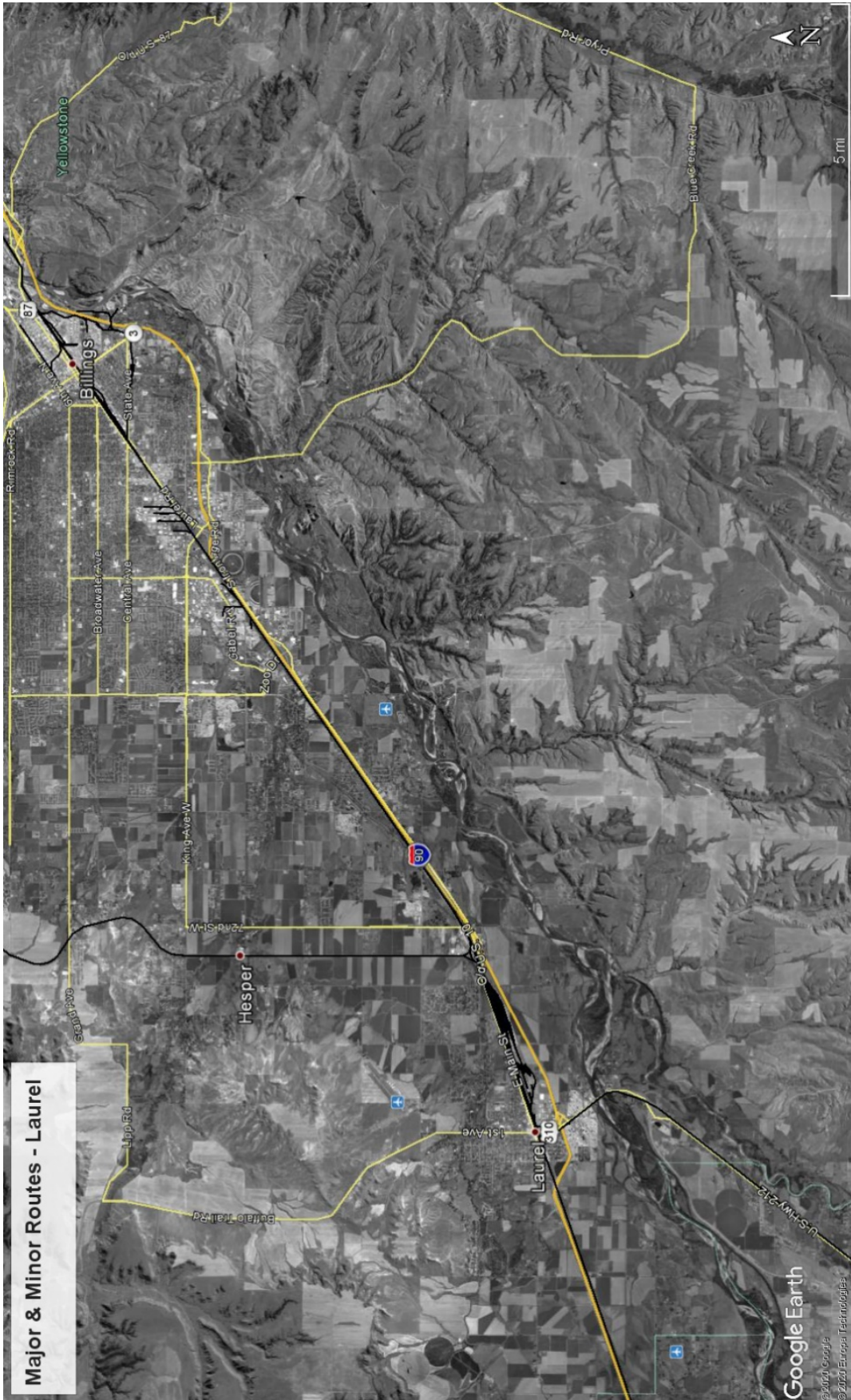
Appendix B - Map of Major Transportation Routes

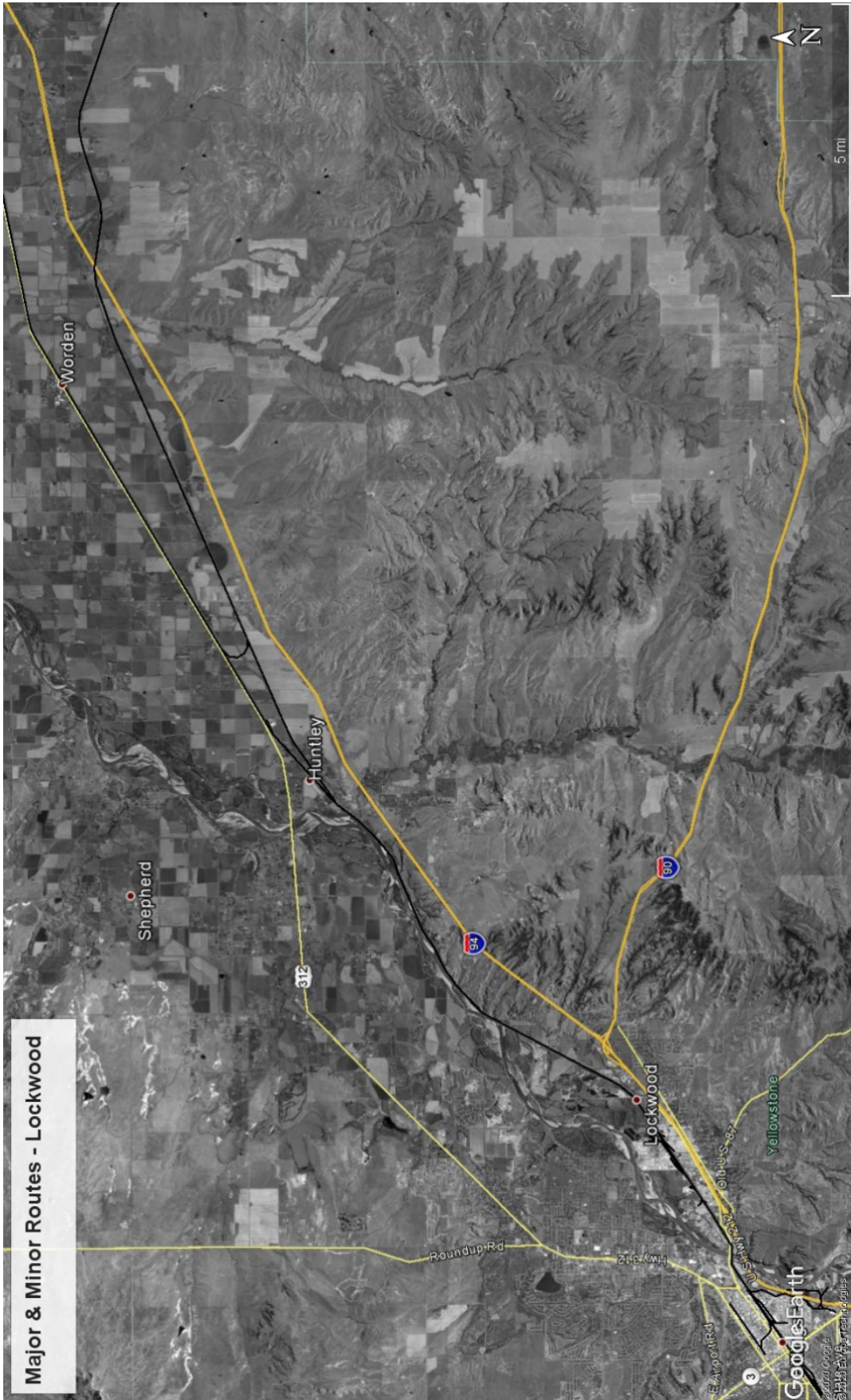
The following maps appear in the following pages:

