

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 3K

From: Staff

Date: January 19, 2018 Council Meeting

Subject: 2017-2018 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 and facilitated the training component of the HMEP grant agreement. The agreement 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 grant on behalf of the Treasure Coast LEPC. Council is in receipt of an agreement from FDEM for the period of October 1, 2017 – September 30, 2018 for \$68,618.00 to conduct 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, in consultation with Council attorney.

Attachment

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 Florida Division of Emergency Management (FDEM) 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 FDEM, 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 Sub-recipient, as an RPC, can maintain the capability necessary to effectively respond to hazardous material transportation related emergencies. Payments shall be made on a quarterly basis with sufficient support documentation.

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

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 Sub-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.

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 authorized approved by the U.S. DOT for use with HMEP grant funds (as per the most recent 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 included in reporting form package 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.

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 reporting forms). Statistics should coincide with the Federal Fiscal Year (October 1 - September 30).

- 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 reporting forms).

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 Sub-recipient and submitted on the year-end program summary (See reporting forms).
- 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 reporting forms).

- 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 Sub-recipient performs in accordance with the Scope of Work outlined in this Agreement, the Division will reimburse the Sub-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 and qualifies as an authorized expense through the current HMEP Expenditures Guide.