

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B6  
From: Staff  
Date: September 21, 2018 Council Meeting  
Subject: 2018-2019 Hazards Analysis Contract Agreement with St. Lucie County

Introduction

The Emergency Planning and Community Right-to-Know Act is administered by the U.S. Environmental Protection Agency and implemented by the Florida Division of Emergency Management (FDEM). The purpose of this act is to encourage emergency planning efforts at the state and local levels and to increase the public's access to information about the potential chemical hazards that exist in their community. As part of this act, FDEM annually provides hazardous materials grant funding to counties.

Background

The Hazards Analysis program provides county emergency management and fire rescue hazardous materials teams with site specific facility information regarding Extremely Hazardous Substances (EHSs). Under the agreement, facilities that store, manufacture, and or transport EHSs are subject to an on-site compliance visit to ensure accurate reporting. The analysis includes facility information, historical accident records, hazards identification, chemical identities, vulnerability analyses, and a risk analysis (probability of release). Upon FDEM approval, the completed analysis and information are provided to EHS facilities, fire rescue agencies, and county emergency management offices.

St. Lucie County has requested Council staff prepare facility hazards analysis on behalf of the county. A completed analysis will be submitted to FDEM for review and approval. The scope of work for the agreement is included as Exhibit A. The Agreement for Fiscal Year 2018-2019 is in the amount of \$6,560.00 for the completion of the St. Lucie County Hazards Analysis.

Recommendation

Council should authorize the Chairman to execute the contract agreement and the Executive Director to execute minor modifications to the agreement on behalf of Council.

Attachment

## **Exhibit A**

### Scope of Work

#### **Purpose**

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 required 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 (FDEM) serves as the lead agency responsible for oversight and coordination of the local planning efforts required by EPCRA. Chaired by the Director of FDEM, the State Emergency Response Commission for 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 28 Governor-appointed individuals who represent the interests of state and local government, emergency services, industry and the environment.

At the district level, Regional Planning Councils (RPCs) each coordinate the activities of a Local 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 consist s of local professionals representing occupational categories such as firefighting, law enforcement, emergency management, health, environment, and/or transportation.

At the local level, each of Florida's 67 counties performs a hazards analysis (county may elect to contract to the RPC or qualified vendor). The county hazards analysis is used as input to the LEPC Emergency Response Plan for Hazardous Substances required under EPCRA and encompasses; identification of facilities and transportation routes of extremely hazards substances (EHS); description of emergency response procedures; designation of a community coordinator and facility emergency coordinator(s) to implement the plan; outline of emergency notification procedures; description of how to determine the probable affected area and population by releases; description of local emergency equipment and facilities and the persons responsible for them; outline of evacuation plans; a training program for emergency responders; and, methods and schedules for exercising emergency response plans. This Agreement provides funding so that the Recipient, can assist in maintaining the capability necessary to perform the duties and responsibilities required by EPCRA. The recipient shall update the hazards analysis for all facilities listed in Attachment D, which have

reported to the State Emergency Response Commission the presence of those specific Extremely Hazardous Substances designated by the U.S. Environmental Protection Agency in quantities above the Threshold Planning Quantity. The data collected under this Agreement will be used to comply with the planning requirements of the Superfund Amendments and Reauthorization Act of 1986, Title III, "Emergency Planning and Community Right-To-Know Act of 1986" and the Florida Emergency Planning and Community Right-To-Know Act, Florida Statutes, Chapter 252, Part II.

**Requirements**

A. The Recipient shall submit a list of facilities within the geographical boundaries of the County listed on Attachment D that are suspected of not reporting to the State Emergency Response Commission the presence of Extremely Hazardous Substances in quantities above the Threshold Planning Quantity, as designated by the U. S. Environmental Protection Agency.

B. The completed hazards analysis shall comply with the site-specific hazards analysis criteria outlined below for each facility listed in Attachment D. The primary guidance documents are Attachment K (Hazards Analysis Contract Checklist and CAMEOfm Guide) to this Agreement and the U.S. Environmental Protection Agency's "Technical Guidance for Hazards Analysis" at; <https://www.epa.gov/epcra/technical-guidance-hazardous-analysis-emergency-planning-extremely-hazardous-substances>. All hazards analyses shall be consistent with the provisions of these documents. Any variation from the procedures outlined in these documents must be requested in writing, submitted in advance and approved by the Division.

C. Conduct an on-site visit at each Attachment D facility to ensure accuracy of the hazards analysis. Each applicable facility's hazards analysis information shall be entered into the U.S. Environmental Protection Agency's current CAMEOfm version (download from): <http://www.epa.gov/cameo/cameo-software>. Each facility hazards analysis shall include, but is not limited to, the following items:

1. Facility Information (CAMEOfm Facility Page)

(a) Enter the facility name (per Attachment D) in the Facility Name field.

(b) Enter the facility physical address (no Post Office Box) in the Street Address fields of the Address tab.

(c) Enter the geographic coordinates (in decimal degrees) in the latitude/longitude fields of the Map Data tab.

(d) Enter the maximum number of occupants present at the facility at any given time in the Maximum Number of Occupants Fields on the ID and Regs tab. The Facility Manned tab must also be correctly checked. Select the correct check boxes indicating if the facility is subject to section 112r and/or section 302. (All facilities should be subject to 302 unless they submitted an SOD)

(e) Enter the Facility phone number in the Facility Phones tab field.

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(f) Enter the name, title and 24-hour phone number of the designated facility emergency coordinator in the Contacts tab field.