1. Major & Minor Routes – Laurel
2. Major & Minor Routes – Billings
3. Major & Minor Routes – Lockwood



Major & Minor Routes - Billings





Appendix C - Telephone Roster

This telephone roster is provided as a summary listing of agencies and organizations that have interest and involvement in chemical emergencies. Plan holders are encouraged to develop an emergency telephone roster to facilitate recall. However, because of update requirements, changes must be made by plan holders on a continuous basis. On an annual basis this appendix will be officially updated. Numbers not preceded by an area code are "406."

Local Emergency Responders	
Police/Sheriff/Fire/EMS From outside Yellowstone County	9-1-1 406-657-8200
Billings Fire Department HazMat Response Team	9-1-1
YC DES After hours & weekends	9-1-1 406-208-0506
YC Fire Warden	406-208-0506
Local Government Agencies	
RiverStone Health / DPHHS	406-247-3200
YC Public Works After hours & weekends	406-208-0555 406-208-9077
Billings Public Works	406-657-8230
Laurel Public Works	406-628-4796
State Agencies	
Montana Highway Patrol	1-855-467-3777
Montana Dept of Transportation	406-657-0217
Montana DES	406-324-4777
Montana DEQ	406-431-0014
Support Organizations	
American Red Cross	1-800-272-6668
ChemTech	1-800-424-9300
Poison control	1-800-222-1222
Industry Resources	
CHS Refinery	406-628-5200
Phillips 66 Refinery	406-255-2560

Exxon Refinery	406-657-5320
Montana Rail	1-800-338-4750 1-800-498-4838
Cenex Pipeline, LLC	1-800-421-4122
ExxonMobil Pipeline Co.	1-800-537-5200 406-657-5320
Front Range Pipeline, LLC	1-800-421-4122
Montana Dakota Utilities Co.	1-800-638-3278
NorthWestern Energy	1-888-467-2669
Phillips Pipe Line Co	1-800-231-2551 1-877-267-2290 406-255-5617
Plains Pipeline, L.P.	1-800-708-5071
WBI Energy Transmission	1-888-859-7291
BNSF	1-800-832-5452

Appendix D - Requesting Billings Fire Department Hazardous Materials Response Team

Dial 9-1-1 to request activation or consultation on possible activation of the Billings Fire Department Hazardous Materials Response Team.

Be prepared to provide your name, address, phone number, and incident information.

Appendix E - Sample Incident Reporting Form

Hazardous Materials Incident Information Summary

Company Name		Date			
Address					
Name of Person Calling					
Call Back Phone #					
Location of Incident					
Nature/Cause of Release	Leak	Fire	Explosion	Derailment	Traffic Accident
Chemical Name					
Time Release Started/Discovered					
Duration of Release			(could be continuing)		
Estimate of Quantity Released (lbs., gal., etc.)					
Material Released Into: (could be more than one)			Air	Water	Ground
Number of Injuries or Deaths					
Any known or anticipated health risks associated with this release					
If so, what information should be released to news media?					
Suggested precautions (public warning, traffic control, in place sheltering, crowd control, evacuation, down river problems, etc.)					
For further information, contact			Phone		

NOTE: SARA, Title III, Section 304 requires written follow-up report with additional information. Please forward to:

Yellowstone County LEPC
 c/o Yellowstone County Disaster and Emergency Services
 316 North 26th, Room 3201
 Billings, Montana 59101

Appendix F - Sample Evacuation Announcement

Evacuation Announcement

"The following message is from _____. A Hazardous Materials Emergency exists at _____ (location) _____. All persons must evacuate an area bordered by (North) , (East) , (South) , (West) . ***(Repeat one time, then continue)***

Please follow these main evacuation routes: **(List routes)**

Please cooperate by checking on persons in your neighborhood who may live alone. If they do not have transportation, please assist them. If you know housebound or mobility impaired persons who require assistance, contact _____.

You should prepare to spend a minimum of one day away from home. You should take sufficient quantities of personal care items and prescription drugs for this time period.

