

**CROSS BORDER CONTINGENCY PLAN**  
**U.S./MEXICO SISTER CITIES**  
**BROWNSVILLE/MATAMOROS**

**MAY 6, 1997**

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This document may be reproduced for the benefit of emergency responders and planners.

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**CROSS BORDER CONTINGENCY PLAN**

**STANDARD OPERATING PROCEDURES FOR THE**

REGIONAL MUNICIPALITY OF BROWNSVILLE, TEXAS, UNITED STATES OF  
AMERICA AND MATAMOROS, TAMAULIPAS, MEXICO

FORWARD

Whereas the Federal governments of the United States of America and Mexico have recognized that it is advantageous for each to share resources and manpower in times of national disasters, so too the municipalities of the City of Brownsville, State of Texas, and the City of Matamoros, State of Tamaulipas, recognize their need to cooperate with each other in times of local disasters.

In the event of a disaster of serious proportions which may effect a great deal of coordination and cooperation, a plan between the two cities to meet emergencies and disasters will assure a full and effective utilization of resources and manpower essential to the safety, care and welfare of all peoples, environment and property within the two Federal boundaries affected.

These Standard Operating Procedures provide an outline of the immediate action to be taken by elected and appointed officials, and organizations which would be involved dependent on the extent and nature of the disaster.

When a disaster has been declared, these Standard Operating Procedures will not supersede any local, state, or Federal plan in effect, and authority of any local, state or regional plans still lies with the respective municipalities.

This Cross Border Contingency Plan will become an annex to existing city, state, regional, and Federal plans and an emergency under this plan will be declared if the severity and geography of the event warrant outside support services.

All regional, county, and local municipal elected and appointed officials with emergency responsibilities should be fully conversant with the content of this document and be prepared to fulfill their responsibilities when requested.

## CROSS BORDER CONTINGENCY PLAN

### AGREEMENT ON COOPERATION BETWEEN THE CITIES OF BROWNSVILLE, TEXAS AND MATAMOROS, TAMAULIPAS IN THE CASE OF AN ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

Due to the threat to the public health and safety of the communities of Matamoros, Tamaulipas and Brownsville, Texas, from the accidental release of hazardous materials into the environment, and wanting to reinforce the cooperation between the cities to be able to respond more efficiently to these releases, the Cities of Brownsville and Matamoros have agreed to provide mutual cooperation to effectively respond to these releases.

The following statement of principles is intended to be used as a guide to civil emergency authorities in both countries.

1. The agencies of both municipalities charged with emergency responsibilities will seek to ensure that in areas of common concern, plans of the two municipalities for the emergency use of manpower, material resources, supplies, systems, and services shall, were feasible and practicable, be compatible. To this end, a binational exercise will be conducted at least every two years to evaluate the coordination of the Sister Cities' emergency plans.
2. Necessary personnel would work under the direction of supervisors and the assigned equipment, under ordinary circumstance, will be operated by the personnel of the city providing the assistance. The general directions related to work will be given by the authorized persons for the group receiving aid. The Potentially Responsible Party (PRP) for the spill receiving the assistance will be responsible for providing the necessary materials, food, shelter, temporary housing, gasoline and lubricants for the equipment any other such items needed to respond adequately, at the job site for the personnel lending their services.
3. It is mutually understood that this agreement does not relieve any of the mentioned parties of the obligation necessary for providing protection against fires, according to their respective jurisdictions, being in agreement to use reasonable diligence in maintaining fire equipment in adequate condition according to industry standards.
4. With the exception of the ruling to carry out the assistance mentioned above, no other party in this agreement will be required to pay compensation to the other group, for services rendered. The mutual advantage and protection given by this Agreement is of mutual consideration.
5. Each party agrees to the compensation, thereby holding each other harmless from acts which may arise resulting in any act or omission of any party's fire personnel during such

time that said personnel are serving in the jurisdiction of any party for assistance pursuant to the terms of this Agreement.

6. The Agreement shall not be construed as an agreement for the benefit of any third party, taking effect at the time of execution and will continue until rescinded.
7. Every two years the parties will examine the present agreement in light of its application in order to decide if it must be modified. Nevertheless, the parties may examine this matter and propose changes to the other parties by personal service or registered mail. Changes will be considered effective starting on the date of the amendments signing by all parties.
8. Any party to this Agreement may withdraw at any time giving thirty days prior written notice to all the parties. On the thirty-first day after the notice, such withdrawal will become effective.
9. Any party may change its service address by five days written notice to each of the other parties. On the sixth day after the notice, such change of address is effective.
10. Notice of withdrawal and change of address shall be served by personal service or by the respective party's Postal Service certified mail addressed to:

Presidente Municipal, Palacio Municipal CP 88000, Matamoros, Tamaulipas,  
México

Mayor, City of Brownsville, Market Square, Brownsville, Texas, USA, 78520

In witness, whereof, this Agreement has been executed on the 6<sup>th</sup> day of May, 1997.

