

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 9  
From: Staff  
Date: September 16, 2016 Council Meeting  
Subject: 2016-2017 Hazardous Materials Emergency Preparedness Contract Agreement

Introduction

The Hazardous Materials Transportation Act of 1990 provides the U.S. Department of Transportation (DOT) authority to strengthen interagency coordination and technical assistance with respect to hazardous materials emergency response planning and training. As part of this Act, the DOT annually provides funding to states, U.S. territories, and Indian Nations under two separate hazardous materials grant sections, planning and training. Fees collected from highway, rail, and air shippers and haulers of hazardous commodities fund such grants.

Annual funding under the DOT's Hazardous Materials Emergency Preparedness (HMEP) Grant Program is distributed in two parts for planning and training. Planning grants are used to augment local public awareness of hazardous materials through workshops, seminars, and advertising. Training grants support public sector emergency first responder hazardous materials training initiatives. First responders may include employees of utilities, public works, road and bridge, and other public sector agencies, as well as firefighters, emergency management services, and law enforcement personnel.

Background

The federal Emergency Planning and Community Right-to-Know Act of 1986 requires Local Emergency Planning Committees (LEPCs) to be established in each state, requires that fixed facilities report storage and use of hazardous materials, and includes provisions for local planning and training. The Treasure Coast LEPC represents Indian River, Martin, Palm Beach and St. Lucie counties.

During past grant cycles, Council has administered the following planning projects on behalf of the Treasure Coast LEPC: How-to-Comply seminars; community outreach and information workshops; regional hazardous materials response team's needs assessments; and hazardous materials facility summaries. The training component of the HMEP grant provides funding to conduct training for agency personnel that respond to hazardous materials incidents. Classes conducted during the last HMEP grant year included: hazardous materials awareness level,

advanced life support for hazardous materials, incident response operations, and incident command system training.

In Florida, the Florida Division of Emergency Management (FDEM) administers HMEP grants to LEPCs to fulfill annual planning and training activities. Council staff administers the planning and training projects of the grant on behalf of the Treasure Coast LEPC. Council is in receipt of the contract from FDEM for the period of October 1, 2016 – December 31, 2017 for \$63,508 to conduct planning and training for the region (Scope of Work attached).

Recommendation

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

Attachment

**Attachment A**  
**Scope of Work**

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the US Department of Transportation to provide assistance to public sector employees through training and planning projects to States, Territories, and Native American tribes for emergency response. The purpose of this grant program is to increase State, Territorial, Tribal and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right to Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations. The program is funded by registration fees collected from hazardous materials (hazmat) shippers and carriers who offer for transportation or transport certain hazmat in interstate, intrastate, or foreign commerce in accordance with 40 CFR Part 107, Subpart G. These fees fund training and planning grants, monitoring and technical assistance, curriculum development, and staffing costs. Registration fees also fund the publication and distribution of the Emergency Response Guidebook (ERG).

At the Federal level, the US Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) administers the HMEP grant.

At the state level, the Division of Emergency Management (DEM) serves as the grant recipient responsible for the oversight and coordination of the local planning and training efforts allowable under the grant. Chaired by the Director of DEM, the State Emergency Response Commission on Hazardous Materials (SERC) serves as the 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.

At the local level, the ten Regional Planning Councils (RPCs) each oversee a Local Emergency Planning Committee (LEPC) that: (1) creates or updates regional hazardous materials emergency response plans; (2) has the option to perform an annual planning project or hazardous materials related exercise designed to enhance emergency response to a transportation related hazardous materials incident; (3) provides hazardous materials emergency response training to public sector employees; (4) Performs travel in conjunction with quarterly State Emergency response Commission, Local Emergency Planning Committee and Training Task Force Meetings. This agreement provides funding so that the Recipient, as an RPC, can maintain the capability necessary to effectively respond to hazardous material transportation related emergencies. Payments shall be made upon completion of travel as identified above or a specific planning or training deliverable. Invoices must be submitted within 45 business days of completed deliverable or travel.

The recipient has the option of one of six Planning Projects, but must complete the Public Sector Training Assistance tasks outlined in the Scope of Work.

PLANNING PROJECT

The Recipient has the option to perform one of the six planning project options listed in this attachment and all tasks shall be completed by December 31, 2017. The Recipient shall notify the Division, electronically or via U.S. Postal Service, of its choice of a planning project option within seven business days of receipt of the executed Agreement.

