

# Wisconsin State Legislature

SENATE CHAIR  
**ALBERTA DARLING**

317 East, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone: (608) 266-5830



ASSEMBLY CHAIR  
**ROBIN VOS**

309 East, State Capitol  
P.O. Box 8593  
Madison, WI 53708-8953  
Phone: (608) 266-9171

## Joint Committee on Finance *100<sup>TH</sup> ANNIVERSARY 1911 - 2011*

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Alberta Darling  
Representative Robin Vos

Date: November 29, 2011

Re: 14-Day Passive Review Approval – DMA

Pursuant to s. 323.70(6), Stats., attached is a 14-day passive review request from the Department of Military Affairs, received on November 29, 2011.

Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Friday, December 16, 2011** if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AB:RV;jm



STATE OF WISCONSIN

Department of Military Affairs  
Division of Emergency Management

To: Honorable Senator Alberta Darling  
Honorable Representative Robin Vos  
Co-Chairs  
Joint Committee on Finance

RECEIVED  
NOV 29 2011

BY: *St. Finance*

From: Major General Donald P. Dunbar *Donald P. Dunbar*  
The Adjutant General  
Department of Military Affairs

RE: Notification pursuant to §323.70(6), Stats.  
HAZARDOUS MATERIALS RESPONSE NETWORK SERVICES -  
NEW CONTRACTUAL AGREEMENTS

**Notification:**

The Department of Military Affairs, Division of Emergency Management hereby notifies the Committee of its intent to enter into new contracts for a period of eighteen (18) months, for the time period of January 1, 2012 through June 30, 2013, for hazardous materials response network services. This response network is made up of four (4) taskforces comprised of Type I, Type II, and Type III hazardous materials response teams strategically located throughout the State of Wisconsin to promptly and efficiently respond to Level A hazardous material releases.

Since the Committee extended the regional hazardous response teams contracts for six months in June 2011, the Department and Division have thoughtfully analyzed extensive data collected to fully consider all viable options to effectuate a more cost-effective and efficient statewide hazardous materials response structure with full transparency to the stakeholders. The Department and Division now return to the Committee before the end of the six-month time frame with a notification to enter into four (4) new contractual agreements restructuring the statewide hazardous materials response system by recognizing both efficiencies and economies of scale.

The new contracts involve four taskforces consisting of multiple local agencies providing a tiered emergency response network covering the entire state. The existing local agencies making up the hazardous material response teams will still continue to provide critical and specialized response capabilities under this new response network with the addition of new local emergency response partners strategically located to quickly assess, mitigate, and respond to Level A releases and to request more specialized response capabilities, as needed. The restructured hazardous materials response network will provide a more efficient and cost-effective option for response to Level A releases throughout the state.

The Department of Military Affairs, Division of Emergency Management respectfully submits that the sum appropriated under §20.465(3)(dd), Stats., is sufficient to fund all the response network for eighteen (18) months as proposed herein. The contracts, with all relevant exhibits, are attached hereto for your reference.

**Historical background:**

1991 Wisconsin Act 104 created the requirement for the establishment of hazardous materials regional response teams to assist in emergency response to level A releases throughout the State of Wisconsin. The State Emergency Response Board (SERB) was mandated by statute to contract with fire departments strategically located throughout the state to provide this coverage. The SERB established contracts with eight regional response teams (Superior, Appleton/Brown County, Madison, Milwaukee, Racine, Wausau, Eau Claire/Chippewa Falls and Oshkosh/Manitowoc/Sheboygan). Effective July 1, 1998, all duties of the SERB, including contractual obligations, were statutorily transferred to the Wisconsin Division of Emergency Management (Division).

