

Hazardous Materials

The Board of Education recognizes its responsibility for providing an environment which is reasonably secure from known hazards. There are many areas of the school operation, from science laboratories and art departments to custodial services and vehicle maintenance, which use a variety of materials that are hazardous.

Hazardous materials include any substance or mixture of substances that poses a fire, explosive, reactive, or health hazard as more fully defined by law.

The Board, through the Superintendent, shall cause to be created procedures which address the purchase, storage, handling, transportation, and disposal of hazardous materials for all school facilities and operations including instructional areas. Emergency response actions and evacuation plans also shall be coordinated with the procedures.

The procedures shall comply with all local, state, and federal laws and regulations which pertain to the safe and proper storage, transportation, and disposal of hazardous materials.

The goal of the procedures shall be to set into place an ongoing process by which each location in the District may begin a program of identifying and managing potentially hazardous materials. District personnel shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the quantities of such substances stored on school property.

Appropriate school personnel shall be trained to take precautions to prevent accidents and to handle them in the event they do occur.

It is not the intent of the Board to expand or modify the District's potential liability exposure through the adoption of this policy. The District's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation.

REGULATIONS:

1. *Hazardous Materials Program Supervisor*

Overall supervision of the operation of all hazardous materials policies and procedures within the District will be the responsibility of the *Superintendent (or his/her designee)* who will serve as the hazardous materials program supervisor, referred to throughout these procedures as the "supervisor."

At each location, a District employee (*the principal or appropriate director*) will be designated as the local hazardous materials coordinator, referred to throughout these procedures as the "coordinator." At each location, there also will be an alternate District employee designated as a backup to the coordinator.

The coordinator will be responsible for all aspects of dealing with hazardous materials at the location and will comply with all District policies and procedures and local, state, and federal laws and regulations dealing with hazardous materials. The coordinator also will be responsible for reporting any violations in the District's hazardous materials policy or procedures simultaneously to the supervisor and the building/location administrator.

2. Initial Inventory and Material Identification

The supervisor will cause an initial inventory of all hazardous materials to be completed throughout the District to identify potentially hazardous substances. The supervisor will:

- a. contract for a qualified hazardous materials person/firm to conduct the inventory of hazardous materials at each location with assistance of the supervisor and the location/building administrator (*or his/her designee*). This person/firm also will coordinate the identification of any unknown materials.

OR

- b. designate a qualified District employee to conduct the inventory of hazardous materials at each location with the assistance of the supervisor and the location/building administrator (*or his/her designee*). This person also will coordinate the identification of hazardous materials.

The party conducting the inventory will work with and provide training in the proper process of identifying hazardous materials to at least one designated District employee at each location (*either the coordinator or an individual directly in charge of any of the hazardous materials storage/use areas*).

At the direction of the coordinator, these trained employees will conduct all future inventories.

The coordinator will arrange for the identification of any unknown suspected hazardous substance through the supervisor.

3. Tracking, Inventory, and Material Safety Data Sheets

Each coordinator will be responsible for logging in the receipt of all hazardous materials received at his/her location. The coordinator will track and keep complete written records of the storage, use and ultimate disposition of the hazardous materials. On or before December 31 of each year, the coordinator will provide a copy of the current inventory log and record of disposition of all hazardous materials to the supervisor.

The supervisor will maintain a copy of each location's inventory and documentation of all hazardous materials. This information may be released to appropriate police, fire, and

emergency service authorities.

The supervisor will be responsible for establishing and maintaining the material safety data sheets (*MSDS*) system for the District.

Each operation and location will maintain a set of *MSDS* in its area for all hazardous materials with which it has contact. These *MSDS* will be available for review and use by every District employee. The *MSDS* also will be available for inspection by appropriate police, fire, health, and emergency service authorities.

The purchasing department and the warehouse each will maintain a set of *MSDS* for all hazardous materials with which they have had contact.