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Presidente Ramon Antonio Sampayo  
Municipal de Matamoros

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Mayor Henry Gonzalez  
City of Brownsville

## CROSS BORDER CONTINGENCY PLAN

### STATEMENT OF PRINCIPLES CONCERNING UNITED STATES - MEXICO COOPERATION ON CIVIL EMERGENCY PLANNING

1. The following Statement of Principles is intended to be used as a guide to civil emergency authorities in both countries.
2. Nothing in this agreement shall derogate from the application of Mexican law in Mexico or United States law in the United States. However, the authorities of either country may request the assistance of the other country in seeking appropriate alleviation if the normal application of law in either country might lead to delay or difficulty in the rapid execution of necessary civil emergency measures.
3. The agencies of both governments charged with civil emergency responsibilities will seek to ensure that in areas of common concern, plans of the two governments for the emergency use of manpower, material resources, supplies, systems and services shall, where feasible and practicable, be compatible.
4. Each government will use its best efforts to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment or other resources into its territory or across its territory from one area of the country to another when such movement is desired to facilitate civil emergency operations in either country. To this end:
  - a. To the maximum extent permitted by law and regulation, the Government of the United States and the Government of Mexico, during a period of an emergency, use their best efforts to reduce to a minimum any delays which might otherwise be caused by border crossing requirements. Both governments will also use their best efforts to ensure that civil emergency equipment, facilities, and supplies may be used effectively and to mutual advantage in joint tests, preparations and exercises.
  - b. The agencies of both governments charged with civil emergency responsibilities will consult to identify and to remove any serious potential impediments to cross border assistance, emergency operations and the cross border flow of commodities. Unresolved problems will be reported to the Joint Response Team for appropriate action.
5. For the purpose of emergency relief, health and welfare services, each government will use its best efforts to ensure that those citizens or residents of the other country on its territory are treated in a manner no less favorable than its own citizens.

6. Each government will use its discretionary powers as far as possible to avoid a levy of any national, tax on the services, equipment and supplies of the other country when the latter are engaged in civil emergency activities on the territory of the other, and will use their best efforts to encourage state, provincial, and local authorities to do likewise.
7. When transportation, communication and related facilities and equipment which are subject to the control of one government are made available for emergency use to the other government, the charges to that government shall not exceed those paid by similar agencies of the government making these resources available. To this end, mutually acceptable arrangements shall be worked out as necessary by the two governments.
8. In its emergency planning, each government will include provisions for adequate security and care for the personnel, equipment, and resources of the other country entering its territory by mutual agreement in pursuance of authorized civil emergency activities. Such provisions will also ensure access to supplies necessary for their return.
9. Transportation and other equipment originating in one country at the onset of an emergency may be temporarily employed under mutually agreed terms by the appropriate authority of the country in which the equipment is located.
10. Perishable or other readily consumable supplies located in one country at the time of an emergency but owned by parties in the other country may be disposed of under mutually agreed terms by the appropriate civil emergency authorities of the two countries.
11. Each government will call to the attention of its state, provincial, local or other authorities in areas adjacent to the international border the desirability of achieving compatibility between civil emergency planning in the United States and Mexico. For the purpose of achieving the most effective civil emergency planning cooperation possible between the United States and Mexico, each government will insofar as consistent with national plans and policies, also encourage and facilitate cooperative emergency arrangements between adjacent jurisdictions on matters falling within the competence of such jurisdictions.

## EMERGENCY NOTIFICATION NUMBERS

## **1.0 INTRODUCTION**

In January 1988, the United States of America and the United Mexican States signed the Joint United States of America - United Mexican States Contingency Plan for Accidental Releases of Hazardous Substances along the Border. The Joint Contingency Plan (JCP) provides a framework for cooperation between Mexico and the United States in response to an accidental chemical release incident that may pose a significant threat to both countries, or that affects one country to such an extent that assistance is necessary. As a part of the preparedness and response component of the JCP, a Sister Cities program was established, which pairs 28 cities along opposite sides of the U.S./Mexico border from California through Texas. This program calls for the preparation of Sister City Hazardous Materials Incident Contingency Plans for each of the 14 pairs of cities.

