

**AGREEMENT FOR EMERGENCY RESPONSE TO WMD (Weapons of Mass
Destruction) AND HAZARDOUS MATERIALS INCIDENTS**

This Agreement made and entered into by and between the City of Rapid City, the Rapid City Department of Fire and Emergency Services, Pennington County, a political subdivision of the State of South Dakota, and _____
County.

The parties to this agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

**Section One
Purpose**

The purpose of this Agreement is to enable the counties to receive emergency assistance in the form of personnel, equipment, and/or technical information in responding to emergencies involving WMD (Weapons of Mass Destruction) and hazardous materials incidents. This agreement is executed pursuant to SDCL 1-24-8; no separate entity is created under this Agreement.

**Section Two
Initiating Requests**

Hazardous materials and WMD response requests shall be made to the fire chief of the Rapid City, Aberdeen, Watertown, or Sioux Falls fire department or his/her designee. Response shall be subject to the department's good faith discretion that the response will not compromise the ability to respond to the immediate needs of Rapid City, Aberdeen, Watertown, or Sioux Falls. The parties shall not be obligated to respond to every emergency as requested.

**Section Three
Response Levels**

The response levels are based on the protective clothing required. The levels are as follows:

- Level I – Structural Fire Fighting Protective Clothing
- Level II – Nonencapsulated Protective Clothing
- Level III – Encapsulated Protective Clothing
- Level IV – High-Temperature Protective Clothing.

Hazardous materials (HAZMAT) teams will respond to HAZMAT incident requests for Level II, Level III, and Level IV emergencies. Requests to respond to Level I incidents will be evaluated by the HAZMAT Team.

Section Four Priority of Requests

In the event two or more incidents arise at approximately the same time, the parties will prioritize the requests, and will assign resources as determined by the chief or his/her designee.

Section Five Typical Response

The HAZMAT team will determine the number of units responding based on the information provided. A typical minimum response is one HAZMAT unit, one command unit, and one medical unit. The number of personnel responding will agree with National Fire Protection Association recommendations. The unit staffing levels will be as follows:

- Medical Unit – 2 EMT personnel HAZMAT Technician certified
- Command Unit – 1 chief officer HAZMAT Incident Commander certified
- HAZMAT Unit – 3 or 4 persons HAZMAT Technician certified
- Support Unit – 3 or 4 persons HAZMAT Technician certified
- Fire Apparatus – 3 or 4 persons HAZMAT Operations certified

Section 6 Payment or Reimbursement of Costs

Medical unit, command unit, hazmat unit and support unit mileage shall be reimbursed using the Internal Revenue Service Federal business mileage rate. Reimbursement for fire apparatus shall be at the rates stated in the Wildland Fire Agreement established with the South Dakota Department of Agriculture, Wildland Fire Suppression Division. A copy of this agreement is available in the State Fire Marshal Office. Other reimbursable expenses include:

- Specialty HAZMAT equipment and materials expended or damaged due to incident response at the market replacement or repair cost.
- Salaries at the published salary rates to include overtime expenses. Included are the salaries of the responding personnel and call back personnel to maintain responding department home staffing levels.
- Meal and lodging costs at the published State rates.

Reimbursement from the responsible party (including disaster assistance) is billed by the county jurisdiction requesting the assistance. The requesting jurisdiction shall be responsible to reimburse the responding HAZMAT team(s) within sixty (60) days of invoice. This excludes State and Federal declared disasters.