We remind you to take the following steps:

1. Secure your home and property.
2. Turn off all lights and electrical appliances.
3. Turn down heating systems (or turn-off air conditioning systems).
4. Drive carefully. Proceed calmly to your destination, obeying all traffic laws.
5. Please obey the police and others who will be directing traffic along the evacuation routes.

If you need a place to stay, please go to _____ (location) _____.

Pets (will/will not) be allowed inside the congregate care centers. However, bring your pets and facilities will be provided for their care.

Do not use the telephone except to REPORT emergencies. Do not call government offices. You will be kept informed of the situation through this Emergency Alert Station.

The preceding message is an announcement from _____ regarding an order by _____ to evacuate all persons living in the affected area. For further information, please stay tuned to this station."

(This message shall be repeated every five minutes.)

Appendix G - Sample Shelter-in-Place Announcement

Shelter-in-Place Announcement

"The following message is from _____. A Hazardous Materials Emergency exists at _____ (location) _____.

If you live, work, or are traveling within the following area, you should take shelter by going inside a building:

The area is bordered by (North) , (East) , (South) , (West) . ***(Repeat one time, then continue)***

If you are traveling through the affected area, roll-up windows, close air vents, turn off heaters and/or air conditioners. If shelter is not immediately available, place a handkerchief, towel or other similar item snugly over your nose and mouth until you can get indoors.

Take shelter indoors and do the following:

Close all doors, windows, shades and drapes, sealing gaps with wet towels or wide tape.

Stay away from windows.

Turn off heating systems, air conditioners or fans.

Extinguish fireplaces and close fireplace dampers.

Keep pets inside.

(Read this statement only if school is in session:)

Do not telephone or go to the school your children attend. They are in a covered protected environment. You will be notified when they are bussed home or when it is safe to retrieve them, including instructions on where and how.

Do not use the telephone except to REPORT emergencies. Do not call government offices. You will be kept informed of the situation through this Emergency Alert Station.

The preceding message is from _____ advising people affected by this emergency to take shelter. For further information, please stay tuned to this station."

(Thereafter, this message shall be repeated every five minutes.)

Appendix H - Reference List

Websites

- Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles
<https://www.atsdr.cdc.gov/toxprofiledocs/index.html>
- American Chemistry Council (ACC)
www.americanchemistry.com
- American Petroleum Institute (API)
www.api.org
- American Railway Car Institute (ARCI)
www.rsiweb.org
- Association of American Railroads (AAR)
www.aar.org
- Bureau of Explosives (BOE)
<http://boe.aar.com>
- Chemical Hazards Emergency Medical Management (CHEMM)
<https://chemm.nlm.nih.gov/>
- Chemical Transportation Emergency Center (CHEMTREC)
www.chemtract.org
- The Chlorine Institute (CI)
www.chlorineinstitute.org
- Compressed Gas Association (CGA)
www.cganet.com
- Department of Homeland Security/Transportation Security Administration (DHS/TSA)
www.tsa.gov
- Department of Transportation (DOT)
www.dot.gov
- Emergency Response Guidebook (ERG)
<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-08/ERG2020-WEB.pdf>
- Environmental Protection Agency (EPA)
www.epa.gov
<https://www.epa.gov/epcra/cercla-and-epcra-continuous-release-reporting>
- The Fertilizer Institute (TFI)
www.tfi.org
- Montana Code Annotated (MCA)
<https://leg.mt.gov/bills/mca/index.html>
- Montana Department of Environmental Quality (DEQ)
<https://deq.mt.gov/DEQAdmin/ENF>
- National Fire Protection Association (NFPA) Standard 472 & 473
www.nfpa.org

- National Propane Gas Association (NPGA)
www.npga.org
- National Response Center (NRC)
<http://www.nrc.uscg.mil/>
- New York State Office of Fire Prevention and Control (OFPC)
www.dhSES.ny.gov/ofpc/
- Nuclear Regulatory Commission (NRC)
www.nrc.gov
- Occupational Safety and Health Administration (OSHA)
www.osha.gov
- Railway Supply Institute (RSI)
www.rsiweb.org
- Radiation Emergency Medical Management (REMM)
<https://www.remm.nlm.gov/index.html>
- The Sulfur Institute (TSI)
www.sulphurinstitute.org/about/index.cfm
- Transport Canada (TC)
www.tc.gc.ca
- United States Coast Guard (USCG)
www.uscg.mil
- Wireless Information System for Emergency Responders (WISER)
<http://webwiser.nlm.nih.gov/>

Emergency Telephone Numbers

- CHEMTREC 1-800-424-9300 or 202-887-1255
- CHEM-TEL 1-800-255-3924 or 813-979-0626
- DEC Oil/HazMat Spill Hotline 1-800-457-7362
- Department of Defense (for incidents involving military shipments)
 - Dangerous Goods 1-800-851-8061
 - Explosives & Ammunition 703-697-0218
- National Response Center 1-800-424-8802

County & Federal Resources

- *Emergency Operations Plan – Yellowstone County, 2019*
Includes Emergency Support Function (ESF) 10 - Oil and Hazardous Materials Response
https://www.co.yellowstone.mt.gov/Des/plans/EOP_2019.pdf
- *Yellowstone County MultiHazard Mitigation Plan, 2019*
<https://www.co.yellowstone.mt.gov/des/plans/>

- *Hazardous Materials Incidents: Guidance for State, Local, Tribal, Territorial and Private Sector Partners*, August 2019
https://www.fema.gov/media-library-data/1566393023589-8134367aaf67f65c7a159453c0b8c27b/Hazardous_Materials_Incidents.pdf
- *Disaster Medical Health Plan for Billings, Laurel, Broadview and Yellowstone County*, 2011
Available upon request from YC DES
- *Yellowstone County Source Water Protection Plan, 2020*
Available upon request from YC DES