This document is a first step in the preparation of a joint contingency plan for the Brownsville, Texas/Matamoros, Tamaulipas area. It represents a summary of the hazardous materials notification and response protocols in place for Brownsville, Texas, Matamoros, Tamaulipas, and other jurisdictions, as promulgated by local plans. This plan specifically addresses the requirement under the JCP to prepare Sister Cities plans. It is not intended to replace or supplant any other plans in effect in the region, but is designed to aid in a binational response to a hazardous materials incident that may effect the border.

This plan at no time usurps existing Federal, state, county, regional, or municipal plans within the jurisdictional boundary addressed by this plan.

If the region affected declares an emergency under this plan to be in effect, the municipality affected will, subject to its own disaster plan, inform state and Federal officials, as identified in their respective plans. The Cross Border Contingency Plan is activated for the short term only and it will provide specifics for the coordination of resources and equipment.

The initial and prime responsibility for providing immediate assistance rests with the city, county or regional government affected. It is at this level that services such as fire, police, health, and social services, public works, and public utilities are located. An emergency under the Cross Border Contingency Plan may be declared when (1) a city, county or region so requests the head of government, (2) the emergency, due to geography, may dictate evacuation into a neighboring region, (3) that the municipality, county or region affected may request mutual aid support, supplying manpower, resources, social services, fire, public works, emergency health services, and other specialized expertise as deemed necessary by the affected municipality, or (4) the emergency may affect a neighboring municipality, county, or region.

The Plan promotes timely and effective coordination and response between private sectors (industry, other potentially responsible parties and citizens) and public sectors (local, state, and Federal governments). The primary objective of the plan is to develop communication capabilities and encourage coordination of independent response resources acting within local

jurisdictions. The plan aids understanding of regional capabilities and resources and provides a background for planning coordination with state and local officials.

Secondary objectives include the development of notification systems between response organizations in the different countries, and developing international mutual aid agreements. The secondary objectives are being addressed through ongoing cooperative efforts between local planners in Brownsville, Texas and Matamoros, Tamaulipas, United States Environmental Protection Agency (U.S. EPA Region VI), the Mexican Civil Protection Agency (Protección Civil), and the Secretaria de Gobernación.

### **1.1 Brownsville, Texas - Matamoros, Tamaulipas Plan Area**

This plan covers the U.S./Mexico Sister City pair of Brownsville, Texas and Matamoros, Tamaulipas (Figure 1). Brownsville is the seat of Cameron County and is located in South Texas at latitude 25.55<sup>0</sup>N and longitude 97.30<sup>0</sup>W (Figure 2). Matamoros is located across the Rio Grande River, southwest of Brownsville (Figure 3). By highway, the Sister Cities are approximately 275 miles southeast of San Antonio, Texas and 210 miles northeast of Monterrey, Mexico.

Brownsville is situated at an altitude of 30 feet above sea level. Gentle slopes characterize the area. The elevation and topography of Matamoros are comparable. The Rio Grande River is an integral component of the physical environment of the Sister Cities.

The climate is subtropical and humid with an average annual temperature of 74<sup>0</sup>F. The average summer temperature is 84<sup>0</sup>F, while the average winter temperature is 60<sup>0</sup>F. Average annual humidity is 75 percent. Prevailing winds are from the southeast at 15 mph.

Rainfall averages about 25 inches per year, and even though the construction of dams and levees has mitigated most of the flood problems posed by sudden storms in the study area, hurricanes from the Gulf of Mexico may occasionally cause heavy rainfall and flooding. Flooding could pose a significant hazard due to the existence of some chemical facilities within the 100 year floodplain. Flooding of these facilities could result in the contamination of local waterways, including the Rio Grande River (U.S. EPA, 1992).

The estimated cumulative population of the area is 735,260, with 600,000 persons residing in Matamoros and 135,260 persons in Brownsville based on 1994 figures from the Brownsville City Planning Department.

Increasing industrial activity in the study area has resulted in a population growth. Between 1980 and 1990, population of the Brownsville/Matamoros metropolitan area grew by 17 percent, causing problems of uncontrolled urban growth.

### **1.2 Authority**

This plan was developed in accordance with the following Federal statutes and agreements for both countries.

### **1.2.1 Statutes**

- "Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980," PL 96-510; and
- "Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986," PL 99-499 (Title III of "Superfund Amendments and Reauthorization Act (SARA) of 1986," PL 99-499).

