



# Montana Emergency Support Function #10 – Oil and Hazardous Materials Response

## Primary Agency:

Montana Department of Environmental Quality



March 2026

Maintained by Department of Military Affairs  
Disaster and Emergency Services Division

*This Annex is considered operational and serves as a guide for rendering assistance whenever the **Montana Emergency Response Framework (MERF)** is activated. It supersedes all previous editions*

Record of Changes

All changes to this plan annex are to be dated on the master copy kept by the Montana Disaster & Emergency Services (DES).

<b>Date Posted</b>	<b>Change</b>	<b>Recommending Agency/Individual</b>

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## **Section I: Agencies**

***Coordinating Agency:***

Montana Disaster & Emergency Services

***Primary Agency:***

Montana Department of Environmental Quality

***Support Agencies:***

Montana Department of Agriculture

Montana Department of Fish, Wildlife, & Parks

Montana Department of Justice

Montana Department of Labor & Industries

Montana Department of Livestock

Montana Department of Military Affairs

Montana Department of Natural Resources & Conservation

Montana Department of Public Health & Human Services

Montana Department of Transportation

Montana Public Service Commission

## **Section II: Purpose & Scope**

***Purpose:***

Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response provides State support in response to an actual or potential discharge and/or release of oil or hazardous materials when activated. Additionally, ESF #10 (Oil and Hazardous Materials Response) acts as the initiator for activating other resources within the Department of Environmental Quality (DEQ) that provide authorization and guidance for environmental protection issues that are the responsibility of that agency.

***Scope:***

The scope of ESF #10 (Oil and Hazardous Materials Response) includes the appropriate actions to prepare for and respond to a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents. For purposes of this annex, “hazardous materials” is a general term intended to mean hazardous substances, pollutants, and contaminants. Hazardous materials include chemical, biological, radiological, and nuclear substances (CBRN), whether accidentally or intentionally released. Appropriate general actions under ESF #10 may include, but are not limited to:

- Actions to prevent, minimize, or mitigate a release.
- Efforts to detect and assess the extent of environmental contamination, including environmental monitoring; and sampling and analysis of contaminated media such as air, water, soils, sediments, debris, buildings, and structures.
- Provision of environmental technical expertise to support development of Federal recommendations for public protective actions.
- Actions to stabilize the release and prevent the spread of contamination.
- Analysis of options for environmental cleanup and waste disposition, including options for cleanup and disposal of debris that is contaminated by oil discharges and hazardous materials releases.
- Implementation of environmental cleanup efforts, including but not limited to:

- Collection of orphaned oil and hazardous materials containers.
- Collection of household hazardous waste.
- Removal of contaminated soil.
- Decontamination of buildings and structures.
- Disposition of animal carcasses contaminated by oil or hazardous materials.
- Storage, treatment, and disposal of oil and hazardous materials, including contaminated debris.
- Actions to protect natural resources.
- Monitoring contaminated debris disposal.

## **Section III: Assumptions & Relationships**

### ***Assumptions***

For the purpose of designing responses in an all-hazard environment, this annex outlines the following assumptions:

- A natural or technological disaster could result in one or more situations in which hazardous materials are released into the environment.
- Fixed facilities (chemical plants, tank farms, laboratories, and industries operating hazardous waste sites that produce, generate, use, store, or dispose of hazardous materials) could be damaged so that existing spill control apparatus and containment measures are not effective.
- Hazardous materials that are transported may be involved in railroad accidents, highway collisions, or airline incidents.
- Damage to, or rupture of, pipelines transporting materials that are hazardous if improperly released will present serious problems.
- Emergency exemptions and/or exceptions may be needed for disposal of contaminated materials during major disasters.
- Laboratories responsible for analyzing hazardous material samples may be damaged or destroyed in a disaster.
- Actual or potential releases of hazardous materials may occur on a daily basis, either by accident or as the result of an intentional/ terrorist act.
- A hazardous materials incident may progress to a point where it becomes a serious threat to the public's health and safety and to the environment.
- In the event of a terrorist event, the Federal Bureau of Investigations (FBI) will be the lead agency with State agencies providing support and resources to assist.
- Each Local Emergency Planning Committee (LEPC) has developed a Hazardous Material Plan.
- The command control of a Regional Hazardous Materials Team will be in accordance with Intrastate Mutual Aid System.
- Some political subdivisions will not have the capability to fully respond to a hazardous materials incident.