### **Option 1: TRAINING NEEDS ASSESSMENT SURVEY OF PUBLIC SECTOR HAZARDOUS MATERIALS FIRST RESPONDERS**

Funding is provided to perform eligible activities as identified in the Hazardous Materials Emergency Preparedness Program. The staff assigned to this program should conduct activities pursuant to this scope of work with the support of the Local Emergency Planning Committee (LEPC) and consistent with the direction of the Division. The work tasks include, but are not limited to the following activities.

**Task 1:** The Recipient shall conduct a training needs assessment survey of public sector hazardous material first responders within the LEPC district. The Recipient shall:

- a) Develop a list of training courses related to the transportation of hazardous materials which comply with current National Fire Protection Association or Occupational Safety and Health Administration guidelines; include spaces for the participant's name, title and place of employment on the training courses list.
  - b) Prepare individual training needs assessment packages that include the list of training courses, and instructions for completing and returning the survey paperwork to the Recipient.
  - c) Distribute the training needs assessment package to public sector fire department, law enforcement, emergency medical services and public works personnel within the LEPC district.
  - d) Within the limits of funding available, conduct one regional training needs assessment workshop for public sector fire department, law enforcement, emergency medical services and public works personnel within the LEPC district.
  - e) A copy of each individual training needs assessment summary of each entity, as provided in the assessment tool instructions, in addition to all raw data collected pursuant to completion of this project.
  - f) Provide a complete overview summary of all teams assessed including a comprehensive review of all the statistical values without reference to individual team entities.
  - g) Ensure knowledgeable application of the assessment tool through ensuring all assessors meet or exceed the requirements for an assessor as expressly defined within the assessment tool.
  - h) Utilizing an existing assessment survey questionnaire (approved by the Division), ascertain the response needs of all response entities relative to the Extremely Hazardous Substances known to exist in the region. The survey should include, but is not limited to, existing:
    - 1) Hazardous materials response equipment
    - 2) Hazardous materials response training
    - 3) Hazardous materials trained personnel, including level of expertise
- f) Submit a list of agencies that will be targeted to receive the assessment survey.

**Task 2:** The Recipient shall develop an analysis of the public sector hazardous materials training needs in the LEPC district response capabilities and needs of the region, including a matrix of public, private, local and regional response teams. In the analysis recommendations, include any noted resource or equipment deficiencies and any restrictions or special considerations that would prohibit the response organization's participation in a hazardous materials incident.

- a) Prepare a summary of the assessment survey analysis and distribute to survey participants and other interested parties.

- b) Provide the Division with a project outline and timetable which indicate the estimated time frames to complete individual tasks. Include a brief description of the methods that will be used to accomplish the work tasks.
- c) Prepare and submit to the Division a report of the findings and data collected, including any recommendations regarding the assessment(s) or survey(s).
- d) Provide a written report to the Division within ten (10) working days of identifying any significant impediments to the completion of the project tasks as outlined in this scope of work.
- e) Maintain accurate records of personnel hours spent performing the tasks outlined in this scope of work. Personnel participating in HMEP-sponsored planning projects are to be counted toward the state's 20 percent contribution to the HMEP grant for the hours spent on the project. This "soft-match" contribution must be documented by the Recipient and submitted on the year-end program summary (See Attachments K and N). Personnel hours paid with HMEP or other Federal grant funds are not eligible for soft-match.
- f) Incorporate the results of this planning project into the annual update of the LEPC's hazardous materials emergency response plan.

### **Option 2: COMMODITY FLOW STUDY**

Funding is provided to perform eligible activities as identified in the Hazardous Materials Emergency Preparedness. The staff assigned to this program should conduct activities pursuant to this scope of work with the support of the Local Emergency Planning Committee (LEPC) and consistent with the direction of the Division. The work tasks include, but are not limited to the following activities.