### **1.2.2 Regulations**

- 40 Code of Federal Regulations, Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan," (Revised March 8, 1990); and
- 29 Code of Federal Regulations, Part 1910.120, "Hazardous Waste Operations and Emergency Response," (Revised July 1, 1989).

### **1.2.3 Bi-national Agreements**

- Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area (August 14, 1983); and
- Annex II to the Agreement (July 18, 1985).

## **1.3 Other Applicable Contingency Plans**

Sections of the plans described below were adapted for use in various components of this plan.

### **1.3.1 Local Contingency Plans**

- Brownsville/Cameron County Local Emergency Planning Committee (LEPC) Emergency Management Plan: Annex Q, Hazardous Materials Response (1989)

This annex creates an umbrella to protect the health, safety and property of the public from hazardous material incidents for Brownsville. The plan identifies mitigation, preparedness, response, and recovery activities relevant to hazardous material response.

- Matamoros/Protección Civil/Comite Local de Ayuda Mutua (CLAM) Emergency Management Plan: Annex III, Hazardous Materials Response (1994)

This annex creates an umbrella to protect the health, safety and property of the public from hazardous material incidents for Matamoros. The plan identifies mitigation, preparedness, response, and recovery activities relevant to hazardous material response.

### **1.3.2 State Contingency Plans**

- State of Texas DEM 10 Plan.

The state response plan, developed by the Texas Department of Public Safety (DPS) Division of Emergency Management (DEM), describes the procedures, responsibilities and methodology by which the State of Texas will respond to hazardous materials incidents. This plan provides for the support of many state agencies in large-scale hazardous materials incidents by establishing clear methods for interacting with local government.

- State of Tamaulipas Contingency Plan

Protección Civil of the State of Tamaulipas is responsible for developing a state contingency plan. This plan will be based on the Guía Técnica Para Implementación Del Plan Municipal De Contingencias. This guide which is printed by the National civil protection agency provides a guideline by which the state and municipal civil protection agencies will prepare their plans.

### **1.3.3 Federal Contingency Plans**

- National Contingency Plan (9/5/94)

The National Response Team (NRT) developed the National Contingency Plan (NCP) for responding to releases or spills involving oil or hazardous material throughout the United States.

- National System For Civil Protection Plan (1990)

Gobernación developed the National System for Civil Protection for responding to all disasters including releases or spills involving oil or hazardous material throughout the United Mexican States.

- U.S. EPA Region VI - Regional Contingency Plan

The U.S. EPA Regional Response Team (RRT), Region VI, is currently revising a contingency plan which outlines procedures in the event of a release or spill occurring in their region which includes the States of Texas, New Mexico, Arkansas, Louisiana, and Oklahoma.

### 1.3.4 International Contingency Plans

- Joint United States of America - United Mexican States Contingency Plan for Accidental Releases of Hazardous Substances along the Border (January, 1988).

The Joint Response Team (JRT) has developed a contingency plan to respond to spills requiring international coordination between the United States and Mexico.

- Manual for Standard Operating Procedures Based Upon a Cooperative Agreement Between the Mexican Republic and the United States of America to Coordinate Our Joint Responses in the Event of Spills of Petroleum Hydrocarbons and Other Noxious Substances in the Marine Environment (1994).

The U.S. Coast Guard, U.S. Department of Transportation and the Mexican Navy have developed a Gulf Coast Response Plan for hydrocarbon and other noxious substances spills in the marine environment requiring international coordination between the United States and Mexico.

## **2.0 CONCEPT OF OPERATIONS**

This concept of operations provides an integrated and coordinated joint binational response effort to supplement the local emergency response plans following the release of hazardous materials in the geographical area covered under this plan.

### **2.1 Notification**

Any release or substantial threat of a release of a hazardous material affecting or likely to affect another party shall be reported to that party without delay. Appendix A is an emergency response assistance directory that provides contact information.

### **2.2 Private Response Mechanisms**

As Potentially Responsible Parties (PRPs), owners or operators of fixed facilities and transportation facilities, including truck and rail lines and pipelines, must comply with all local, state, and Federal hazardous material planning and reporting requirements.

### **2.3 Local Response**

In Brownsville, the City of Brownsville Fire Department will assume the lead role as Incident Commander (IC). If the incident is beyond the control and/or capabilities of the Brownsville Fire Department, or the incident might impact the border with the United Mexican States, the IC will request activation of the City Emergency Operations Center (EOC). This request will initiate a binational notification response. This response will either be a request for mutual aid from Matamoros, or a request for the State of Texas to initiate a JRT response.