### ***Relationships***

This document does not relieve tasked agencies with the responsibility for emergency planning. The following section outlines the relationships between state agencies and local, tribal, private, and non-governmental organization partners in supporting ESF #10 (Oil and Hazardous Materials Response) response and recovery activities:

### Local & Tribal Governments

Local and tribal government fire departments generally provide the first response to oil and hazardous materials incidents. Local and tribal mutual aid and assistance networks facilitate the sharing of resources to support response activities. Local jurisdictions have the option to create and maintain hazardous material response resources that can serve as a Regional Hazardous Materials (HazMat) Team. Regional HazMat Teams are trained and equipped to mutually agreed upon standards adopted by the Hazardous Material Technical Advisory Group (HTAG). Teams adhere to the command control as outlined in statute under the Montana Intrastate Mutual Aid System.

Local and tribal authorities are responsible for obtaining required waivers and clearances related to ESF #10 support and are responsible for requesting state support through the jurisdiction's emergency management agencies when the incident exceeds local capabilities.

Responsibility for situation assessment and determination of resource needs are ascertained primarily through the local and tribal incident management system. Shortages of resources are adjudicated at the lowest jurisdictional level. Local and tribal law enforcement offices coordinate with the local or on-site Incident Commander within the disaster area to determine evacuation areas, roadblocks, and access control points.

### Private Sector/Non-Governmental Organizations

The private sector owns many of the facilities that manufacture, use, and manage oil and hazardous materials. The parties responsible for oil discharges and hazardous substance releases must clean them up or reimburse the government for the response. Typically, during an incident, a responsible party will provide part of the response. Industry, such as pipeline companies and railroads will have response equipment and resources to bring to the incident. Industry contribution to response will include privately held equipment and their personnel or consultants and may include coalitions formed to assist them. Two coalitions that may be called upon in Montana include the Montana-Wyoming Oil Spill Control Cooperative, LLC and the Northern Montana Oil Spill Cooperative, LLC. These may be called upon by members for equipment needs.

Due to the hazardous nature of the work, public volunteers are not normally used in oil and hazardous materials response. However, in extraordinary situations, they may be used to assist in less hazardous support functions. Private contractor resources may assist in conducting State response actions. Other parties responsible for cleaning up releases may also hire private contractors to perform the work. Some NGOs may also contribute specific skills such as wildlife recovery and rehabilitation.

### State Government

State departments and agencies are responsible, within their statutory authorities, for providing assistance to local jurisdictions when local capabilities are overwhelmed by a disaster. The State Emergency Coordination Center (SECC) serves as the principal point for coordinating state, local, tribal, and federal resources as in the delivery of emergency assistance to affected jurisdiction(s).

The SECC will coordinate with the primary agency and support agencies in the use of state resources to support ESF #10 response activities. State resources will supplement, not supplant, local resources. When activated to respond to an incident, the primary agency and support agencies will develop work priorities in cooperation with local and tribal governments and in coordination with the SECC.

If the Governor has declared an emergency, resources may be requested through the Emergency Management Assistance Compact (EMAC), the nation’s state-to-state mutual aid system that is processed through the SECC.

The National Guard 83rd Civil Support Team (CST), located at Fort Harrison, can provide assistance similar to a Regional Hazmat Team. The CST can deploy equipment and team members via military air transportation or self-sustained ground transportation.

## **Section IV: Core Capabilities**

The following table lists the core capabilities and their key activities that the coordinating, primary, and supporting agencies collectively support. Though not listed in the table, all ESFs, including ESF #10 (Oil and Hazardous Materials Response), support the core capabilities of Planning, Operational Coordination, and Public Information and Warning.