The initial contracts with the eight regional response teams had staggered terms due to the varying dates when each contract was signed. In July 1998, the Committee extended the two contracts for the regional response teams located in Superior and Wausau until June 30, 1999. In July 1999, the Committee extended the contracts for the teams of Appleton/Brown County, Milwaukee, Oshkosh/Manitowoc/Sheboygan, Superior and Wausau until June 30, 2000 so that all eight regional response team contracts would expire at the same time. In June 2000 the Committee approved, with the exception of a one-year extension for the City of Milwaukee, two-year contracts extensions with the regional response teams recognizing new contractual agreements with the City of La Crosse and the newly consolidated team comprised of the Cities of Appleton and Oshkosh. In June 2001, the Committee extended the contract with the City of Milwaukee for an additional year. In June 2002, the Committee extended the contracts of all eight regional response teams for a period of three years to align with the biennial budget. In June 2005, the Committee extended all eight regional response teams contracts for two years and, again in June 2007, the Committee extended all eight contracts for another two years. In June 2009, the Committee extended all eight contracts but the contractual amounts were changed by reducing the City of Wausau's budget by \$40,000 and increasing the budgets of the Cities of Madison and Milwaukee by \$20,000 each. In June 2011, the Committee extended the contracts for six months in order to provide the Department and its Division sufficient time to analyze and consider all relevant data collected on regional hazardous materials responses and to develop future courses of action. At this time, all the regional response team contracts expire on December 31, 2011.

Section 323.70(6) of the Wisconsin Statutes mandates that the Division shall notify the Joint Committee on Finance, in writing, before entering into new contractual agreements as well as the specific funding commitment involved. Accordingly, the Division is requesting the approval of four new contractual agreements for an eighteen (18) month period to expire at the end of the current biennial budget.

**The proposed restructure of the statewide hazardous materials response system:**

Historically, the Division's fiscal decision to realign funding within the existing regional hazardous material program in 2009 caused concern within the firefighting community statewide. After the Committee approved the 2009-2011 budgets, the Department requested an internal review of the regional hazardous materials response team system by the Office of Justice Assistance. This review was conducted in two phases with Phase 1 dealing with funding and operational issues and Phase 2 addressing the entire statewide hazardous material response system. The Wisconsin Hazmat Program Review documents for both Phases 1 and 2 can be found on the Division's website at [http://emergencymanagement.wi.gov/resources/docs/Hazmat\\_Phase\\_1\\_Report\\_Final.pdf](http://emergencymanagement.wi.gov/resources/docs/Hazmat_Phase_1_Report_Final.pdf) and [http://emergencymanagement.wi.gov/resources/docs/Phase\\_2\\_Report\\_FINAL.pdf](http://emergencymanagement.wi.gov/resources/docs/Phase_2_Report_FINAL.pdf).

Since the publication of the Phase 2 Report, the Department and Division have been working to gain support from the firefighting community on a restructure of the statewide hazardous material response team system. This has continued on an ongoing basis since the exiting contracts were approved and extended by the Committee for six months.

For the proposed new contracts, the Division utilized a threat hazard identification and risk assessment process to analyze the identified risks throughout the state. Specifically, the Division examined critical infrastructure throughout the state including the location of facilities that store extremely hazardous materials, transportation corridors on highways and railroads, population density, and commodity flow studies. Additionally, there was an extensive analysis of hazardous material release and response data utilizing DNR total reportable release information from 2007-2009, the National Response Center's data on reportable releases in the state as well as the Division's Duty Officer Log on the number and location of regional hazardous materials team responses from 2000 through present. Lastly, the Division reviewed hazardous materials response systems currently used in the states of Minnesota, Michigan, Iowa, Illinois, Indiana, and Ohio.

The detailed analysis revealed that hazardous materials response capabilities vary throughout the state of Wisconsin among the current regional response teams as well as the local hazardous material response teams. Further, interoperability varies widely between the regional and local hazardous material teams. The current scheme also provides hazardous materials response coverage by county and not by actual response time potentially leaving certain portions of the state at risk for extended periods of time. This study also identified that the regional teams typically utilize smaller chemical assessment teams, local outreach teams, or telephonic advice to local fire departments for a majority of the Level A responses. Lastly, it became apparent that not all the regional hazardous material response teams had the capabilities to respond to Weapons of Mass Destruction (WMD) and Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) incidents. Based upon the bottom up review, the Department and Division determined that the statewide hazardous materials response team system needed to be restructured.