In Matamoros, the system of response will follow established response Standard Operating Procedures (SOPs). This response will be similar to the response in Brownsville. If the IC feels that the incident will exhaust the resources available, or that the incident might impact the border, a request will be initiated to the Brownsville Police Dispatch to request a binational response. As with the Brownsville response, the binational response will involve requesting mutual aid from Brownsville, or a request to Protección Civil to initiate a JRT response.

### **2.4 State Response**

The State of Texas can provide assistance for hazardous materials incidents to Brownsville, Cameron County, if the combined PRP and local capabilities or resources prove to be insufficient or inadequate. The State will appoint a State On-Scene-Coordinator (SOSC) who will assist the IC by providing and overseeing needed State resources.

The State of Tamaulipas can provide assistance through the State's Civil Protection System Coordinator for hazardous materials incidents to Matamoros, if the combined PRP and local capabilities or resources prove to be insufficient or inadequate. The State will appoint a State

On-Scene-Coordinator (SOSC) who will assist the IC by providing and overseeing needed State resources.

## **2.5 Federal Response**

The U.S. Federal government can provide assistance for hazardous materials incidents if combined local and state capabilities or resources prove insufficient or inadequate. Once the National Response Center (NRC) has been notified of a release, they alert the Federal On-Scene-Coordinator (FOSC), who may activate the Regional Response Team (RRT) or the National Response Team (NRT), depending on the severity of the incident. For incidents occurring in Brownsville, the FOSC will be from the U.S. EPA Region VI, headquartered in Dallas, Texas.

Normally, the U.S. EPA contributes to the response by working with the local, state, tribal and Federal agencies and citizens to assure that the information needed to maximize the effectiveness of the response effort is easily accessible. If there is a spill where the PRP is not identified, does not respond to contain or clean up the material, or does an inadequate job responding, Federal responsibilities outlined in the NCP include assisting local responders in the response or, in some circumstances, taking over the response.

Federal agreements between the U.S. and Mexico require that each country notify the other of hazardous materials incidents if there is a release or substantial threat of release which may impact both sides of the border.

If it appears that the incident will reach a level at which local and state resources will be insufficient to bring the event to a successful conclusion, the FOSC in conjunction with the RRT, will initiate a JRT response, and implement the JCP.

Procedures for following the JCP, and initiating a U.S./Mexico JRT operation are detailed in Section 4.

The Mexico Federal Government can provide assistance through the National Civil Protection System for hazardous materials incidents to Matamoros, if the combined PRP and local capabilities or resources prove to be insufficient or inadequate. The State will appoint a State On-Scene-Coordinator (SOSC) who will assist the IC by providing and overseeing needed State resources.

### **3.0 INCIDENT RESPONSE OPERATIONS**

This plan employs the phases of operational response to an incident as outlined in the JCP.

#### **3.1 Discovery and Notification**

Upon the discovery of a hazardous materials release or threatened release within the City of Brownsville, a notification is made to the appropriate emergency organization. The initial notification will involve calling 911, the local fire department or the sheriff's office. The agency receiving the initial contact will follow the Brownsville Police Department's Standard Operating Procedure (SOP) for the notification of all other appropriate agencies. The PRP is also required to notify appropriate Federal and state agencies by contacting the NRC and the Texas Natural Resource Conservation Commission (TNRCC) Spill Response Center. These agencies will also notify appropriate local, state, and Federal agencies.

For Matamoros, the PRP will follow the normal reporting procedures for the City of Matamoros which includes calling 06, Protección Civil and Departamento de Bomberos.

The authority of local government, municipalities, and counties for spill response is similar to authority for other emergency responses for protection of public health and safety, such as response to fire, flood, and civil disturbance. Federal and state laws impose notification requirements to ensure a coordinated response.

Agreements between the Governments of the United States and Mexico require that the countries notify each other in the event of a release or substantial threat of a release of a hazardous substance, pollutant, or contaminant affecting, or likely to affect the other country (JCP Section 202.1).

#### **3.2 Preliminary Assessment and Initiation of Action**

The first official on the scene will assume the role of IC. This duty will be relinquished to the appropriate official upon their arrival at the incident. All agencies report to the established IC for all response and recovery operations. Each agency will provide its own special equipment and reference data, and will function within its field of expertise. If an incident exceeds the resources of the local or county agencies, the appropriate state agency may assume IC duty and coordinate the response and resources of the state agencies. This function may be transferred to the FOOSC, if a Federal response is activated.

##### **3.2.1 Preliminary Assessment**

The first response unit to arrive at the incident will determine whether a potentially hazardous material was released. The first official on the scene assumes the role of IC until the designated official arrives to coordinate the response.