(g) Enter the main route(s) used to transport chemicals to the facility (from the County line to the facility) in the notes tab of the Facility Page.

(h) Enter the route(s) used to exit the Threat Zone(s) in the notes tab of the Facility Page or link the facility to a Marplot map that graphically shows the evacuation routes. This image must be available off-line if this alternative method is selected. A map-capture from Marplot may be saved as an alternative method.

(i) Enter any past reportable releases that have occurred in the last five years at the facility in the notes tab of the Facility Page. Include a copy of the Section 304 follow-up report submitted to the LEPC. If it is determined that a facility has not had an accident, that shall be noted.

## 2. Hazard Identification (CAMEOfm Chemical in Inventory Page)

(a) For each Extremely Hazardous Substance present over the Threshold Planning Quantity (TPQ), create a Chemical in Inventory page (if a Chemical in Inventory page hasn't been created already) and enter the proper chemical name and Chemical Abstract Service (CAS) number.

(b) On each Chemical in Inventory page created for each Extremely Hazardous Substance present over the TPQ, enter in pounds (not range codes) the maximum quantity of each Extremely Hazardous Substance in the Max Daily Amount field of the Physical State and Quantity tab.

## 3. Vulnerability Analysis (CAMEOfm Scenario Page)

(a) For each Extremely Hazardous Substance present over the Threshold Planning Quantity (TPQ), create a New Scenario page (if a Scenario page hasn't been created already) and enter the maximum amount in the largest container or interconnected containers in the Amount Released field of the Scenario Description tab.

### **On-Site Visits**

1. Conduct a detailed on-site visit, within the period of this Agreement, of all the facilities listed in Attachment D, to confirm the accuracy and completeness of information in the hazards analysis. If authorized by the Division, a new or alternate facility may be substituted for a site that has previously had hazards analysis conducted. A change of facilities after the agreement is executed will require a modification agreement.

2. Submit a completed Hazards Analysis Site Visit Certification Form (Attachment L) for each facility to the Division (file name must contain at minimum the SERC number if applicable and SV – if SERC number is not available facility name and SV – additional info allowed but not required). Add the site visit certification form to the Site Plan Tab of the CAMEOfm Facilities Page for each facility visited or contacted. Upload the site visit

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certification form to the Site Plan Tab of the CAMEOfm Facilities Page for each facility visited or contacted.

(a) On-Site visit exception for sulfuric acid (batteries), this exception does NOT apply to bulk storage of sulfuric acid.

(1) For facilities listed on Attachment D that report the presence of only sulfuric acid in batteries, an initial on-site visit is required and an on-site visit form (Attachment L) signed and dated by the facility representative and the Recipient shall be submitted to the Division.

(2) In Agreements subsequent to the initial on-site visit, the Recipient shall contact the facility representative by email or telephone to verify the presence of all extremely hazardous substances. The on-site visit form shall be signed by the Recipient and identify the date and facility contact information. Another on-site visit is not required in subsequent Agreements, unless, the facility reports the presence of another extremely hazardous substance above TPQ. Nothing additional is required to be changed or updated in CAMEOfm for Sulfuric Acid (Battery) Exemption facilities.

(3) If a facility representative reports the presence of an extremely hazardous substance other than sulfuric acid in batteries, subsequent to the period of Agreement in which the initial site visit was conducted, the Recipient shall conduct an on-site visit, complete all applicable CAMEOfm pages and tabs and submit a completed on-site visit form (Attachment L) to the Division.

(4) A list of the facilities using the Sulfuric Acid (Battery) Exception must be included with deliverable submittals.

3. For each facility for which a hazard analysis is conducted, a site plan must be added to the site plan tab of the CAMEOfm Facilities Page. (file name must contain at minimum the SERC number if applicable and SP – if SERC number is not available facility name and SP – additional info allowed but not required)

Ensure that the Hazards Analysis information is provided to the County for inclusion in the Local Mitigation Plan.

**REIMBURSEMENT CONDITIONS:**

Subject to the funding limitations of this Agreement, the Division shall reimburse the Recipient for successful completion of the deliverable task(s) required by this Agreement. However, the following limitations shall apply:

- First payment, the division shall not reimburse the Recipient for an amount that exceeds 40% of the overall amount authorized by this agreement unless the Recipient completes multiple deliverables.

- Second payment, the division shall not reimburse the Recipient for an amount that exceeds 40% of the overall amount authorized by this agreement unless the Recipient completes multiple deliverables.

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- Third payment, the division shall not reimburse the Recipient for an amount that exceeds 20% of the overall amount authorized by this agreement unless the Recipient is submitting for multiple deliverables.

If extraordinary circumstances exist, then the Recipient can request permission from the Division to exceed the 40% cap for a particular payment. However, under no circumstances shall the cumulative reimbursement amount for payments 1 and 2 exceed 80% of the overall amount authorized by this Agreement unless all three deliverables have been met.

**FINANCIAL CONSEQUENCES:**

Failure to successfully complete each of the required tasks, as demonstrated by the failure to satisfy the applicable deliverables, shall result in one of the following penalties.

- A 20% reduction of the overall amount authorized by this Agreement and or
- Payment will be reduced by \$110.00 per Facility with incorrect or incomplete CAMEO files

If, because of circumstances beyond the Recipient's control, the Recipient is unable to successfully perform a task required by this Agreement, then the Recipient shall notify the Division immediately. If the Division agrees that the inability to perform was directly due to circumstances beyond the control of the Recipient, then the Division will consider waiving the imposition of a financial consequence.