Books

- DOT Emergency Response Guidebook
- Firefighter's Handbook of Hazardous Materials by Charles J Baker
- NIOSH Pocket Guide to Chemical Hazards
- Quick Selection Guide to Chemical Protective Clothing by Kristen Forsberg & S.Z. Mansdorf
- Hazardous Chemicals Desk Reference by Richard J Lewis Sr.
- Hazardous Materials Reference Book Cross Index by Daniel J Davis & Julie A Davis
- Handbook of Hazardous Chemical Properties by Nicholas P Chevemisinoff
- Hawley's Condensed Chemical Dictionary by Richard J Lewis St.
- The Merck Index
- The First Responders' Guide to Agricultural Chemical Accidents by Charles R Foden & Jack L Weddell

Smartphone Apps

- AskRail
- ERG 2020
- Gas Detection
- EMD PTE
- Hazmat Chemical Suit Guide
- Mobile REMM
- Rail Crossing Locator
- OSHA Heat Safety Tool
- Confined Space and Rope
- FEMA
- WISER
- HazmatIQ eCharts

Appendix I - Use of Social Media

Yellowstone County DES may utilize social media to communicate evolving incident information to the public, including the use of the YC DES Facebook page. Information released through social media does not replace public alerts sent via CodeRed or IPAWS, such as Shelter-in-Place or Evacuation Announcements.

The BFD HazMat Response Team may utilize social media to communicate evolving incident information to the public in cooperation with the PIO, JIC, and YC DES.

Appendix J - LEPC By-Laws

LEPC By-Laws are available on the YC DES website: <https://www.co.yellowstone.mt.gov/des/lepc/>. A signed copy is also on record in the Clerk & Recorder's office, recording number 3198806.

BY LAWS LOCAL EMERGENCY PLANNING COMMITTEE YELLOWSTONE COUNTY (MT)

Revised and Adopted, December 10, 2014

ARTICLE I. NAME, PURPOSE & OFFICE

SECTION 1.1 NAME

The name of this organization shall be the Yellowstone County Local Emergency Planning Committee LEPC, herein after referred to as the "LEPC". All power of the LEPC is vested in its membership with limited powers given to the Board of Directors.

SECTION 1.2 PURPOSE

The purpose of the LEPC shall be:

1. To carry out for County of Yellowstone and its political subdivisions those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
 - Developing, training, and exercising of a hazardous material emergency response plan for Yellowstone County and its political subdivisions;
 - Developing procedures for receiving and storing hazardous material information from Yellowstone County businesses and processing requests from the public under the community Right-to-Know provisions of Title III, SARA; and
 - Establishing provisions for public notification of LEPC activities.
2. To plan, develop, train and exercise community emergency response plans for all other risks and hazards identified in Yellowstone County including but not limited to flooding, wildfires, major structure fires, winter storms, tornadoes, terrorism, etc.
3. To implement further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the LEPC.
4. To develop and maintain a compliance checklist as an attachment to the bylaws which shall be used in an annual compliance review.

SECTION 1.3 BUSINESS OFFICE

The organization's principal office shall be located in Billings, Montana. The LEPC's most current Annual Report shall identify the location of the principal office.

ARTICLE II. MEMBERSHIP

SECTION 2.1 MEMBERSHIP

1. *Membership.*

Any person or firm engaged in business and who subscribes to the principles and purposes of the LEPC is eligible for membership. If a corporation or other entity holds membership, the entity shall be considered one member though more than one representative may participate and attend meetings.

LEPC membership shall include representatives of entities needed to ensure close mutual aid relationships and effective regulatory compliance and those who support the purpose and activities of the LEPC. This shall include but not be limited to representatives from the following groups or organizations: elected officials, law enforcement, emergency management; fire response; emergency medical services; health officials, local environmental groups, hospital personnel, transportation; owners and operators of facilities subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA); broadcast and/or print media; schools, faith-based groups, and volunteer and public assistance agencies

2. *Membership Appointments*

LEPC members are officially appointed for an indefinite term, and must be reviewed by the SERC annually. A membership application shall be completed and submitted to the Secretary by any group or organization wishing to become a member of the LEPC. At that time, they will be added to the notification distribution list and listed in the annual report for that year as new members. Completion of the Annual Report, submission to the County Commissioners shall constitute official appointment of new members who will be forwarded to the State Emergency Response Commission (SERC) and added to the official roster.

3. *Membership Rights and Expectations*

Membership entitles members to receive notification of meetings, copy of minutes and opportunity to participate in activities, committees and discussions. Members shall support the purpose of LEPC, keep informed and participate when possible in meetings and activities. Only active/voting members may vote.

4. *Membership Categories*

Active/Voting Members: Member firms or organizations that have been represented at more than 50% of the regularly scheduled meetings during the previous year and identified as such as of the record date shall be classified as active members with voting privileges. One vote will be accorded each entity regardless of the number of individuals affiliated with that entity who attend meetings and participate.

At-large Members: Individuals with expertise in areas of LEPC concerns and not associated with a member organization will be classified as at-large members. These persons do not need to be carried on the official roster.

5. *Termination of members.*

The LEPC may suspend or terminate a member from the LEPC if the LEPC has made a good faith determination that it is in the best interests of the LEPC to do so. In addition, the LEPC may only suspend or terminate a member from the LEPC pursuant to the following procedure, which shall be carried out in good faith. The procedure provides:

- the LEPC must, by first class mail, give the member written notice of the suspension or termination not less than 15 days' prior to the effective date of the proposed action and an explanation of the reasons for it; and
- an opportunity for the member to be heard, orally or in writing, not less than 5 days before the effective date of the suspension or termination by the LEPC.

Notwithstanding the above provisions, the LEPC shall consider a membership terminated if the member fails to make payment of annual dues, if dues are required, or if the member fails to attend meetings for two full calendar years or notify the LEPC of their desire to remain as active members

SECTION 2.2 DUES

The LEPC shall determine the amount of annual dues, if any, to be paid by each member. The LEPC may establish a different amount of dues to be paid by different types of membership. The LEPC may terminate members for non-payment of annual membership dues. The LEPC may notify members of nonpayment of dues and may provide a grace period in which to pay dues.