<b><u>CORE CAPABILITIES</u></b>	<b>Key Activities</b> – The SECC coordinates with the primary agency and supporting agencies to coordinate resources in support and response for the following key activities during actual or potential incidents:
<b>Environmental Response/Health and Safety</b>	<ul style="list-style-type: none"> <li>• Conducts actions to detect and assess the nature and extent of oil and hazardous materials releases.</li> <li>• Takes appropriate actions to stabilize the release and prevent the spread of contamination; conducts environmental cleanup actions; and decontaminates buildings and structures; and manages wastes.</li> <li>• Follows applicable health and safety requirements for ESF #10 responders and coordinates, as needed, with Worker Health and Safety Support Annex response activities.</li> </ul>
<b>Critical Transportation</b>	<p><b>For incidents where transportation infrastructure or routes are contaminated by oil or hazardous materials:</b></p> <ul style="list-style-type: none"> <li>• Helps to identify safe evacuation and ingress routes; assesses the nature and extent of contamination; and cleans up and/or decontaminates infrastructure and routes.</li> </ul> <p><b>For incidents involving a blast or explosion associated with a CBRN threat agent resulting in a contaminated debris field:</b></p> <ul style="list-style-type: none"> <li>• Provide technical assistance in clearing critical transportation routes of CBRN-contaminated debris during the emergency phase.</li> </ul>
<b>Infrastructure Systems</b>	<p><b>For incidents where infrastructure is contaminated by oil or hazardous materials:</b></p> <ul style="list-style-type: none"> <li>• Assesses the nature and extent of contamination and cleans up and/or decontaminates infrastructure.</li> </ul>
<b>Public Information and Warning</b>	<ul style="list-style-type: none"> <li>• Provides the technical expertise to support the preparation of public information related to the environmental response.</li> <li>• Communicate with the media/public on matters affecting public health and safety.</li> </ul>

## Section V: Operational Functions

The following table lists the operational functions that both the primary agency and supporting agencies most directly support for ESF # 10 (Oil and Hazardous Materials Response):

<u>PRIMARY AGENCY</u>	<b>Operational Functions</b> – Department of Environmental Quality serves as the primary agency. The operational functions for the primary agency may include the following:
<p style="text-align: center;"><b>Department of Environmental Quality</b></p>	<ul style="list-style-type: none"> <li>• Provides expertise on environmental effects of oil discharges or releases of hazardous materials, and environmental pollution control techniques.</li> <li>• Provides investigative support and expertise on environmental and public health issues related to oil and hazardous material incidents.</li> <li>• Provides technical support to local and State hazardous materials teams.</li> <li>• Evaluates and provide recommendations pertaining to the public health and the environmental risks related to food, air, water, and soil contamination.</li> <li>• Requests federal assistance as necessary.</li> <li>• Recommends hazardous materials disposal option.</li> <li>• Assists in identifying personnel and resources to support oil and hazardous materials response.</li> </ul> <p><b>Impact Assessments &amp; Cleanup Operations:</b></p> <ul style="list-style-type: none"> <li>• Coordinates to manage the overall state effort to detect, identify, contain, cleanup, dispose, or minimize releases of oil or hazardous materials including assessment impacts and cleanup needs or priorities, and advising and assisting others where the source of the spill is known.</li> <li>• Where the source is unknown or the responsible party unwilling or unable to respond, ESF #10 will coordinate with other government authorities, including local and federal, to adequately abate, contain, and remove contaminants.</li> </ul> <p><b>Cost Recovery &amp; Mitigation:</b></p> <ul style="list-style-type: none"> <li>• In collaboration with DES and other key partners, will be responsible for coordinating state efforts to recover response costs through any federal reimbursement options or directly from responsible parties.</li> <li>• Coordinates mitigation actions where actions may be taken to mitigate potential spills or effects of future spills.</li> </ul>
<u>SUPPORTING AGENCIES</u>	<b>Operational Functions</b> – The operational functions for the supporting agencies may include the following:
<p style="text-align: center;"><b>Department of Agriculture</b></p>	<ul style="list-style-type: none"> <li>• Provides technical assistance and subject matter expertise regarding agricultural health and disease management issues.</li> <li>• Supports Food Safety Modernization Act (FSMA) and Produce Safety Rule (PSR) compliant training, education, outreach, technical assistance, and enforcement as it relates to Montana’s produce industry.</li> </ul>