### **3.2.2 Initiation of Action**

Upon arrival on-scene, the predesignated IC will implement the following actions:

- Relieve the first official on-site;
- Establish an Incident Command Post (ICP) and implement the Incident Command System (ICS); and
- If the incident threatens the border or the City of Matamoros or Brownsville, the IC will insure the appropriate notifications are made to the JRT, and if mutual aid will be required, insure that the proper notifications are made to implement a binational response.

### **3.3 Containment**

The IC will implement appropriate measures to contain, restrict, reduce or eliminate the release or threat of release of hazardous materials at the incident, as well as downstream or downwind from the site. This includes defensive action to prevent, minimize, or mitigate an incident to protect public health and the environment.

### **3.4 Documentation and Cost Recovery**

All actions taken during hazardous materials incidents will be carefully documented so that sufficient and accurate information is available to support the response and recovery operations, and to recover costs, if applicable. Documentation should be self-descriptive to prove the source and circumstances of the incident, identity of the PRPs, and impact or potential impact to public health and the environment. Documentation may be written, graphic, audiovisual, or in other form and will include the location of the incident, time, date and duration of the spill, source and cause of the incident, name of the PRPs, description of the released material, resources affected or threatened, status of response and cleanup efforts, and accurate accounting of public costs incurred.

Examples of other forms of documentation of hazardous materials incidents include:

- Daily or personal logs in bound notebooks, to record all relevant response activities for evidential purposes;
- Photographic documentation at the source of the release, pathway of discharge, and affected biota;
- Samples of released material and material from the suspected source collected according to established chain of custody procedures; and/or

Statements of witnesses identifying the source of a release.

### **3.5 Evacuation or Shelter-In-Place**

It is the responsibility of the IC to assess the hazardous materials release or potential release. If there is a threat to the public, immediate action needs to be taken for their protection. Actions which protect the public include first aid, search and rescue, designation of an exclusion zone, shelter-in-place, fire suppression and evacuation.

If evacuation is necessary, the IC will determine the area that will require evacuation. The IC is also responsible for estimating the number of people in the evacuation area and number of people needing transportation assistance. The IC will follow all the appropriate Standard Operating Procedures (SOPs) outlined in the local plans.

The IC will coordinate with law enforcement to identify major evacuation routes and establish traffic control points. Law enforcement will establish evacuation assembly points, monitor traffic flow on evacuation routes and establish security patrols and access control procedures. In a toxic environment, agencies with more appropriate protective clothing and equipment may be called upon to perform these tasks.

If the incident is of sufficient magnitude that the potential for a cross border evacuation exists, the IC will insure that the appropriate border agencies such as immigration, customs, and bridge authorities are notified (see Appendix B).

### **3.6 Post-Incident Management**

The IC, or a designated replacement, is required to remain on-scene until the immediate danger to public health and the environment has been abated. Primary responsibility for the actual cleanup and restoration costs will remain with the PRP. In the event that the PRP is unknown, cleanup is the responsibility of the parcel manager, the lessee, the land owner, the affected jurisdiction, the county agency, the state agency, or the Federal agency having jurisdiction.

Cleanup and disposal of the spill should be accomplished as soon as possible. Prompt action is important to minimize damage to the environment. The first step is to establish the cleanup priorities at the site. Once the priorities are set, determination of appropriate cleanup methods are necessary. The cleanup actions must be constantly monitored to ensure the cleanup priorities are being properly addressed.

Specific methods should be utilized to evaluate the cleanup and determine its effectiveness. The evaluation process should assess impacts on the habitat and organisms, effectiveness of removal, public concerns, aesthetics, and costs. The IC must develop criteria to determine when the cleanup is complete, using applicable or relevant and appropriate requirements. The IC will ensure proper transportation and disposal of hazardous substances in compliance with local, state and Federal laws.

### **3.7 Response and Cleanup Funding Availability**

The IC will attempt to identify and have the party accountable for the release assume responsibility for containment, removal and disposal. In Mexico, this will be responsibility of the Civil Protection Authorities in accordance with the National Protection System.

If it is determined that the PRP is not acting promptly, taking or proposing to take appropriate actions, or if the PRP is unknown, state and Federal funds may be made available to ensure proper cleanup.

Funds may be made available by the SOSC or the FOSC. Depending on the circumstances, money may be made available from one or more of the following funds.