The proposed restructure of the system has been designed to provide for uniform national response standards throughout the state and the typing of resources through

the National Incident Management System (NIMS). Response time to Level A releases in the state has been restructured by adding local emergency response partners in strategic locations who can efficiently deploy to a Level A hazardous materials release based on response time metrics, the severity of the incident, and with multiple layers of response capability and reliability. This NIMS tiered response will be provided by four taskforces covering the entire state made up of NIMS Type I, Type II, and Type III hazardous materials teams. Based upon gaps in interoperability, equipment purchases will be standardized through the use of equipment grants available by application to all local agencies contractually participating in the restructured hazardous materials response network. Equipment grants for the response network will be funded through any unused money currently in the appropriation under §20.465(3)(dd), Stats. Training for responders will also become more uniform with the validation of training for all participating local agencies. It is noted that many of the Type III teams, who are local partners and new to the response network, will not be brought on board until all training and competencies have been validated by the Division. As such, potential adjustments to the specific Type III teams that will be participating in the network exist and funding is not requested until Fiscal Year 2012-13 for those new local agencies.

Ultimately, the outcome of this restructured hazardous materials response network will be uniform hazardous materials response coverage throughout the state based on risk. This will result in public stewardship of General Purpose revenue as well as fairness and accountability to the state and service providers.

**Proposed funding levels:**

The Department and its Division propose an eighteen-month budget for the four taskforces, as follows:

**SOUTHEAST WISCONSIN HAZARDOUS MATERIALS RESPONSE NETWORK TASKFORCE**

TEAM NAME	TEAM TYPE	BUDGET 1/1/12 – 6/30/12	BUDGET 7/1/12 – 6/30/13
CITY OF MILWAUKEE	TYPE I	\$128,138.40	\$256,276.80
CITY OF RACINE	TYPE II	\$46,723.26	\$93,446.53
DODGE COUNTY	TYPE III	\$0.00	\$5,000.00
OZAUKEE-WASHINGTON COUNTIES	TYPE III	\$0.00	\$5,000.00
SHEBOYGAN COUNTY	TYPE III	\$0.00	\$5,000.00

**SOUTHWEST WISCONSIN HAZARDOUS MATERIALS RESPONSE NETWORK TASKFORCE**

TEAM NAME	TEAM TYPE	BUDGET 1/1/12 – 6/30/12	BUDGET 7/1/12 – 6/30/13
CITY OF MADISON	TYPE I	\$83,999.18	\$167,998.35
CITY OF LA CROSSE	TYPE II	\$32,005.05	\$64,010.10
COLUMBIA COUNTY	TYPE III	\$0.00	\$5,000.00
GRANT COUNTY	TYPE III	\$0.00	\$5,000.00
JUNEAU COUNTY	TYPE III	\$0.00	\$5,000.00
ROCK COUNTY	TYPE III	\$0.00	\$5,000.00
VERNON COUNTY	TYPE III	\$0.00	\$5,000.00

**NORTHWEST WISCONSIN HAZARDOUS MATERIALS RESPONSE NETWORK  
TASKFORCE**

TEAM NAME	TEAM TYPE	BUDGET 1/1/12 – 6/30/12	BUDGET 7/1/12 – 6/30/13
CITIES OF EAU AND CHIPPEWA FALLS	TYPE I	\$52,032.46	\$104,064.93
CITY OF SUPERIOR	TYPE II	\$28,130.68	\$56,261.35
CITY OF ASHLAND	TYPE II	\$14,793.58	\$29,587.15
BARRON COUNTY	TYPE III	\$0.00	\$5,000.00
DUNN COUNTY	TYPE III	\$0.00	\$5,000.00

**NORTHEAST WISCONSIN HAZARDOUS MATERIALS RESPONSE NETWORK  
TASKFORCE**

TEAM NAME	TEAM TYPE	BUDGET 1/1/12 – 6/30/12	BUDGET 7/1/12 – 6/30/13
CITIES OF APPLETON AND OSHKOSH	TYPE I	\$74,200.23	\$148,400.45
CITY OF WAUSAU	TYPE II	\$38,996.41	\$77,992.83
CITY OF MARINETTE	TYPE II	\$18,417.60	\$36,835.20
ONEIDA COUNTY	TYPE II	\$18,417.60	\$36,835.20
BROWN COUNTY	TYPE III	\$0.00	\$5,000.00
WAUPACA COUNTY	TYPE III	\$0.00	\$5,000.00

**Relationship to Statutory Criteria:**

This notification fulfills the requirement of 1997 Wisconsin Act 27, as codified in §323,70(6) Stats., which mandates that the Division shall notify the Joint Committee in Finance, in writing, prior to extending a contractual agreement.

**Prepared by:**

Randi Wind Milsap  
General Counsel  
Dept. of Military Affairs  
(608) 242-3072

November 28, 2011