

**Adams and Jefferson County Hazardous Response Authority
FIELD OPERATING GUIDELINES**

ADMINISTRATIVE

F.O.G. #: 109

DATE: October 19, 2018

CATEGORY: Financial Responsibility

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I. Purpose:

- A. To define AJCHRA Financial Responsibility.

II. Guideline:

- A. The “Primary Responsible” for the assumption of all costs for the cleanup and disposal of any hazardous materials incident shall be in the order listed below. These items are guidelines only and current state statute needs to be referred to for legal authority (§29-22-102 CRS).
 - 1. Order of “Primary Responsible” persons:
 - a) The person, persons, or agency whose neglect, action, inaction, or willful or deliberate act caused or allowed to perpetuate the incident;
 - b) The person, persons, or agency that owned or had custody or control of the transportation vehicle, which was moving the hazardous material and its containers at the time of the incident, occurred or was discovered and reported;
 - c) The person, persons, or agency that owned or had custody or control of the hazardous material and its containers at the time the incident occurred or was discovered and reported;
 - d) The person, persons, or agency that owns the property or who has immediate financial and tax liability to the property on which the incident occurred.
- B. The incident commander, fire department investigator and / or the appropriate law enforcement agency shall work together to identify the "Primary Responsible" party for every hazardous materials incident. The person, persons, or agency identified as the "Primary Responsible" shall be liable for all cost associated with control, identification, and cleanup.
- C. If the incident is on City property (street, curb, city parking lot, sidewalk, parks, etc.) and the spiller is unknown, or is known but unable to assume financial liability. The responsibility for assuming all cost associated with control, identification and cleanup may be the responsibility of the DERA for the City in which the incident is located.
- D. If the incident is on County property (street, curb, county parking lot, sidewalk, parks, etc.) and the spiller are unknown, or is known but unable to assume financial liability. The responsibility for assuming all cost associated with control, identification and cleanup may be the responsibility of the DERA for County in which the incident is located.
- E. If the incident is on State property (highway, curb, sidewalk, parks, etc.) and the spiller is unknown, or is known but unable to assume financial liability. The responsibility for assuming all cost associated with control, identification and cleanup may be the responsibility of the State department responsible for the location in which the incident is located.