4. *Purchase of Hazardous Materials*

In addition to following the District's regular purchasing procedures, an employee may purchase hazardous materials only with the approval of the coordinator for use at a specific location. The purchasing department will not process any purchase order which does not include the appropriate approval.

The supervisor, the purchasing department, and the warehouse will maintain a list of prohibited hazardous materials which will be updated at least once a year.

Hazardous materials will not be purchased through any mechanism other than a purchase order through the purchasing department unless the following conditions are fulfilled:

- a. The requestor secures the prior written approval of the supervisor.
- b. The requestor provides written notice of the purchase along with copies of all supporting documents including *MSDS* and the reason for the purchase to the supervisor, the location/building administrator, and the supervisor of purchasing.

All purchase orders for hazardous materials will include a requirement that the shipment of any such materials includes *MSDS* with any order or portion of the order. Purchase orders also will note that failure to provide *MSDS* with the shipment may result in either the District's refusing to accept the shipment or the District's conditionally accepting the shipment and refusing to pay for it until *MSDS* are provided.

Any unapproved purchase of hazardous materials is beyond the course and scope of the District employee's authority and is forbidden. Such a purchase may be grounds for termination.

The above procedures also will apply to the acceptance of donated hazardous materials.

5. *Storage, Recycling, or Transfer of Hazardous Materials*

The supervisor shall designate an area or areas for storage of:

- a. Materials which might become or are hazardous materials.
- b. Hazardous materials which have been declared waste and are being held for disposal.

The supervisor may designate storage areas at each location if appropriate as well as a central district storage site.

When a coordinator has a material which qualifies as hazardous material at his/her location and which may require disposal, the coordinator will contact the supervisor to arrange for storage, transfer, or disposal as appropriate. Materials no longer needed at one location may be available for transfer within the District to other programs or locations.

When materials are not needed by a District location, operation, or program, the materials may be declared as waste. Only the supervisor will be authorized to declare a hazardous material as waste.

Storage of hazardous materials will be in compliance with federal, state, and local law. All hazardous materials will be separated according to physical properties and stored safely in storage areas appropriate to the risk posed by the materials. For example, volatile substances such as petroleum distillates will be stored in approved safety cabinets. Where appropriate, storage cabinets may be locked and access to students or non-authorized staff limited.

All containers for hazardous materials will be labeled to show date of receipt by the District, shelf life and expiration date. Where space permits, materials will be stored so that the oldest materials are used first (*first in-first out*).

Transfer of hazardous materials within the District will be accomplished in compliance with Section 7 of these procedures.

6. *Disposal of Hazardous Materials*

When a coordinator or a location/building administrator believes that (s)he has materials which may qualify as hazardous for which there is no immediate need for program or operation requirements or which may need to be disposed of, (s)he will contact the supervisor. Only the supervisor will be authorized to declare materials to be waste, excess, or surplus and to order their disposal.

When materials are determined to be ready for disposal, the supervisor will arrange for disposal in a manner that complies with all local, state, and federal laws and regulations.

Federal and state laws and regulations provide exemptions from certain regulatory requirements for small quantity generators, i.e., those entities or locations that generate waste in amounts below statutory or regulatory threshold amounts. Disposal determinations should preserve small quantity generator status for each location and for any central storage area.

The supervisor will maintain written documentation of hazardous materials from all locations in the District. This documentation will be retained in permanent form at one additional location.

7. Transportation of Hazardous Materials

Transportation of hazardous materials will meet all local, state, and federal requirements and will be coordinated by the supervisor.

Federal regulation of the transportation of hazardous materials is extensive, complex, requires significant insurance protection, and involves specialized training of staff and special equipment. Because the District cannot meet these requirements economically with current staff, equipment and training, the District will arrange for qualified third parties to transport any hazardous waste or hazardous materials outside the state.

Once a hazardous material is under District control, each location controlling the material will be responsible for the material until it is passed to the control of another District location. The supervisor will verify that the transportation used meets all District, local, state, and federal transportation, financial responsibility, and insurance requirements.

