TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

From: Staff

Date: July 18, 2014 Council Meeting


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 will remain the same as in the 2013-2014 contract agreement with each regional planning council receiving $40,909 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 2014-2015 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 the final contract agreement on behalf of Council.

Attachment
ATTACHMENT A

SCOPE OF WORK

Funding is provided to ensure the Recipient provides adequate staffing of the Local Emergency Planning Committee (LEPC) in order to enable it to function in accordance with federal and state regulations. The staff assigned to this program should conduct work tasks pursuant to this scope of work with the support of the LEPC and consistent with the direction of the Division. The work tasks include, but are not limited to, the following activities:

(1) RECIPIENT SHALL STAFF THE LOCAL EMERGENCY PLANNING COMMITTEE

The Recipient shall:

(a) Provide staff support to LEPC meetings including: designating a primary staff contact person, 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 Weekly in accordance with Chapter 120, 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; conducting and preparing presentations for LEPC meetings; and preparing LEPC meeting synopses and submitting them to the State Emergency Response Commission (SERC) within 30 days following each LEPC meeting. Information may be provided to the SERC via electronic mail.

(b) Serve as staff liaison to coordinate LEPC activities with the SERC and the Division, and provide the SERC with detailed quarterly updates on the program implementation activities of the LEPC for insertion in the "Hazmatters" newsletter. Written updates should be directed to the Division of Emergency Management's Bureau of Preparedness, Technological Hazards Section, and must be received by the Division at least 30 days prior to each noticed SERC meeting. The updates may be provided via electronic mail.

(c) Serve as the mailing address for the LEPC, and the recipient of facility written follow-up reports to the initial emergency notification made under Section 304 of the Emergency Planning and Community Right-To-Know Act (EPCRA). Provide a copy of the written follow-up report to the appropriate Community Emergency Coordinator as designated in the LEPC plan.

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

(e) Notify the Division of any changes regarding the individual designated in paragraph (10) of this Agreement to serve as the primary contact person for the Recipient to answer daily inquiries regarding EPCRA. The primary contact person shall attend all LEPC Chairperson/Staff Contact meetings and other staff coordination meetings, up to a total of four (4) meetings during the contract period. The primary contact person or RPC designee shall attend all noticed SERC meetings, up to a total of four (4) meetings during the contract period. The LEPC Chairperson may serve as the RPC designee. The RPC shall be responsible for reimbursement of travel for the primary contact person for all meetings. If the primary contact person is unable to attend the meetings and a RPC designee attends in place of the primary contact person, the RPC shall be responsible for reimbursement of travel for the RPC designee.

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

(g) 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.
(h) 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.

(i) 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 9G-14.010, Florida Administrative Code. In the event that an individual requests large amounts of information from the LEPC which the LEPC is unable to supply, the RPC staff shall consult with the LEPC and endeavor to identify other assistance the LEPC may use to respond to the information request. In the event that no other assistance is available from the LEPC or other sources, the RPC may submit a written request for assistance to the Bureau of Preparedness, Technological Hazards Section. Such a request shall identify the individual requesting the information, the information requested, the reason that the LEPC cannot supply the information, and the LEPC’s efforts to identify other sources of assistance in responding to the information request.

(j) Prepare a public availability of information notification pursuant to Section 324(b) of EPCRA and publish in newspapers of general circulation in the district at least annually. Provide a copy to the Bureau of Preparedness, Technological Hazards Section, which can be submitted via electronic mail.

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

(2) PLAN DEVELOPMENT AND EXERCISE

The Recipient shall:

(a) Prepare and update a LEPC plan and submit the plan and the completed guidelines entitled "Local Emergency Planning Committee Hazardous Materials Emergency Plan Compliance Criteria" to the Division prior to the last effective date of this Agreement. The Recipient will receive site-specific facility information and will not be held accountable for including county information into the LEPC plan if the information is not provided to the Recipient at least 60 days prior to the expiration date of this Agreement. If the LEPC does not receive county information by this 60 day deadline, the LEPC plan should reflect the most recent county facility and emergency response information.

(b) The LEPC plan shall comply with the requirements of EPCRA, passed by Congress as Title III of the Superfund Amendments and Re-authorization Act of 1986 (codified at 42 U.S.C. § 11001 et seq.), and the Florida Emergency Planning and Community Right-to-Know Act (§ 252.81-§ 252.90, Florida Statutes). The primary guidance documents are the most recent versions of "Hazardous Materials Emergency Planning Guide" (NRT-1), and "Technical Guidance for Hazards Analysis." All plan development shall be consistent with the provisions of these documents and the Division’s LEPC plan review criteria. Copies of these documents and the Division’s LEPC plan review criteria shall be provided by the Division as requested by the Recipient. 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 and Vulnerability Analyses appearing verbatim in the county information; however, the work product should include a complete listing of sites for which Hazards and Vulnerability Analyses have been performed. This listing must include, at a minimum, the SERC code, facility name, facility physical address and the county where the facility is located.

(c) Plan for and conduct an exercise within the LEPC district, at least biennially.

1. As staff, assist the LEPC in developing a schedule for exercising the LEPC hazardous materials emergency plan in compliance with Section 303 of EPCRA.

2. If the LEPC did not conduct an exercise of its hazardous materials emergency plan during Fiscal Year 2007-08, the Recipient will provide staff support to the LEPC to develop and conduct an exercise of the LEPC hazardous materials emergency plan during Fiscal Year 2008-09. 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 should be regional in scope to reflect an incident requiring a multi-jurisdictional or a cooperative response. Use the Homeland Security Exercise Evaluation Program to conduct and evaluate the exercise. The required exercise staffing tasks consist of the following:

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

   (i) Explain the intent and scope of the exercise;

   (ii) Establish a method to coordinate procedures among local emergency response officials;

   (iii) Identify key personnel to be involved in the exercise which shall include county emergency management directors; and

   (iv) Develop exercise goals and objectives.

b. Develop an exercise scenario. The following work products shall be completed and submitted to the Bureau of Preparedness, Technological Hazards Section for approval no less than 30 days prior to the date of the exercise:

   (i) A detailed schedule of exercise events;

   (ii) Exercise messages; and

   (iii) Exercise control procedures and responsibilities.

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

   (i) Identification of areas for improvement in the regional hazardous materials emergency plan;

   (ii) Discussion of the effectiveness of operational procedures; and

   (iii) Recommendations for improving performance.

d. If an actual event 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.

e. The Recipient shall submit an after-action report to the Division within 60 days following the 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.

f. Upon mutual consent, the exercise work tasks may be adjusted or revised for good cause. Requests for revision(s) shall be made in writing 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:

1. Contacting, when requested by a county agency, the representatives of facilities that have filed notice of inclusion under Section 302 of EPCRA on behalf of the LEPC in situations where the facility representative will not willingly supply data necessary for planning and hazard analyses to the county; and,

2. Providing technical assistance when needed in the development of vulnerability, risk and hazards analyses of the chemicals covered under Section 302 of EPCRA. The Recipient agrees to provide such assistance within the limits of funding provided.

(b) Distribute SERC-developed hazardous materials training course information and assist the Division in scheduling and conducting hazardous materials workshops and training. The Recipient agrees to provide such assistance within the limits of funding provided.

End Attachment A