

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8G
From: Staff
Date: June 19, 2015 Council Meeting
Subject: 2015-2016 Florida Division of Emergency Management Contract Agreement

Introduction

Annually, each regional planning council is asked to enter into a contract agreement with the Florida Division of Emergency Management (FDEM) for hazardous materials planning assistance. The contract agreement is administered by the FDEM and implemented by the District 10 Local Emergency Planning Committee/Treasure Coast Regional Planning Council staff.

Background

It is anticipated that funding for the Hazardous Materials Planning Assistance Program for the 2015-2016 contract agreement will be \$48,000 to carry out the scope of work. However, Council has not yet received a contract from the FDEM. If a contract is received prior to the Council meeting, an addendum to this staff report will be provided.

Exhibit A contains the scope of work for the current contract agreement. FDEM staff has indicated that the scope of work for the 2015-2016 contract agreement will likely remain the same. The work categories include:

- Staffing the Local Emergency Planning Committee
- Plan Development and Exercise
- Technical Assistance to Counties and Facilities

Recommendation

Council should authorize the Executive Director to execute a final contract agreement on behalf of Council.

Attachment

Exhibit A

Scope of Work

On October 17, 1986, Congress enacted the Emergency Planning and Community Right to Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA). EPCRA requires hazardous chemical emergency planning by Federal, State and local governments, Indian Tribes, and industry. Additionally, EPCRA requires industry to report on the storage, use and releases of certain hazardous materials.

At the Federal level, the U.S. Department of Environmental Protection Agency (EPA) administers EPCRA.

At the state level, the Florida Division of Emergency Management (DEM) serves as the lead agency responsible for oversight and coordination of the local planning efforts required by EPCRA. Created by Governors Executive Order and chaired by the Director of DEM, the State Emergency Response Commission on Hazardous Materials (SERC) serves as a technical advisor and information clearinghouse for state and federal hazardous materials programs. Additionally, the SERC conducts quarterly public meetings in varying locations throughout the state. Currently, SERC membership consists of 27 Governor-appointed individuals who represent the interests of state and local government, emergency services, industry and the environment.

At the local level, the eleven Regional Planning Councils (RPCs) each oversee a Local Emergency Planning Committee (LEPC) that: (1) performs outreach functions to increase hazardous materials awareness; (2) collects data on hazardous materials stored within the geographical boundaries of the RPC; (3) develops hazardous materials emergency plans for use in responding to, and recovering from, a release or spill of hazardous or toxic substances; (4) submits hazardous materials emergency plans to the SERC for review; (5) provides the public with hazardous materials information upon request. LEPC membership consists of local professionals representing occupational categories such as firefighting, law enforcement, emergency management, health, environment, and / or transportation. This Agreement provides funding so that the Recipient, as an RPC, can maintain the staff capability necessary to perform the duties and responsibilities required by EPCRA. Payments are on a reimbursable basis and shall be made on a quarterly basis. ***The maximum payment during any quarter shall not exceed 25% of the total award in the first quarter, 50% of the award through the second quarter and 75% of the award through the third quarter. The LEPC will NOT be reimbursed for hours worked outside the reporting period.***

TASKS

(1) PROVIDE STAFF SUPPORT TO THE LOCAL EMERGENCY PLANNING COMMITTEE

The Recipient shall:

(a) Designate at least one employee to support the quarterly LEPC meetings. The support for the LEPC meetings shall include the following: developing agendas and preparing minutes of the meetings in accordance with Section 252.90, Florida Statutes; providing timely notice to LEPC members and the general public of meeting dates and locations and other LEPC activities; publishing meeting dates in the Florida Administrative Register in accordance with Chapter 120, Florida Statutes; posting meeting agendas on the Recipient's website at least seven days prior to the meeting in accordance with Chapter 120.525, Florida Statutes; providing timely notice of meetings to local newspapers, other appropriate media, and interested parties; providing pertinent documents and materials for distribution at the meetings; attending the meetings; and, conducting presentations as requested by the Division;

(b) Serve as the mailing address for the LEPC;

(c) Maintain records concerning reporting notifications pursuant to Sections 302, 303, 304, 311 and 312 of EPCRA.

(d) Notify the Division of any changes regarding the individual designated as the primary staff contact.

(e) Utilize uniform reporting forms as established by the SERC.

(f) Within the limits of compensation as set forth in this Agreement, attend all hazardous materials training courses, workshops, and conferences conducted by the Division within the district.

(g) Conduct public presentations, on request, for interested parties in the district on the EPCRA program within the limits of compensation as set forth in this Agreement.