Unless specific written approval is received by a District employee from the supervisor, no District employee or volunteer will transport hazardous materials owned by or attributed to the District in his/her personal automobile.

Subject to the same requirement, no student will be permitted by any District employee or volunteer to transport hazardous materials owned by or attributed to the District in any vehicle, including District vehicles.

Any unauthorized transportation of hazardous materials is beyond the course and scope of the District employee's or volunteer's authority and is forbidden.

8. Emergency Response Plan

The supervisor will develop an emergency response plan that will enable any District employee aware of any incident involving hazardous material to take appropriate action to protect students, staff, the general public, and District property.

This plan will comply with all applicable laws and regulations and will be coordinated with the District and the location evacuation plans.

In addition, a plan to handle spills and leaks will be developed for each location for all hazardous materials at the location. The plan will address immediate emergency procedures, required notification and clean-up procedure and will comply with all applicable laws and regulations.

All information regarding a hazardous materials incident will be released to the media or the public only by the District's communication officer, the Superintendent, or their designee. No other District employee is authorized to release information regarding any such incident.

The supervisor will coordinate with the District's legal counsel and the Superintendent's office any notification or reports to local, state, and federal authorities as well as the District's appropriate insurance/risk management representative.

9. Evacuation Plan

An evacuation plan will be developed and implemented for each location. In developing the evacuation plan, consideration will be given to the location and the types of hazardous materials present at the location.

An evacuation drill will be held at least once each calendar year at each location. Where possible, this plan will be coordinated with existing fire drills, bomb threat evacuation plans, and tornado drills and may be conducted in conjunction with any of these other drills. Written records of the drill will be maintained by each location.

As appropriate for the location, copies of the evacuation plan will be posted within the buildings. Copies of the evacuation plan will be maintained by the coordinator, the location/building administrator, the supervisor and any other designated person approved by any of the above-named persons.

Where practical, the evacuation plan will be coordinated with the fire department, police department, and the District's transportation department.

10. Training of Staff and Students

The coordinators, administrators, staff members handling hazardous materials, and school nurses/health paraprofessionals will receive training in responding to hazardous materials emergency incidents.

When hazardous materials are used in the classroom, both staff and students will be trained in the handling, storage, and use techniques appropriate to the materials used as part of the curriculum. The staff also will be instructed to emergency procedures,

including evacuation, appropriate to the materials.

11. The supervisor shall be responsible for ensuring that the procedures outlined in this policy are reviewed and, if necessary, revised at least every two years.

LEGAL REF.:

42 U.S.C. Section 6901 (1982 & Supp. III 1985) (*Resource Conservation and Recovery Act--RCRA-- and accompanying regulations*)
42 U.S.C. Section 9601 (1982 & Supp. IV 1986) (*Comprehensive Environmental Response Compensation and Liability ACT--CERCLA-- and accompanying regulations*)
49 U.S.C. 1801 (*Hazardous Materials Transportation Act*)
C.R.S. 13-12-108.5 (*persons rendering assistance relating to discharge of hazardous materials immune from civil liability*)
C.R.S. 24-10-106.5 (*duty of care in Colorado Governmental Immunity Act*)
C.R.S. 25-15-101 et. seq. (*State Hazardous Waste Management*)
C.R.S. 29-22-101 et. seq. (*Hazardous Substance Incidents*)
C.R.S. 40-2.1-101 et. seq. (*Transportation of Hazardous Materials Act*)
C.R.S. 42-4-228 (*vehicles transporting explosive or hazardous materials*)
C.R.S. 42-4-234 (3)
C.R.S. 43-6-101 et. seq. (*Hazardous Materials Transportation Act of 1987*)
1 CCR 301-1, Rules 2202-R-3.16 (2) (*accreditation rule*)
6 CCR 1007-3, Part 261 (*identification and listing of hazardous waste*)
8 CCR 1507-1 (*operation of commercial vehicles and transportation of hazardous materials*)
Applicable local fire codes

CROSS REF.:

DJB, Purchasing Procedures
EBCA, Disaster Plans