SECTION 2.3 MONTHLY MEMBERSHIP MEETING

The members shall convene monthly meetings on the second Thursday of each month, at the hour of 1:30 o'clock P.M., or at another time on another day within the month that the LEPC agrees upon. Meetings shall be open to the public and persons attending who do not wish to become members shall sign-in as a guest. Unless otherwise indicated, all minutes are considered public record. Matters of confidentiality and vulnerability shall not be included in public record minutes.

SECTION 2.4 SPECIAL MEMBERSHIP MEETINGS

The Chairperson, the Board, or the members may call a special membership meeting for any purpose or purposes described in the meeting notice.

SECTION 2.5 PLACE OF MEMBERSHIP MEETING

The LEPC may designate any place as the meeting place for any monthly, annual or special meeting of the members. The members may change the meeting place if a majority of the members entitled to vote at the meeting agree to another location. If the LEPC does not designate a meeting place, then the members shall meet at the principal office of the organization.

SECTION 2.6 NOTICE OF MEMBERSHIP MEETING

Required notice. The Secretary of the LEPC shall deliver notice of the membership meeting to each record member.

Manner of Communication. The Secretary of the LEPC may deliver to member's notice of the membership meeting by e-mail, written notice, through a regular publication, or by a newsletter of the organization. The notice must be given in a fair and reasonable manner; it must be in writing and state the place, day and hour of any monthly, annual or special membership meeting. If the LEPC determines that e-mail, or a written notice, or notice by a regular publication or a newsletter of the membership meeting is impracticable, the Secretary of the LEPC may give notice of the membership meeting by means of a newspaper of general circulation in the area where it is published.

Adjourned Meeting. If the members adjourn any membership meeting to a different date, time, or place, the Secretary need not give notice of the new date, time and place, if the new date, time, and place are announced at the meeting before adjournment. However, if the LEPC fixes a new record date for the adjourned meeting, or must fix a new record date, then the Secretary must give notice, in accordance with the requirements of paragraphs (b) of this section, to those persons who are members as of the new record date.

Contents of Notice The notice of meetings shall include a description or agenda indicating the meeting's purpose or purposes. If the purpose of the meeting is to amend bylaws or adopt policies a copy or summary of information to be presented shall be sent prior to the meeting.

SECTION 2.7 FIXING OF RECORD DATE

The LEPC has fixed, in advance, a date, referred to as the record date, for the purpose of determining which members, as of a certain date, are entitled to receive notice of a member meeting. The LEPC may also fix specific rights for members of record as of the record date. The record date shall be the December meeting unless otherwise determined.

SECTION 2.8 MEMBERSHIP LIST

Contents of List. After the LEPC fixes a record date for notice of a meeting, the officer maintaining the LEPC's record books, shall prepare a complete record of the members entitled to the notice of the meeting and provide the list to the SERC.

Inspection. The membership list must be available for inspection by any member, beginning 2 business days after the Secretary gives notice of the meeting for which the list was prepared. The list shall be located for inspection at the LEPC's principal office. A member, the member's agent, or attorney is entitled, on written demand, to inspect the list during regular business hours. The member shall be responsible for any reasonable inspection expenses.

Limitations on Use of Membership List. Without consent of the LEPC, a membership list or any part of it may **not** be obtained or used by any person for any purpose unrelated to a member's interest as a member of the LEPC. Membership lists shall **not** be distributed to members except for the sole purpose of conducting LEPC business.

SECTION 2.9 MEMBERSHIP QUORUM

For the purpose of official LEPC business, a quorum shall be considered 40% of LEPC active/voting members present at the meeting. Once a vote is represented for any purpose at a meeting, the LEPC shall deem it present for quorum purposes for the remainder of the meeting and for any adjournment of the meeting unless a new record date is or must be set for that adjourned meeting.

SECTION 2.10 VOTING OF MEMBERSHIP

Each member (subject to the provisions of section 2.1.4) is entitled to one vote on each matter voted on by the Active/Voting Members. If a membership (one entity) stands of record in the names of two or more persons, the vote of one name shall bind all names on that one membership. Three-fourths (3/4) affirmative vote is required for member approval of LEPC merger and dissolution, and for major asset transfers. A majority vote shall carry on other matters requiring member action, unless otherwise stated in these bylaws.

SECTION 2.11 LEPC RECORDS

The LEPC shall keep a permanent record of the minutes of all meetings of:

- its members
- the board of directors

The LEPC shall maintain appropriate accounting records, including a quarterly report of fiscal balances to the membership.

ARTICLE III. BOARD OF DIRECTORS

SECTION 3.1 GENERAL POWERS

All LEPC powers shall be exercised by or under the authority of the members of the LEPC. The Board of Directors shall exercise only those powers given to it by the members of the LEPC and consists primarily of conducting the business and affairs of the LEPC when the LEPC cannot meet.

SECTION 3.2 COMPOSITION OF THE BOARD

The current officers of the LEPC and the past chairperson of the LEPC, if still active and involved, shall compose the Board. Each director shall have one vote on any matter that comes before the Board. Each director shall hold office for the period of time they are officers *or* until removed in accordance with section 3.3. All Directors shall represent Active/Voting members of the LEPC and it is desired that the directors represent different member organizations/agencies.

SECTION 3.3 REMOVAL OF DIRECTORS

A director (officer) may be removed if a majority of the LEPC members present at a duly constituted meeting vote for the removal.

SECTION 3.4 DIRECTOR VACANCIES

If a vacancy among the directors occurs on the Board, the LEPC may fill the vacancy, by appointing another officer. If the directors remaining in office constitute less than a quorum of the Board, they may continue to conduct business as needed.

SECTION 3.5 REGULAR MEETINGS OF THE BOARD OF DIRECTORS AND NOTICE

The Board shall hold regular meetings as necessary in the absence of the meetings of the LEPC. The Board's Secretary shall give oral, electronic or written notice of any director meeting at least 2 days before the meeting. The notice shall include the meeting place, day and hour.