**Task 1:** On behalf of the LEPC, develop a commodity flow study of hazardous materials and extremely hazardous substances transported over selected Interstate and U.S. Highway corridors within the LEPC District. At a minimum, this will include two (2) north/south corridors and two (2) east/west corridors. Within the period of agreement, the Recipient shall submit to the Division:

- a) Carry out a placard survey of trucks carrying hazardous and extremely hazardous substances (EHSs). Record placard number, chemical name, carrier name, direction of travel, date and time of observation and type of vehicle. Data will be collected from several locations along each corridor over a six (6) month period in two to three hour time increments.
- b) Generate a series of maps showing the most frequently recorded hazardous materials at each of the observation locations.
- c) Provide a report to all county emergency management directors in the LEPC District detailing the results of the study. Prior approval of the report format by the Division is required.
- d) Provide the Division with a project outline and timetable which indicate the estimated time frames to complete individual tasks. Include a brief description of the methods that will be used to accomplish the work tasks.
- e) Prepare and submit to the Division a report of the findings and data collected, including any recommendations regarding the analysis.
- f) Provide a written report to the Division within ten (10) working days of identifying any significant impediments to the completion of the project tasks as outlined in this scope of work.
- g) Maintain accurate records of personnel hours spent performing the tasks outlined in this scope of work. Personnel participating in HMEP-sponsored planning projects are to be counted toward the state's 20 percent contribution to the HMEP grant for the hours spent on the project. This "soft-match" contribution must be documented by the Recipient and submitted on the year-end program summary (See Attachments K and N). Personnel hours paid with HMEP grant funds are not eligible for soft-match.
- h) Incorporate the results of this planning project into the annual update of the LEPC's

hazardous materials emergency response plan.

### **Option 3: LOCAL EMERGENCY PLANNING COMMITTEE PLAN EXERCISE**

Funding is provided to perform eligible activities as identified in the Hazardous Materials Emergency Preparedness. The staff assigned to this program should conduct activities pursuant to this scope of work with the support of the Local Emergency Planning Committee (LEPC) and consistent with the direction of the Division. The work tasks include, but are not limited to, the following activities.

**Task 1:** Within the period of agreement, the Recipient shall submit to the Division:

On behalf of the LEPC, provide staff support to the LEPC to develop and conduct an exercise of the LEPC hazardous materials emergency plan. Use the Homeland Security Exercise Evaluation Program (HSEEP) guidelines to develop, conduct and evaluate the exercise. The following exercise must be regional in scope to reflect an incident requiring a multi-jurisdictional or cooperative response and shall include a transportation element. The exercise must meet the following criteria:

- a) A full-scale exercise that tests a minimum of two functional areas (e.g., communications, evacuation, resource management, etc.) or;
- b) A comprehensive tabletop exercise utilizing a simulator / diorama that can be altered to closely reflect an actual location within the jurisdiction being tested. The exercise must test a minimum of two (2) functional areas (e.g., communications, evacuation, resource management, etc.)

**Task 2:** The required exercise staffing tasks at a minimum consist of the following:

- a) Meet with local emergency management staff and local emergency response officials within the district to accomplish the following:
  - 1) Explain the purpose and scope of the exercise;
  - 2) Establish a method to coordinate procedures among local emergency response officials;
  - 3) Identify key personnel to be involved in the exercise which shall include emergency management staff; and
  - 4) Develop exercise goals and objectives.
- b) Develop an exercise scenario. The following work products shall be completed and submitted to the Division for approval no less than **30 days** prior to the date of the exercise;
  - 1) A detailed schedule of exercise events;
  - 2) A summary of exercise messages; and
  - 3) A listing of exercise control procedures and responsibilities.
- c) Following the completion of the exercise, all major participants shall meet to discuss the exercise and identify areas for improvement in the LEPC hazardous materials emergency plan.

**Task 3:** Maintain accurate records of personnel hours spent performing the tasks outlined in this scope of work. Personnel participating in HMEP-sponsored planning projects are to be counted toward the state's 20 percent contribution to the HMEP grant for the hours spent on the project. This "soft-match" contribution must be documented by the Recipient and submitted on the year-end program summary (See Attachments K and N). Personnel hours paid with any federal grant funds are not eligible for soft-match.

**Task 4:** Incorporate the results of this planning project into the annual update of the LEPC's hazardous materials emergency response plan. For the purposes of this scope of work an actual event may **not** be substituted for the exercise requirement.