#### **3.7.1 State Funds**

The Texas Natural Resource Conservation Commission (TNRCC) Emergency Response team maintains funds that can be used for the response to hazardous materials incidents. These funds are available on a case-by-case basis, generally for incidents that a responsible party has not been identified, or when there is an immediate threat to life and health. These funds can be accessed by contacting the TNRCC at (512) 463-7727.

#### **3.7.2 Federal Funds**

Hazardous Substance Response Trust Fund (Section 2.1.1, "Comprehensive Environmental Response, Compensation and Liability Act") is administered by the U.S. EPA. The fund can be accessed by contacting the NRC at (800) 424-8802, or the FOSC.

Local Government Reimbursement Program is administered by the U.S. EPA. The fund can be accessed by contacting the RCRA-Superfund Hotline at (800) 424-9346.

### **3.8 Communications**

Communications will be established as per the local municipal SOPS. In the event of a binational response, communications must be effectively established as soon as possible.

Due to the numerous radio frequencies used by the various response agencies in the Sister Cities area, the IC must define a primary response channel or rely on cellular communications. Appendix C provides a listing of the various phone numbers available. Communications between the Matamoros Command and the Brownsville Command must be established and maintained throughout a binational response. This will ensure a secure and reliable flow of information between the two commands.

### **3.9 Health and Safety**

The IC will be responsible for appointing a Site Safety Officer (SSO) for the incident. The IC and SSO will be responsible for developing and implementing a Site Safety Plan to ensure the health and safety of all response personnel. For response across the border, the IC and senior official of each response agency will ensure that the appropriate state and Federal worker health and safety laws of their country are observed while in the neighboring country.

## **4.0 NATIONAL NOTIFICATION AND/OR RESPONSE**

The JCP has been signed and implemented by the United States and the United Mexican States.

### **4.1 Mutual Aid Response**

In the event that a hazardous materials incident has overwhelmed the resources of either Matamoros or Brownsville, the IC or the Commandant de Protección Civil will implement a request for mutual aid from the other sister city.

#### **4.1.1 City of Matamoros Request**

Protección Civil will initiate a request for mutual aid by contacting the Brownsville Police Dispatch. Upon receipt of this request, the Brownsville Fire Chief will make a determination of appropriate actions.

The City of Brownsville may respond with the appropriate resources to aid in the request utilizing the Police Department's SOP for HazMat response. These resources will be determined by a Joint Command established between the Brownsville/Matamoros Fire Chiefs. The responding resources will report to the IC and work under the IC's direction. Brownsville will also activate an EOC on the Brownsville side of the border. The EOC will evaluate the ongoing situation, and assist the IC with resources and technical information. The EOC will also be responsible for ensuring that response personnel from Brownsville are adequately utilized in an effective and safe manner, by coordinating with the senior on-scene response official from each responding agency.

#### **4.1.2 City of Brownsville Request**

The Brownsville Fire Department may initiate a request for mutual aid by contacting Protección Civil representative. Upon receipt of this request, the Protección Civil representative may implement the mutual aid request by providing necessary action, information and/or assistance resources.

The City of Matamoros may respond with the appropriate resources to aid in the request. These resources will be determined by a Joint Command established between the Brownsville/Matamoros Fire Chiefs. The responding resources will report to the IC and work under the IC's direction. Matamoros may activate its equivalent EOC in accordance with the Protección Civil municipal authorities. The EOC will evaluate the ongoing situation, and assist the IC with resources and technical information.

The IC is also responsible for ensuring that response personnel from Matamoros are adequately utilized in an effective and safe manner by coordinating with the senior on-scene response official from each responding agency.

### **4.1.3 Response Duties**

Local agencies are responsible for emergency planning and preparedness within their jurisdictions. The agencies are expected to assume lead roles during the emergency phase of the incident. Local agencies will conduct response activities within the scope of department training and capabilities. Local agencies will provide emergency response services including, but not limited to:

- notification;
- initial hazard identification;
- initial sampling to determine concentrations of materials, if possible;
- communications;
- rescue and emergency medical service;
- fire fighting;
- security (site perimeter, traffic, and crowd control);
- on-scene liaison with other agencies and organizations; provide public information;
- evacuation; and shelter.

Local government assignments in Brownsville, Texas are generally shared among the Brownsville Fire Department, Cameron County Sheriff's Department, Brownsville Police Department, Cameron County Emergency Services, emergency medical services, public works and health department. Detailed roles and responsibilities of these agencies can be found in the Brownsville and Cameron County plan. Specific actions to be taken in response to a binational response can be found in Appendix D through G of this plan.