SECTION 3.6 DIRECTOR QUORUM

A majority of the number of directors shall constitute a quorum for the transaction of business at any Board meeting.

ARTICLE IV. OFFICERS

SECTION 4.1 NUMBER OF OFFICERS

The officers of the LEPC shall be a Chairperson, a Vice-Chair, a Secretary, and a Treasurer. The LEPC shall elect these officers. In addition to the duties specifically set forth in these bylaws, each officer shall perform any other duties that the LEPC may assign to the officer. The LEPC may appoint other officers and assistant officers, as it deems necessary. The same individual may simultaneously hold more than one office in the LEPC.

SECTION 4.2 ELECTION AND TERM OF OFFICE

The LEPC shall elect officers of the LEPC for a two year term unless determined otherwise by the LEPC at the time of election. There are no limits on the number of terms that may be served. In the event of failure or lack of opportunity to hold elections, the existing officers shall remain in office until new officers are installed.

SECTION 4.3 NOMINATION OF OFFICERS

The chair shall appoint a nominations committee to facilitate the election of officers. A slate will be announced one month prior to elections. If there is a desire to submit additional nominations these must be submitted to the nominating chair in writing, and signed by a nominator and seconder, at least 10 days prior to the election.

SECTION 4.4 REMOVAL OF OFFICERS

The LEPC may remove any officer in the manner specified in section 3.3.

SECTION 4.5 CHAIRPERSON

The Chairperson shall be the principal officer of the LEPC. The Chairperson shall be subject to the control of the LEPC, and shall, in general, supervise and control, in good faith, all of the business and affairs of the LEPC. The Chairperson presides at all meetings of the LEPC. The Chairperson may sign, with the Secretary or any other proper officer of the LEPC, any formal or legal LEPC documents requiring authorized signature on behalf of the LEPC. The chairperson also shall facilitate the development and presentation of an annual report, serve as the public liaison/contact for the LEPC and the TIER II reporting contact along with the secretary.

SECTION 4.6 VICE-CHAIR

The Vice-Chair shall perform, in good faith, the Chairperson's duties if the Chairperson is absent, dies, is unable or refuses to act. If the Vice-Chair acts in the absence of the Chairperson, the Vice-Chair shall have all the Chairperson's powers and be subject to all the restrictions upon the Chairperson. If the Vice-Chair is unable or refuses to act, then the ~~Secretary~~ *Treasurer or another designated active member* shall perform the Chairperson's duties.

Annually, during the first quarter of the calendar year, the Vice Chair shall be responsible for ensuring Bylaws and Compliance reviews are conducted and results reported to the LEPC.

SECTION 4.7 SECRETARY/INFORMATION COORDINATOR

The Senior Administrative Coordinator of the Billings Fire Department shall serve as secretary/information officer of the LEPC unless for some reason it is determined that another active member needs to be selected.

The Secretary shall:

1. Attend meetings & create and maintain the minutes of the proceedings of the Board and of the LEPC

2. Provide that all notices are served in accordance with these bylaws or as required by law
3. Be custodian of the LEPC records
4. When requested or required, authenticate any records of the LEPC
5. Keep a current register of the post office and e-mail address of each member
6. Distribute minutes of meetings and other relevant information to the LEPC membership
7. In general perform all duties incident to the office of Secretary.
8. By virtue of the role, the Secretary shall serve as the Information Coordinator for the LEPC. In this role, the Secretary shall be responsible for processing requests for information from the public under Section 324 of the EPCRA, including Tier II information under Section 213. Requests for information shall be documented and the Chairperson shall be notified of such requests.

SECTION 4.8 TREASURER

The Yellowstone County Director of Emergency Services shall serve as Treasurer of the LEPC unless for some reason it is determined that another Active/Voting member needs to be selected.

The Treasurer shall:

1. Have charge and custody of and be responsible for all funds and securities of the LEPC
2. Receive and give receipts for monies due and payable to the LEPC from any source, and deposit all moneys in the LEPC's name in banks, trust companies, or other depositories that the LEPC shall select
3. May sign and issue all LEPC checks, drafts or other orders for payment of money, and notes or other evidence of indebtedness
4. Submit the books and records to a Certified Public Accountant for annual audit or review
5. Provide a quarterly fiscal report to the membership
6. In general perform the entire duties incident to the office of Treasurer.

SECTION 4.9 PAST CHAIRPERSON

In order to keep continuity in the LEPC and its proceedings, the Past Chairperson, may serve on the Board of Directors.

ARTICLE V. SUBCOMMITTEES

Work may be divided among subcommittees to facilitate planning and allow members to specialize and help the LEPC work on several projects at once. The number and type of subcommittees created shall depend on the need and goals of the LEPC. Subcommittees may be formed or disbanded as needed. Subcommittee membership does not need to be limited to LEPC members.

SECTION 5.1 STANDING SUBCOMMITTEES

Standing Subcommittees of the LEPC are those with an on-going responsibility and shall include

- Exercise Design
- Grants
- CAER [Community Awareness and Emergency Response] / Citizens Corps
- Health & Medical Advisory Group (HMAG)
- Conference
- Crisis Communication/PIO
- Communications
- Training

The LEPC shall utilize these standing subcommittees to more narrowly focus on critical hazardous material, safety and/or disaster planning issues. These committees report their activities and recommendations to the LEPC. The Chairperson of the LEPC, with the approval of the LEPC, shall appoint subcommittee chairpersons who must represent Active/Voting members

SECTION 5.2 MEMBERSHIP OF THE STANDING SUBCOMMITTEES

All members of the LEPC are encouraged to volunteer to serve on at least one Standing Subcommittee. The LEPC Chairperson shall ensure that all committees have sufficient participation to carry out their assigned tasks. The Standing Subcommittees may have non-voting, non-LEPC members as necessary for advice and expertise.