**Option 4: ON-SITE ASSESSMENT OF OR NEEDS ASSESSMENT SURVEY FOR HAZARDOUS MATERIALS RAPID RESPONSE TEAMS**

Funding is provided to perform eligible activities as identified in the Hazardous Materials Emergency Preparedness Program. The staff assigned to this program should conduct activities pursuant to this scope of work with the support of the Local Emergency Planning Committee (LEPC) and consistent with the direction of the Division. The work tasks include, but are not limited to the following activities.

**Task 1:** On behalf of the LEPC, conduct an on-site assessment of or needs assessment survey for a hazardous materials rapid response team(s) in the district.

- a) The assessments will be conducted in accordance with the instructions included in the State Emergency Response Commission approved assessment tool.
- b) Provide a completed summary of the assessment of each entity as provided in the assessment tool instructions, in addition to all raw data collected pursuant to completion of this project.
- c) Provide a complete overview summary of all teams assessed including a comprehensive review of all the statistical values without reference to individual team entities.
- d) Provide a non-judgmental review of the outcomes of the assessment.
- e) Ensure knowledgeable application of the assessment tool through ensuring all assessors meet or exceed the requirements for an assessor as expressly defined within the assessment tool.
- f) Utilizing an existing assessment survey questionnaire (approved by the Division), ascertain the response needs of all response entities relative to the Extremely Hazardous Substances known to exist in the region. The survey should include, but is not limited to, existing:
  - 1) Hazardous materials response equipment
  - 2) Hazardous materials response training
  - 3) Hazardous materials trained personnel, including level of expertise
- g) Submit a list of agencies that will be targeted to receive the assessment survey.

**Task 2:** Develop an analysis of the hazardous materials response capabilities and needs of the region, including a matrix of public, private, local and regional response teams. In the analysis recommendations include any noted resource or equipment deficiencies and any restrictions or special considerations that would prohibit the response organization's participation in a hazardous materials incident.

- a) Prepare a summary of the assessment survey analysis and distribute to survey participants and other interested parties.

**Option 5: DEVELOP DISTRICT RESPONSE PROCEDURES (SOPs) FOR INCIDENTS INVOLVING THE TRANSPORTATION OF FLAMMABLE LIQUIDS, CHLORINE AND ANHYDROUS AMMONIA TO INCLUDE IN COUNTY CEMP AND DISTRICT RESPONSE PLAN.**

Funding is provided to perform eligible activities as identified in the Hazardous Materials Emergency Preparedness Planning Grant Program. The staff assigned to this program should conduct activities pursuant to this scope of work with the support of the Local Emergency Planning Committee (LEPC) and consistent with the direction of the Division. The work tasks include, but are not limited to the following activities.

**Task 1:** On behalf of the LEPC, through the use of previously conducted commodity flow studies, information provided by the American Association of Railroads (AAR), the US Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and / or local transportation companies, conduct an assessment of hazardous materials transported by rail or highway within your district.

- a) Identify the types, amounts and frequency of flammable liquids transiting your district, and the primary routes of transit.
- b) Provide a completed summary of the assessment.
- c) Identify the firefighting materials and apparatus necessary to contain and / or combat each of the types of liquid flammables should there be a worst case scenario derailment or roll-over. Provide the locations and amounts of the various firefighting foams, by type, available through local fire departments, emergency management, railways, private industry and any other sources, to include resources available through mutual aid agreements.
- d) Identify the fire departments within your district, noting whether they are paid or volunteer, any state or local hazmat teams, and any private company hazmat / fire teams which may be called upon to assist with response.
- e) Formulate the estimated time to respond to the most remote locations within your district. Include response times by state and private response teams that may be called upon for assistance. Time should be based upon fully staffed response to include sufficient PPE, firefighting foam and fire apparatus to suppress anticipated release or leak and fire.
- f) Utilizing the information gathered above, and in conjunction with your local fire jurisdictions and other stakeholders, create, or update, Standard Operating Procedures (SOP) and / or guidelines (SOG) to respond to these worst case scenarios.
- g) Provide quarterly progress reports.
- h) Provide final product not later than December 31, 2017.

**Deliverable:** Subject to the funding limitations of this Agreement, and provided the Recipient performs in accordance with the Scope of Work outlined in this Agreement, the Division will reimburse the Recipient for actual costs incurred in successfully completing an authorized planning project. For the purposes of this Agreement, any project that completely satisfies the requirements of Options 1, 2, 3, 4, or 5 above qualifies as an authorized planning project.