(h) Prepare and send materials to those individuals requesting EPCRA information pursuant to Section 324 (a) of EPCRA. Copying costs consistent with Section 252.88(4), Florida Statutes, shall be charged to the recipients of materials. Charges for public information searches shall be consistent with Rule 27P-14.010, Florida Administrative Code. Any copying charges recovered by the LEPC shall be reported to the Division in the quarterly report.

(i) In newspapers of general circulation within the Recipient's geographical boundaries, publish public availability of information notifications pursuant to Section 324(b) of EPCRA.

(j) As directed by the SERC, establish a mechanism that provides for information sharing and feedback to Section 302 facilities within the District regarding emergency planning and hazards analyses.

(k) Provide the Division with a report each quarter, due by the 30th day following the end of the quarter, to include all reimbursement request documentation (time logs, cancelled checks, travel claims, third party contracts, administrative expense, and indirect costs). Reporting quarters end September 30, 2015, December 31, 2015, March 31, 2016 and June 30, 2016.

(2) PLAN DEVELOPMENT AND EXERCISE

The Recipient shall:

(a) Prepare and update the LEPC Hazardous Materials Emergency Response Plan. The LEPC plan shall include and address each of the planning provisions outlined in Section 303(c) of EPCRA and shall consist of the following:

1. Identification of facilities, within the counties in the district that are subject to the requirements of Section 302 of EPCRA.

2. Hazards and Vulnerability Analyses of the chemicals covered under Section 302 of EPCRA consistent with Section 303 of EPCRA, and the provisions of NRT-1 and "Technical Guidance for Hazards Analysis."

3. A Risk Analysis of the chemicals covered under Section 302 of EPCRA, consistent with Section 303 of EPCRA, and with the provisions of NRT-1 and "Technical Guidance for Hazards Analysis."

4. The work product submitted by the Recipient to fulfill this plan development task is not required to include Hazards, Vulnerability and Risk Analyses appearing verbatim in the county

information; however, the work product shall include a complete listing of sites for which Hazards, Vulnerability and Risk Analyses have been performed. This listing must include, at a minimum, facility name, facility physical address and the county where the facility is located.

(b) If not performed in the previous award period, conduct an exercise involving the hazardous materials emergency plan during the award period. This exercise may be a tabletop, functional or a full-scale simulation and should test a minimum of two functional areas (e.g., communication, evacuation, resource management). The exercise shall be regional in scope to reflect an incident requiring a multi-jurisdictional or a cooperative response. The Recipient shall use the Homeland Security Exercise Evaluation Program (HSEEP) to plan, conduct and evaluate the exercise. The required exercise staffing tasks consist of the following:

1. Meet with local emergency management staff and local emergency response officials within the district to accomplish the following:

- (a) Explain the intent and scope of the exercise;
- (b) Establish a method to coordinate procedures among local emergency response officials;
- (c) Identify key personnel to be involved in the exercise which shall include county emergency management staff, and
- (d) Develop exercise goals and objectives.

2. Develop an exercise scenario which includes the following work products:

- (a) A detailed schedule of exercise events;
- (b) Exercise messages; and
- (c) Exercise control procedures and responsibilities.

3. Conduct and evaluate exercise. Following the completion of the exercise, all major participants will meet to discuss the exercise. Discussion should include the following:

- (a) Identification of areas for improvement in the regional hazardous materials emergency plan;
- (b) Discussion of the effectiveness of operational procedures; and
- (c) Recommendations for improving performance.

4. If an actual event involving hazardous materials is used to substitute for an exercise, all reports and documentation must be submitted prior to the end of the contract period to receive credit for the exercise requirement. The use of this option requires written approval from the Division prior to the end of the contract period.

5. The Recipient shall develop an after-action report for the LEPC biennial exercise containing the results of the exercise, a summary of the post-exercise meeting in c. above, and subsequent recommendations. The report should also reflect what is being done, or will be done, to address the recommendations.

6. Upon mutual consent, the exercise work tasks may be adjusted or revised for good cause. Requests for revision(s) shall be submitted in writing to the Division at least 7 business days in advance of the exercise and shall outline the justification(s) for the revision(s).

(3) TECHNICAL ASSISTANCE

The Recipient shall:

(a) Assist in county hazards analysis development within the LEPC district by providing technical assistance when requested in the development of chemical identity, vulnerability, risk and hazards analyses of the chemicals covered under Section 302 of EPCRA.

(b) Distribute SERC-developed hazardous materials training course information and assist the Division in scheduling and conducting hazardous materials workshops and training.

(4) TRAINING COORDINATION / PLANNING

The Recipient may:

(a) Utilize funding from this agreement in conjunction with planning and coordinating HMEP training

(b) Utilize funding from this agreement in conjunction with planning and coordinating Transportation and Community Awareness and Emergency Response (TRANSCAER)