TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

From: Staff

Date: June 12, 2020

Subject: 2020-2021 Local Emergency Planning Committee Grant Agreement with Florida Division of Emergency Management

Background

Annually, each regional planning council is asked to enter into a grant agreement with the Florida Division of Emergency Management (FDEM) for hazardous materials planning and technical assistance to prepare for and prevent chemical incidents, thus protecting the environment and community populations. The grant agreement is administered by the FDEM and implemented by the Treasure Coast Regional Planning Council staff and Emergency Programs Director//Local Emergency Planning Committee (TCLEPC) Coordinator. Council ensures regional quarterly meetings of the TCLEPC; annual update of the Regional Hazardous Materials Response Plan; technical assistance to the region’s facilities that store, generate, use, and transport Extremely Hazardous Substances; and provision of hazardous materials training, planning and exercises in support of preparedness and operational readiness of the region’s first responders, facilities and community populations.

Analysis

Funding for the 2020-2021 Hazardous Materials Local Emergency Planning Committee Technical Assistance Grant is $80,000 to carry out the scope of work. The scope of work includes implementation of the Emergency Planning and Community Right-To-Know Act (EPCRA) and the TCLEPC mission, hazardous materials release tabletop and functional exercises, shelter-in-place and evacuation education and outreach, and chemical inventory compliance assistance for facilities to improve local and regional readiness. Exhibit A is excerpted from the grant agreement and outlines the scope of work and compensation.

Recommendation

Authorize the Executive Director to execute the grant agreement, along with any minor modifications to the agreement, on behalf of Council.
Council Action – June 19, 2020

Commissioner Dzadovsky from St. Lucie County moved approval of the staff recommendation. Vice Mayor Hmara from the Village of Royal Palm Beach seconded the motion, which carried unanimously.

Attachment
EXHIBIT A

ATTACHMENT 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 (SERC) on Hazardous Materials 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 twenty-seven (27) Governor-appointed individuals who represent the interests of State and Local government, emergency services, industry and the environment.

At the local level, ten (10) Regional Planning Councils (RPCs) each oversee a Local Emergency Planning Committee (LEPC) that: (1) perform outreach functions to increase hazardous materials awareness; (2) collect data on hazardous materials stored within the geographical boundaries of the RPC; (3) develop hazardous materials emergency plans for use in responding to, and recovering from, a release or spill of hazardous or toxic substances; (4) submit hazardous materials emergency plans to the SERC for review; and, (5) provide 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.

This Scope of Work provides for the accomplishment of the duties and responsibilities of the Local Emergency Planning Committee as set forth in §301 of the Federal Emergency Planning and Community Right to Know Act, 42 U.S.C. §11001 et seq., including Division policies.

Requirements:

This is a fixed-fee contract to accomplish the tasks identified in the laws, statutes, regulations, and this Agreement. It is not subject to adjustment due to the actual cost experience of the Recipient in the performance of the Deliverables in the contract agreement. The amount paid is based on the weighted value of the tasks and Deliverables listed below that have been accomplished for the invoiced period. Prior to payment, the tasks performed, and Deliverables are subject to review and acceptance by Florida Division of Emergency Management. The criteria for acceptance of completed tasks and Deliverables are based on the most recent regulations, guidelines and directives related to the task and Deliverable. Specific required tasks are as follows:

**TASK 1: LEPC Meeting Support Weighted Value = 23%**
Designate at least one employee to support the quarterly LEPC meetings. The supporting documentation for the LEPC meetings shall include the following: developing agendas and preparing minutes of the meetings in accordance with §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 agenda on the Recipient’s website at least seven (7) 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.
Deliverable Due Dates - September 30, 2020, December 31, 2020, March 31, 2021, and June 30, 2021:
LEPC Meeting Agenda, Approved Meeting Minutes from prior meeting, Draft Meeting Minutes, Proof of Publication from the Florida Administrative Register, Proof of Meeting Agenda posted on Recipient’s website.

TASK 2: SERC Meetings & Conference  
Weighted Value = 8.5%
LEPC Chairpersons and Staff will attend all quarterly State Emergency Response Commission meetings. When unable to attend, arrange for an appropriate designee, such as the LEPC Chair, Vice Chair or LEPC designate to attend. Attend all hazardous materials training courses, workshops, and conferences conducted by the Division within the District. When possible, attend national conferences (e.g., E-Plan, NASTTPO, etc.), as approved by the Division. Attending other LEPC meetings when extraneous circumstances prevent attending primary meetings and conferences.

Deliverable Due Dates - September 30, 2020, December 31, 2020, March 31, 2021, and June 30, 2021:
Presentation, agendas, and sign-in sheets.

TASK 3: EPCRA Presentations  
Weighted Value = 10%
Per fiscal year, conduct a minimum of two (2) public presentations for interested parties within the district on the EPCRA program, including an overview of Florida’s LEPC program.

Deliverable Due Date – June 30, 2021: Presentation, agendas, and sign-in sheets.