## PUBLIC SECTOR TRAINING ASSISTANCE

Funding is provided to ensure training of public sector hazardous materials response personnel for transportation related spills, releases and / or fires. The staff assigned to this program shall conduct activities pursuant to Tasks 1 through 5 with the support of the Local Emergency Planning Committee (LEPC). Nothing in this scope of work shall prohibit the Recipient from entering into subcontract(s) with existing public or private institutions that conduct education and training courses. All subcontracts must be consistent with the provisions of this Agreement, State quote and bid requirements, and be submitted to the Division within thirty (30) days of execution. Subcontracts shall also be consistent with the requirements set forth in the Attachment E.

**Task 1:** Coordinate the delivery of transportation related hazardous materials response training within the district

- a) Sponsor training courses that are consistent with the State Emergency Response Commission's (SERC) *Guidelines for Public Sector Hazardous Materials Training* (Guidelines) within the district with emphasis on maximizing the audience trained.
- b) Coordinate with emergency response groups that wish to sponsor their own training. Make easily reproducible, low-cost program materials available to these groups and assist with program sponsorship, if needed.
- c) The LEPC and LEPC subcontractors providing HMEP funded training are encouraged to register with the Florida State Fire Marshal (Florida State Fire College) as a training provider.
- d) Within the limits of funding available, coordinate the site, organization and delivery of federally sponsored training courses such as those offered by EPA, OSHA, U.S. DOT, etc.
- e) Maintain a system to inform interested parties within the district of upcoming federally-sponsored training courses.
- f) With funding from this grant, deliver only courses that have been approved by the U.S. DOT for use with HMEP grant funds or courses that meet the SERC training guidelines.
  - 1) Courses included on the "List of Federally-Approved Courses" are eligible for sponsorship under the grant. Courses not appearing on this list must be consistent with the SERC training guidelines. HMEP funds cannot be used for training courses that do not meet these guidelines.

**Task 2:** For each course conducted, submit a plan of instruction and course outline including level of training, number of hours, target audience, estimated cost of training, instructor credentials, materials or training packages to be used and a brief narrative describing the training scenario and goals of the course must be submitted to the Division for approval prior to utilization for HMEP-sponsored training. Attachment I depicts a sample format for the plan of instruction.

**Task 3:** Maintain a roster of those participating in each LEPC sponsored or coordinated HMEP-funded course throughout the district as well as pertinent statistics on those trained (i.e. profession, previous training, exam score, etc. [See Attachments J, M-1 and M-2 for a sample formats]. Statistics should coincide with the Federal Fiscal Year (October 1 - September 30). Upon mutual consent between the Division and the Recipient, the above requirements may be met by entering the training statistics into the Florida State Fire Marshal's (Florida State Fire College) training database.

- a) Evaluate courses offered as well as students participating in those courses. Administer at the end of each course a questionnaire for students to evaluate the training.
- b) Incorporate the results of this training project (numbers and types of responders trained at each level using HMEP funds) into the annual update of the LEPC's hazardous materials emergency response plan (See Attachments M-1 and M-2).

**Task 4:** Document number of hours of trainers and course participants spent in HMEP-sponsored training courses. Submit the information on your quarterly and annual summary report

- a) Personnel participating in HMEP-sponsored courses, whether as instructors or students, are to be counted toward the state's 20 percent contribution to the HMEP grant for the hours spent in the course. This "soft-match" contribution must be documented by the Recipient and submitted on the year-end program summary (See Attachments K and N).
- b) Course instructors paid with HMEP grant funds are not eligible for soft-match.

**Task 5:** Submit quarterly performance reports to the Division outlining courses offered and monies spent under the HMEP grant program (see Attachment L for a sample format).

- a) The performance report addressing courses offered should be a brief narrative including levels of training provided, training audience and a brief evaluation of each course.
- b) The financial report will include a statement of all HMEP funds spent on training during the period.
- c) Training schedules shall be submitted when established, and updated as necessary, to the Division's representative.

**Deliverable:** Subject to the funding limitations of this Agreement, and provided the Recipient performs in accordance with the Scope of Work outlined in this Agreement, the Division will reimburse the Recipient for actual costs incurred in successfully completing an authorized training program. For the purposes of this Agreement, any project that completely satisfies the requirements of NFPA472 or OSHA 1910.120 qualifies as an authorized training program.