<p><b>Montana Department of Fish, Wildlife, &amp; Parks</b></p>	<ul style="list-style-type: none"> <li>• Prepares an assessment of damages to fish &amp; wildlife populations and habitats resulting from a pollutant or hazmat discharge incident.</li> <li>• Provides personnel and equipment to assist with identifying resources at risk during a hazmat or oil spill incident.</li> <li>• Assists with traffic supervision and control of water transportation routes adversely affected by a hazardous materials release.</li> <li>• Coordinates for the use of access sites or wildlife management areas as staging areas for response resources.</li> </ul>
<p><b>Montana Department of Justice</b></p>	<p><b>Division of Criminal Investigation</b></p> <ul style="list-style-type: none"> <li>• Assists law enforcement agencies in a wide variety of major investigations.</li> </ul> <p><b>Montana Analysis &amp; Technical Information Center (MATIC)</b></p> <ul style="list-style-type: none"> <li>• Designated by the Governor as the fusion center in Montana.</li> <li>• A focal point for the collection, analysis, and dissemination of public safety and threat related information for the purposes of decision making for local, state, federal, and tribal partners while ensuring the rights and privacy of citizens.</li> <li>• Provides relevant information on criminal activity and credible threats that could potentially threaten public safety and critical infrastructure security to appropriate partners.</li> </ul> <p><b>Highway Patrol Division</b></p> <ul style="list-style-type: none"> <li>• Conducts evidence collection and analysis of all intentional human-caused hazardous materials related crime scenes.</li> <li>• Provides relevant information of any credible intentional human-caused hazardous materials threat or other situation that could potentially threaten public health.</li> <li>• Provides security for the Strategic National Stockpile and secure movement of inbound medical equipment needed to support hazardous materials response.</li> <li>• Supports local and tribal law-enforcement with evacuation and ingress/egress control.</li> <li>• Supports local death scene investigations and evidence recovery.</li> <li>• Responds to acts of criminal mass victimization (i.e., mass violence or domestic or international terrorism) and coordinates with local, tribal, and federal law enforcement agencies.</li> <li>• Provides guidance, promulgates regulations, conducts investigations and compliance reviews, and enforces civil rights laws, including their general application to emergency management and specific application to mass care services, such as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Civil Rights Act of 1964.</li> <li>• Controls ingress and egress of public transportation systems in support of Oil and Hazardous Materials Response.</li> </ul> <p><b>Forensic Science Division: Medical Examiner System</b></p> <ul style="list-style-type: none"> <li>• Determines cause and manner of death, identify bodies, and document injuries.</li> </ul>

	<ul style="list-style-type: none"> <li>• Provides technical assistance concerning identification of the deceased consistent with cultural sensitivity practices.</li> </ul> <p><b>Office of Victim Services</b></p> <ul style="list-style-type: none"> <li>• Provides tools and information to help victims from an intentional human-caused incident recover from their experience and provide them with a range of services as they go through the justice system.</li> </ul> <p><b>Natural Resource Damage Program</b></p> <ul style="list-style-type: none"> <li>• Pursues new natural resource damage claims at sites across Montana where a release of hazardous substances has injured the state’s natural resources.</li> <li>• Performs necessary natural resource damage assessments.</li> <li>• Pursues lawsuits against responsible parties throughout Montana.</li> <li>• Uses settlement monies to prepare and implement restoration plans.</li> </ul>
<p><b>Montana Department of Labor and Industry</b></p>	<p><b>Employment Relations</b></p> <ul style="list-style-type: none"> <li>• Provides technical assistance related to worker safety and health issues.</li> </ul> <p><b>Division of Insurance</b></p> <ul style="list-style-type: none"> <li>• Provides representative as needed to give advice and assistance to disaster victims.</li> <li>• Provides consumer protection services and investigate complaints against insurance companies doing business in the State of Montana.</li> </ul> <p><b>Business Standards Division</b></p> <ul style="list-style-type: none"> <li>• Provides regulatory professional licensing waivers and exemptions during emergencies.</li> </ul>
<p><b>Montana Department of Livestock</b></p>	<ul style="list-style-type: none"> <li>• Provides technical assistance and subject matter expertise regarding livestock response issues.</li> </ul>
<p><b>Montana Department of Military Affairs</b></p>	<p><b>National Guard - 83<sup>rd</sup> Civil Support Team (CST)</b>  <i>Upon approval by the Governor:</i></p> <ul style="list-style-type: none"> <li>• Supports civil authorities at domestic CBRN incident sites by identifying CBRN agents/substances, assessing current and projected consequences, advising on response measures, and assisting with requests for additional support.</li> </ul> <p><b>Army and Air National Guard</b>  <i>Upon approval by the Governor:</i></p> <ul style="list-style-type: none"> <li>• Provides logistical support to SECC and transportation capacity to move essential resources, injured and sick people when requested.</li> <li>• Provides available military medical personnel to assist in the protection of public health.</li> <li>• Provides available refrigerated trailers for human fatality management services.</li> <li>• Provides transportation resources to move emergency response personnel and equipment resources to declared disasters or major incidents involving oil and hazardous materials, when required or requested by DES.</li> <li>• Provides personnel and equipment resources to assist with on-scene mitigation operations during a disaster or major incident involving oil and hazardous materials.</li> </ul>