TASK 4: Public Availability/Notification  
Weighted Value = 3%
In newspapers of general circulation within the Recipient’s geographical boundaries, publish a minimum of one (1) public availability of information notification pursuant to §324(b) of EPCRA per fiscal year.

Deliverable Due Date – June 30, 2021: Proof of publication.

TASK 5: LEPC Emergency Response Plan  
Weighted Value = 7.5%
Prepare and update the LEPC Hazardous Materials Emergency Response Plan. The LEPC plan shall include each of the planning provisions outlined in §303(c) of EPCRA and consist of the following:

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

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

3. A Risk Analysis of the chemicals covered under §302 of EPCRA, consistent with §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.

Deliverable Due Date – June 30, 2021: Updated LEPC Hazardous Materials Emergency Response Plan and approval documentation. All LEPC Emergency Response Plan documentation is required to be uploaded to the Division’s SharePoint.

TASK 6: Technical Assistance  
Weighted Value = 10%
Proactively provide hazardous materials-related technical assistance within the district. Technical assistance shall include the following:

1. Assist in county hazards analysis development within the LEPC district by providing technical assistance, when requested, in the development of chemical identity, vulnerability, and risk and hazards analyses of the chemicals covered under §302 of EPCRA.
2. Distribute SERC-developed hazardous materials training course information.

3. Assist the Division in scheduling and conducting hazardous materials workshops and training, including the Annual Hazardous Materials Training Symposium.

4. Assist facilities with Tier 2 filing and E-Plan within the LEPC district by providing technical assistance, when requested.

5. Assist local emergency managers and fire departments with installation and use of CAMEO and E-Plan, including how to access their corresponding Hazards Analysis data.

**Deliverable Due Dates - September 30, 2020, December 31, 2020, March 31, 2021, and June 30, 2021:** Technical Assistance Activity Log, which will be sent as an accompanying excel file or fillable pdf.

**TASK 7: Hazmat Exercise**  
Weighted Value = 23%

Must be Homeland Security Exercise and Evaluation Program Compliant (HSEEP).

- **Option 1:** Conduct one (1) HazMat-related exercise (HSEEP Full scale or Functional Exercise) or two (2) tabletop exercises.

- **Option 2:** Participate in a minimum of two (2) HSEEP Functional Exercises or tabletop exercises, full participation is required in assisting local emergency managers, hazmat facilities, and/or other organizations (e.g., schools, hospitals, local governments, etc.). Full participation is the attendance to all planning meetings, actively assisting/engaging in the exercise in some capacity and providing support/guidance with AAR/IP activities. Prior approval from Contract Manager required for this task.

**Deliverable due date – June 30, 2021:** HSEEP compliant documentation to include: Situation Manual (SitMan), Exercise Plan (ExPlan), Controller and Evaluator (C/E) Handbook, Master Scenario Events List (MSEL), Player Handout, Exercise Evaluation Guides (EEGs) as applicable per type of exercise activity. All exercises must include: After Action Report/Improvement Plan (AAR/IP), sign-in sheet, agendas.

**TASK 8: Shelter in Place Presentation**  
Weighted Value = 5%

Provide a shelter in place presentation to the public and vulnerable facilities as it relates to hazardous material releases/spills. Task includes presentations, development of educational materials, and dissemination of information. Provide a minimum of one (1) shelter in place presentation per fiscal year within the district.

**Deliverable Due Date – June 30, 2021:** Agendas, sign-in sheets, PowerPoint presentation, educational materials.

**TASK 9: Training Coordination**  
Weighted Value = 5%

Provide for the planning and training of Hazardous Materials Emergency Preparedness (HMEP) training as well as Transportation and Community Awareness and Emergency Response (TRANSCAER) training within the district. Assist community partners with training needs they determine necessary such as CBRN Training, WebEOC Training, Homeland Security Exercise and Evaluation Program (HSEEP), Active Shooter Training, etc.

**Deliverable Due Dates - September 30, 2020, December 30, 2020, March 31, 2021, and June 30, 2021:** Provide a list of training course(s) planned and coordinated quarterly within the district. This shall include dates of training(s) and number of students in attendance.
TASK 10: Quarterly Progress Report  Weighted Value = 5%
Provide the Division with a report each quarter, due by the 30th day following the end of the quarter, to include all accomplishments for the LEPC program, not limited to training courses, conferences, and exercises. Included in the Quarterly Report shall be progress updates on all Tasks that have yet to be completed and activities performed for tasks/deliverables that are require submission on a quarterly basis.

Deliverable Due Dates - September 30, 2020, December 30, 2020, March 31, 2021, June 30, 2021:
Completed Quarterly Progress Report Form (Attachment G) submitted with corresponding LEPC Financial Invoice Form (Attachment H), and Technical Assistance Activity Log, which will be sent as an accompanying excel file or fillable pdf. All Quarterly Report submissions are required to be uploaded to the Division’s SharePoint website or emailed to the Division’s Grant Manager.

ATTACHMENT B
Program Statutes and Regulations


2. Florida Emergency Planning and Community Right-to-Know Act, Chapter 252, Part II, Florida Statutes.