When responding to requests for mutual aid, local response agencies from both sides of the border will adhere to their department SOPs. At no time should personnel from either city be requested to perform duties outside their training and capabilities. Incident Commanders in both cities will become familiar with the capabilities of the agencies available for response, and use the personnel from the agencies in an appropriate manner. If concerns arise, the Fire Chief Joint Command and respective EOCs will be notified and an appropriate decision will be made at that level.

## **4.2 Joint Response Team**

When the magnitude of an incident exceeds local and state response capabilities, or when a response involves more than one state jurisdiction, or Federal lands, the Federal government will coordinate the response operation and provide assistance as necessary.

Regional level contingency planning is performed by the U.S. EPA RRT, and national level contingency planning through the National Response Team (NRT). In Mexico, Protección Civil has jurisdiction of hazardous materials incident planning. The JRT performs U.S./Mexico border area contingency planning and training activities. The JRT is chaired by the U.S. EPA for the U.S. and by Gobernación for Mexico.

#### **4.2.1 U.S. Environmental Protection Agency**

The U.S. EPA activates and operates the Federal response system for inland hazardous materials incidents and provides an FOSC who can assess technical resources to provide expert advice on public health and environmental effects of a release.

#### **4.2.2 Regional Response Team**

The Regional Response Team (RRT) is co-chaired by the U.S. EPA and the U.S. Coast Guard and consists of representatives from selected state and Federal agencies. It plans, prepares and responds to hazardous materials incidents, providing advice and recommendations to the FOSC. It may request resources from local, state or Federal agencies and the private sector.

#### **4.2.3 Protección Civil**

The Sistema Nacional de Protección Civil shall establish, in each federal and municipal entity, civil defense organizations to handle emergencies occurring in each jurisdiction. Protección Civil has prepared the "ANEXO III - Plan de Respuesta a Emergencia Con Materiales Peligrosos" (Annex III - Hazardous Materials Response Plan). This plan is designed to be used by all entities in Mexico to aid in developing contingency plans for Hazardous Materials incidents and is co-chaired by the Director of the Chemical Emergency Preparedness and Prevention Office (CEPPO) in Washington D.C.

### **4.3 JRT Responsibilities**

For inland releases, the U.S. EPA provides the FOSC. Upon notification of a release of hazardous substances that is crossing or is likely to cross the U.S./Mexico border, the NRC will notify the FOSC, who will determine as quickly as possible the need for activating the RRT, the JRT, the Environmental Response Team (ERT), or the NRT. For incident notification in Mexico, Protección Civil maintains a 24-hour telephone number in Mexico City.

When the U.S. and Mexico have agreed to initiate a joint response to an incident, the function and responsibilities of the JRT include:

- Advise the FOSC about measures needed to respond to the incident and what resources are available to carry out those measures;
- Evaluate and make recommendations concerning the measures taken by the FOSC;
- Provide continuing advice to the FOSC;
- Coordinate and use as appropriate the resources that agencies or persons of the U.S. or Mexico or a third party can contribute;
- Assist the FOSC in preparing information releases for the public; and
- Participate in the termination of response.

## **5.0 TRAINING AND EXERCISES**

The Cross Border Contingency Plan, as written pursuant to the U.S./Mexico JCP, is an administrative summary of the relevant hazardous materials emergency response plans which have jurisdiction within the planning area. Each of the operational plans referenced require training and exercising to ensure that responders are always in a state of readiness. The concepts and resources for training and exercising are important to emphasize as binational relationships and activities develop.

Preparing a written plan with well-defined operational roles, policies and resource acquisition procedures is an essential step. The written plan should contain training requirements and procedures for responders. Exercising the plan provides training, allows response personnel to become thoroughly familiar with response procedures, resources and systems, and enables planners to identify areas of the plan which need improvement. Appendix H and I present the Acronyms and Definitions, respectively. Appendix J presents references to response procedures and understandings from various agencies.

### **5.1 Training**

Individual agencies are responsible for their own training. Internal training, private contractors, and state or regional training resources are some of the options available to local agencies. Agencies must ensure that personnel are adequately trained for response operations that they may perform. This training must comply with all applicable local, state, and Federal worker health and safety regulations.

### **5.2 Exercises**

Local and regional hazardous materials contingency plan exercises are encouraged, as they are the best means of keeping the plans current and active. Brownsville/Matamoros routinely conduct joint exercises that allow for cross training of personnel. This ensures that deficiencies in response activities are identified. In keeping the Brownsville/Matamoros Sister Cities Hazardous Materials Incident Contingency Plan current, the plan will be exercised annually.