	<p><b>Disaster and Emergency Services Division</b></p> <ul style="list-style-type: none"> <li>• Coordinates contracting, acquisitions, and deployments of hazardous materials response personnel, equipment, and supplies in response to requests for State assistance, as appropriate.</li> <li>• Coordinates National Guard assistance, when requested and upon approval by the Governor.</li> <li>• Coordinates and/or deploys personnel to fill positions in operations centers and on emergency response teams and other entities, as necessary.</li> <li>• Coordinates emergency-related response and recovery functions related to oil and hazardous materials response.</li> <li>• Coordinates international and domestic offers of oil and hazardous materials services-related assistance and support.</li> <li>• Provides assistance in the allocation and prioritization of oil and hazardous materials resources.</li> <li>• Coordinates the prevention, protection, mitigation, response, and recovery actions among oil and hazardous materials stakeholders at state and local levels.</li> <li>• Provides equipment and personnel as needed for immediate lifesaving response operations.</li> <li>• Assists in coordinating the provision of temporary emergency power to critical facilities (e.g., hospitals, water treatment plants, shelters, fire stations, police stations).</li> <li>• Coordinates EMAC, Federal, and International offers of oil and hazardous materials response support.</li> <li>• Coordinates and/or provides situational awareness regarding oil and hazardous materials.</li> </ul>
<p><b>Montana Department of Natural Resources &amp; Conservation</b></p>	<ul style="list-style-type: none"> <li>• Provides State level coordination with fire service agencies during declared disasters and major incidents involving hazardous materials.</li> <li>• Provides assistance with locating fire service resources in support of State and local emergency response agencies.</li> </ul>
<p><b>Montana Department of Public Health &amp; Human Services</b></p>	<ul style="list-style-type: none"> <li>• Provides investigative support and technical assistance related to public health and environmental impacts during oil and hazardous material incidents.</li> <li>• Evaluates and provide technical assistance pertaining to public health and the environmental risks related to food, air, water, soil contamination and relevant health hazards to first responders.</li> <li>• Determines whether illnesses, diseases, or complaints may be attributable to exposure to a hazardous material including CBRN contamination. Actions may include waste sampling, classification, packaging, transportation, treatment, demolition, storm water management, and disposal.</li> <li>• Provides radiological support to local, state, and other agencies and establishes disease/exposure registries.</li> <li>• Provides technical assistance when public health or healthcare infrastructures are activated and in partnership with the SECC coordinates surge management.</li> </ul>

	<ul style="list-style-type: none"> <li>• Works in cooperation with EPA and USDA to ensure the proper disposal of contaminated food or animal feed.</li> <li>• Assists with public health communication and messaging with local and tribal health jurisdictions, non-governmental entities and other partners.</li> <li>• Coordinates with SECC in the procurement and distribution of public health and medical equipment and supplies.</li> </ul>
<p><b>Montana Department of Transportation</b></p>	<ul style="list-style-type: none"> <li>• Provides personnel and heavy equipment to assist with operations and other scene control measures during a hazardous material/terrorist incident.</li> <li>• Coordinates personnel and equipment to assist with traffic control and scene access and egress.</li> <li>• Determines load variances on State roads to assist with the movement of heavy equipment during an oil or hazmat spill incident.</li> <li>• Coordinates and assist with the containment and cleanup of any discharge that occurs on State maintained roads or right-of-way.</li> <li>• Controls ingress and egress of public transportation systems in support of oil and hazardous materials response.</li> </ul>
<p><b>Montana Public Service Commission</b></p>	<ul style="list-style-type: none"> <li>• Ensures the safe construction, operation, and maintenance of intrastate gas pipelines and railroads in Montana (this is accomplished through inspection, enforcement, education, and the investigation of accidents).</li> </ul>