SECTION 5.3. MEETINGS OF THE STANDING SUBCOMMITTEES

Each Standing Subcommittee may hold a meeting between consecutive monthly membership meetings of the LEPC. Additional meetings of the Standing Subcommittees may be called by the chairperson of those subcommittees or by the Chairperson of the LEPC as deemed necessary. The subcommittee chair shall make certain that reasonable participation occurs for discussion and decision-making. Activities shall be reported to the LEPC and recommendations for actions that obligate the LEPC or its members shall be presented for approval.

SECTION 5.4 DUTIES OF THE STANDING SUBCOMMITTEES

The Exercise Design Subcommittee.

The Exercise Design Subcommittee is responsible for planning, coordinating and conducting annual or semiannual exercises that reflect on the hazards that pose a risk to Yellowstone County. The Yellowstone County Disaster and Emergency Services Director is a required member of this committee by nature of his/her duties.

The Grants Subcommittee.

This Grants Subcommittee may seek out, apply for and accept grant funds on behalf of the LEPC. Such grants will adhere to the purpose of the LEPC and include but are not limited to:

- o promote/enhance public awareness of emergency response activities,
- o provide awareness, training and exercising of emergency response personnel,
- o enhance public alerting, warning and notification and provide equipment for emergency
- o support hazardous material and other natural disaster response capabilities

The Community Awareness and Emergency Response (CAER) ~ Citizens Corps Council Subcommittee.

The CAER/CCC Sub-committee shall coordinate and oversee activities designed to fulfill the purpose of CAER and Citizens Corps which is:

- Promote and encourage citizen participation and awareness to make Yellowstone County safer and more secure through personal preparedness, training and volunteer service.
- Offer citizen education through the Community Emergency Response Team (CERT) program designed by the Department of Homeland Security (DHS).
- Provide coordination of national CCC programs such as CERT; Medical Reserve Corps (MRC); Volunteers in Police Service (VIPS); Neighborhood Watch Program (NWP) and others on an as needed and as funded basis.
- Promote community awareness about potential hazardous materials, natural disasters, and other emergencies
- Advise the public of appropriate actions to take in hazardous, man-made, environmental and natural emergencies and disasters.

Health & Medical Advisory Group (HMAG)

The mission of the Health & Medical Advisory Group is to ensure the coordination of the Yellowstone County public health system for the purpose of preventing, preparing, responding, and recovering from events that may impact the health of our community. The HMAG acts as a liaison in the area of awareness for both first responders and the public in the event of large or small scale health related issues. A Community Psychological First Aid Committee shall serve as a sub-committee of the HMAG.

The Conference Subcommittee.

This Conference Subcommittee is responsible for arranging, coordinating and conducting an annual LEPC conference at the request of the LEPC. If the opportunity arises, the Conference Subcommittee may choose to combine an LEPC conference with another closely-related conference with approval of the LEPC.

Communications Subcommittee

The Communications Subcommittee is charged with the development of plans / protocols for emergent communications in Yellowstone County, including maintaining a list of resources. The plans / protocols should address the concept of "who communicates what when on what system/device."

Crisis Communications / Public Information Officers (PIO)

The Crisis Communications / Public Information Officers (PIO) Subcommittee shall develop and maintain the protocols, procedures and structure for a Joint Information System (JIS) that can be used to provide information in a timely, accurate and accessible manner to the public, local officials, responders and the media during a disaster while maintaining information security concerns when communicating about potentially vulnerable communities during times of crisis.

The Joint Information System includes plans for a Joint Information Center (JIC) as well as identification of a jurisdiction lead Public Information Officer and a plan to incorporate social media regionally and geographically to extend the effectiveness of safety alerts that the public needs most during emergencies.

Training Subcommittee

The Training Subcommittee is responsible to promote/enhance LEPC member awareness of training opportunities and/or facilitate training to the membership. The training subcommittee should ensure records are being maintained of training, including NIMS obligations.

SECTION 5.5. AD HOC COMMITTEES.

The Chairperson may establish/dissolve ad hoc committees as necessary to perform specific *short-term* functions of the LEPC and to address unique LEPC issues as needed. The Chairperson of the LEPC, with the approval of the LEPC, shall appoint the Chairperson and members of ad hoc committees. The LEPC shall provide a specific charge, a defined scope of work, time constraints, reporting actions, and other appropriate requirements for each ad hoc committee.

ARTICLE VI. MISCELLANEOUS

SECTION 6.1 CONTRACTS

The LEPC may authorize any officer or officers, agent or agents, to enter into any contract or execute or deliver any instruments in the name of and on behalf of the LEPC and such authorization may be general or confined to specific instruments.

SECTION 6.2 FISCAL YEAR

The fiscal year of the LEPC shall begin on July 1 of each year and end on June 30th of the following year. The LEPC administrative year shall be 12 consecutive months beginning on January 1st each year.

SECTION 6.3 ANNUAL REPORT

The LEPC shall generate an annual report of activities and accomplishments following its December business meeting. Each sub-committee shall generate independent reports that will contribute to the total LEPC report. The report shall be considered public record and be provided to the County Commissioners and the City Councils of each incorporated city in the county.

SECTION 6.4 AMENDMENTS

- *General.* Any amendment to these bylaws must be approved by a majority vote of the Voting members of the LEPC.
- *Notice of Meeting to Vote on an Amendment.* If the LEPC or the members seek to have the amendment approved by the members at a membership meeting, the Secretary of the LEPC shall give written or electronic notice to the members of the proposed meeting, in accordance with section 2.6.

ARTICLE VII. REVISION AND ADOPTION

REVISED AND ADOPTED THIS 10th DAY OF December, 2014, EFFECTIVE UPON ADOPTION.

, CHAIR

, VICE-CHAIR

ATTEST:
_____, RECORDING SECRETARY

Annex – Reporting Facilities

A list and maps of Tier II Reporting Facilities in Yellowstone County, as received into E-Plan by September 15, 2020, is available as an Annex to this Hazardous Materials Response Plan.

For security purposes, the Annex is not included with the Plan or posted on the YC DES website. Freedom of Information Requests should be addressed to:

Yellowstone County Clerk and Recorder
PO Box 35001
Billings, MT 59107
Phone: (406)256-2785

**YELLOWSTONE COUNTY, MONTANA
RESOLUTION ADOPTING
YELLOWSTONE COUNTY HAZARD MATERIALS RESPONSE PLAN
2020 UPDATE
RESOLUTION NO. 20-79**

WHEREAS, in 1986 the Congress of the United States enacted the "Emergency Planning and Community Right to Know Act" (EPCRA) as Title III of the Superfund Amendments and Reauthorization Act (SARA) to help local communities protect public health and safety and the environment from chemical hazards. The Yellowstone County Hazardous Materials Response Plan helps meet the requirements of Section 303 of EPCRA;

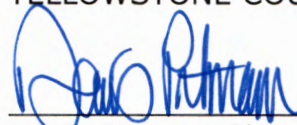
WHEREAS, Yellowstone County, Montana has worked closely with Yellowstone County Disaster and Emergency Services and the Local Emergency Planning Committee (LEPC) to update a county-wide Hazard Materials Response Plan that will serve the needs of Yellowstone County;

WHEREAS, Yellowstone County supports the 2020 Update to the Yellowstone County Hazard Materials Response Plan as a logical means toward protecting people and property from the potential devastating effects of accidental or intentional hazardous materials spill, release, or threat of release.

NOW, THEREFORE, BE IT RESOLVED that the Yellowstone County Board of County Commissioners adopt, by way of this resolution, the "Yellowstone County Hazard Materials Response Plan - 2020 Update" as approved by the Montana Disaster and Emergency Services.

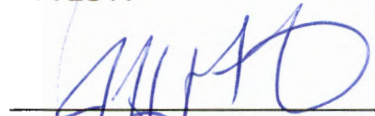
IN WITNESS WHEREOF, we have subscribed our signatures this 27th day of October, 2020.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

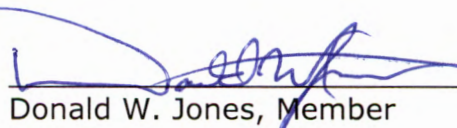


Denis Pitman, Chair

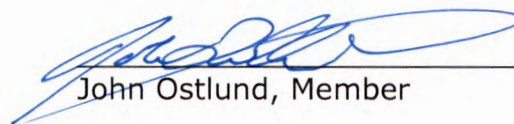
ATTEST:



Jeff Martin
Clerk and Recorder



Donald W. Jones, Member



John Ostlund, Member

RESOLUTION NO. R20-76

A RESOLUTION OF THE CITY COUNCIL ADOPTING THE UPDATED 2020 YELLOWSTONE COUNTY HAZARD MATERIALS RESPONSE PLAN.

WHEREAS, in 1986 the Congress of the United States enacted the "Emergency Planning and Community Right to Know Act" (EPCRA) as Title III of the Superfund Amendments and Reauthorization Act (SARA) to help local communities protect public health and safety and the environment from chemical hazards; and

WHEREAS, the Yellowstone County Hazardous Materials Response Plan helps meet the requirements of Section 303 of EPCRA; and

WHEREAS, the City of Laurel, Montana has worked closely with Yellowstone County Disaster and Emergency Services and the Local Emergency Planning Committee (LEPC) to update a county-wide Hazard Materials Response Plan that will serve the needs of the City of Laurel and Yellowstone County; and


WHEREAS, the Yellowstone County Disaster and Emergency Services (YCDES) Coordinator also serves as the City of Laurel's DES Coordinator; and

WHEREAS, the City of Laurel supports the 2020 Update to the Yellowstone County Hazard Materials Response Plan as a logical means toward protecting people and property from the potential devastating effects of accidental or intentional hazardous materials spill, release, or threat of release.

NOW, THEREFORE, BE IT RESOLVED that the Laurel City Council hereby adopts the "Yellowstone County, Montana Hazard Materials Response Plan – 2020 Update" as approved by the Montana Disaster and Emergency Services, a copy of which is attached hereto and incorporated herein.

PASSED and APPROVED by the City of Laurel this 10th day of November 2020.

CITY OF LAUREL



Tom Nelson, Mayor

ATTEST:



Brittney Moorman, Clerk-Treasurer

Bethany Langve
Approved as to form:



Sam Painter, Legal Counsel
Thompson Painter Law, PC

RESOLUTION 21-_____

**CITY OF BILLINGS, MONTANA RESOLUTION
ADOPTING YELLOWSTONE COUNTY
HAZARD MATERIALS RESPONSE PLAN
2020 UPDATE**

WHEREAS, in 1986 the Congress of the United States enacted the "Emergency Planning and Community Right to Know Act" (EPCRA) as Title III of the Superfund Amendments and Reauthorization Act (SARA) to help local communities protect public health and safety and the environment from chemical hazards. The Yellowstone County Hazardous Materials Response Plan helps meet the requirements of Section 303 of EPCRA;

WHEREAS, the City of Billings, Montana has worked closely with Yellowstone County Disaster and Emergency Services and the Local Emergency Planning Committee (LEPC) to update a county-wide Hazard Materials Response Plan that will serve the needs of Yellowstone County;

WHEREAS, the Yellowstone County Disaster and Emergency Services (YCDES) Coordinator is also the City of Billings DES Coordinator.

WHEREAS, the City of Billings supports the 2020 Update to the Yellowstone County Hazard Materials Response Plan as a logical means toward protecting people and property from the potential devastating *effects* of accidental or intentional hazardous materials spill, release, or threat of release;

NOW, THEREFORE, BE IT RESOLVED that the Billings City Council adopt, by way of this resolution, the "Yellowstone County, Montana Hazard Materials Response Plan - 2020 Update" as approved by the Montana Disaster and Emergency Services.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 14th day of December, 2020.

CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk