

106 KAR 1:091. Kentucky Emergency Response Commission fee account grant requirements for local emergency planning committees.

RELATES TO: KRS 39.800-39.990, 42 U.S.C. 11001-11050

STATUTORY AUTHORITY: KRS 39.817, 39.845, 39.850

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes criteria and procedures to be met by local emergency planning committees requesting funds generated by KRS 39.817.

Section 1. Definitions. "Tab Q-7 or commission approved equivalent plan" means a plan describing the location and characteristics of extremely hazardous substances which includes the nine (9) required planning elements of PL 99-499, Section 303 and KRS 39.840 and the Kentucky Emergency Response Commission's planning requirements consisting of:

- (1) A legible sketch of the facility which shows a directional arrow, the location of extremely hazardous substances, and the access road;
- (2) The location of the response point and instructions for responsibilities of the facility emergency response coordinator;
- (3) Designation of the staging area and alternative staging area(s);
- (4) A listing of major suppliers of extremely hazardous substances and their telephone numbers;
- (5) A division of the vulnerable zone into four (4) quadrants, listing the special facilities within each quadrant and the total populations of each quadrant.

Section 2. To be eligible for financial assistance, local emergency planning committees which have extremely hazardous substances as listed in 106 KAR 1:081, Section 6, in excess of the threshold planning quantity present in their community shall meet all the following criteria during the preceding calendar year (January 1 through December 31):

- (1) The local emergency planning committee shall meet all requirements set forth in KRS 39.840.
- (2) The local emergency planning committee shall have an emergency response plan pursuant to KRS 39.840(1)(a), (e), (f) and 39.860 that has been approved by the Kentucky Emergency Response Commission.
 - (a) The local emergency planning committee's emergency response plan shall contain an approved Tab Q-7 or commission-approved equivalent listed in Section 6 of 106 KAR 1:081 for each facility in the planning district that has an extremely hazardous substance listed in Section 6 of 106 KAR 1:081 in excess of the threshold planning quantity.
 - (b) The local emergency planning committee shall submit new Tab Q-7 or commission-approved equivalent plans to the state disaster and emergency services area coordinator within sixty (60) days of notification that the facility has an extremely hazardous substance in excess of the threshold planning quantity.
 - (c) After new Tab Q-7 or commission-approved equivalent plans are submitted, no later than April 1 each year, the local emergency planning committee shall review the Tab Q-7 plans and send certification to the state disaster and emergency services area coordinator stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the certification.
 - (d) The state disaster and emergency services area coordinator shall review new Tab Q-7 or commission-approved equivalent plans for completeness, note any recommendations and forward them to the Chairman of the Kentucky Emergency Response Commission, or designee, within thirty (30) days of receipt from the local emergency planning committee.
 - (e) The state disaster and emergency services area coordinator shall review Tab Q-7 or commission-approved equivalent revisions and certifications received from the local emergency planning committee for completeness, note any recommendations and forward them to the Chairman of the Kentucky Emergency Response Commission, or designee, no later than May 1 each year.
- (3) The local emergency planning committee shall meet at least twice during each calendar year (January 1 through December 31) to conduct its business and a quorum shall be required.
- (4) No later than December 1 each year, the local emergency planning committee shall submit an updated membership list to the Kentucky Emergency Response Commission.
- (5) In accordance with KRS Chapter 424 (Legal Notice), the local emergency planning committee shall publish during each calendar year (January 1 through December 31) public information on committee activities entitled "Public (Legal) Notice Advertisement" on form DES/SARA-324 as set out in Section 7 of this administrative regulation.

Section 3. To be eligible for financial assistance, local emergency planning committees which do not have any extremely hazardous substances as listed in 106 KAR 1:081, Section 6, in excess of the threshold planning quantity present in their community shall meet the following criteria during the preceding calendar year (January 1 through December 31):

- (1) The local emergency planning committee shall meet criteria set forth in KRS 39.840 (1)(b), (c), (d), (2), (4), (5) and Section 1(4) and (5) of this administrative regulation.
- (2) The local emergency planning committee shall meet at least once during each calendar year (January 1 through December 31) to conduct its business and a quorum shall be required.

Section 4. Local Emergency Planning Committee Procedures. (1) If a local emergency planning committee requests financial assistance, it

shall use Grant Request Form DES/SARA-303 as set out in Section 7 of this administrative regulation and shall include a detailed budget identifying how the requested funds are to be spent.

(2) The grant request form shall be submitted to the state disaster and emergency services area coordinator no earlier than January 1 and no later than May 1.

(3) The state disaster and emergency services area coordinator shall review the grant request form for completeness and conformance to statutes and administrative regulations, note any recommendations and forward it to the Chairman of the Kentucky Emergency Response Commission or designee, no later than June 1.

(4) The Chairman of the Kentucky Emergency Response Commission, or designee, shall review the grant request form for completeness and conformance to statutes and administrative regulations, note any recommendations and forward it to the Grant Review Committee no later than July 1.

(5) The Grant Review Committee, with a quorum present, shall review all grant requests and forward their recommendations no later than August 15 to the Kentucky Emergency Response Commission for final approval.

(6) The Kentucky Emergency Response Commission shall make the grant awards no later than September 15.

(7) The state disaster and emergency services area coordinator, the Chairman of the Kentucky Emergency Response Commission, or designee, or the Grant Review Committee may request additional information which shall be provided by the local emergency planning committee. Failure to provide the requested information shall invalidate the local emergency planning committee's request for funding.

Section 5. Requests for Modifications. (1) A modification of a grant award is required if there is a change in the grant request or if a local emergency planning committee is unable to expend the funds for the purpose for which the grant was awarded. A request for modification shall be submitted by the LEPC for approval by the commission. Unexpended monies shall be returned to the Kentucky Emergency Response Commission fee account fund.

(2) Requests for modifications of grant awards shall be submitted on Grant Request Form DES/SARA-303 as set out in Section 7 of this administrative regulation and, except for due dates, shall be processed in accordance with Sections 3 and 6 of this administrative regulation.

(3) Modifications may be submitted throughout the grant period.

Section 6. Supplemental Grant Awards. (1) In the event supplemental money is available, the Kentucky Emergency Response Commission shall determine the date of the supplemental allocation award and inform the local emergency planning committees of that date.

(2) Requests for supplemental money shall be submitted on Grant Request Form DES/SARA-303 as set out in Section 7 of this administrative regulation and, except for due dates, shall be processed in accordance with this section and Sections 3 and 6 of this administrative regulation.

(3) If a local emergency planning committee requests supplemental money the schedule of due dates is:

(a) Thirty (30) days from notification by the Kentucky Emergency Response Commission of the availability of supplemental money, the local emergency planning committee shall submit the supplemental grant request to the state disaster and emergency services area coordinator.

(b) Thirty (30) days from receipt of the supplemental grant request, the state disaster and emergency services area coordinator shall review the supplemental grant request in

accordance with Sections 3 and 6 of this administrative regulation and forward it to the Chairman of the Kentucky Emergency Response Commission, or designee.

(c) Thirty (30) days from receipt of the supplemental grant request, the Chairman of the Kentucky Emergency Response Commission, or designee, shall review the supplemental grant request in accordance with Sections 3 and 6 of this administrative regulation and forward it to the Grant Review Committee.

(d) Forty-five (45) days from receipt of the supplemental grant request, the Grant Review Committee, with a quorum present, shall review the supplemental grant request in accordance with Sections 3 and 6 of this administrative regulation and forward their recommendations to the Kentucky Emergency Response Commission.

(e) Thirty (30) days from receipt of the recommendation of the Grant Review Committee, the Kentucky Emergency Response Commission shall make the supplemental grant award.

Section 7. Requirements for Funding Accountability. (1) Funds provided by the Kentucky Emergency Response Commission shall be deposited in a separate "(Name of County) Emergency Planning Committee Fee Account" and fiscal accountability shall be prescribed by the state auditor of public accounts. All funds shall be subject to audit by the Kentucky Emergency Response Commission and the state auditor of public accounts.

(2) The bylaws of each local emergency planning committee shall identify the position or person who will be responsible for accountability for the funds and who will be listed as the authorized applicant as shown on DES/Sara-303 and shall be submitted simultaneously with the grant request.

(3) The local emergency planning committee shall provide documentation of expenditures for the preceding year on each grant request submitted except for the initial grant request.

(4) Grant awards approved by the Kentucky Emergency Response Commission may be withheld for noncompliance with KRS 39.800 to 39.990 and administrative regulations issued thereunder and for failure to provide required documentation.

(5) All funding allocation decisions shall be made by the Kentucky Emergency Response Commission and shall be dependent upon availability

of fees collected.

Section 8. Form DES/SARA-324 and grant request form DES/SARA-303 are set out in this section.

PUBLIC (LEGAL) NOTICE ADVERTISEMENT
_____ COUNTY EMERGENCY PLANNING COMMITTEE

Pursuant to Section 324, Title III of the 1986 Federal Superfund Amendments and Reauthorization Act (SARA) of 1986 (PL 99-499), the following information is provided in compliance with the Community Right-to-Know requirements of the SARA Law, and the open meetings and open records provisions of Kentucky Revised Statutes. Members of the public may contact the (name of county) County Emergency Planning Committee by writing (name of chairman), Chairman of the (name of county) County Emergency Planning Committee, (working address of chairman or committee), (city), Kentucky (zip code), or contacted by telephone at (area code), (telephone number established by the committee). The (name of county) County Emergency Planning Committee conducts meetings at (name of building), (local address), or at other locations, in accordance with the Kentucky Open Meetings Law. Members of the public may request to be notified of regular or special meetings as provided in KRS 61.820 and KRS 61.825. Records of the Planning Committee, including the county emergency response plan, material safety data sheets, and inventory forms, or any follow-up emergency notices as may subsequently be issued, are open for inspection, and members of the public who wish to review these records may do so (normal hours of business), (Eastern or Central Time), (days of the week), at (location of the office or place where custodian keeps the committee files), as required by the Kentucky Open Records Law. The local 24-hour telephone number for purposes of emergency notification, as required by SARA, is (emergency number adopted by county planning committee).

KENTUCKY EMERGENCY RESPONSE COMMISSION
FEE ACCOUNT FUND
Grant Application for Grant Period 09/01/9__ to 08/31/9__

DUE DATES

LEPCs to ACs 05/01

Received by AC:

Received by State:

ACs to State 06/01

Received by AC:

Received by State:

Final Award 09/15

Initial & Date

Initial & Date

AUTHORIZED APPLICANT (INFORMATION)
Emergency Planning Committee

County Name:

County Code-3 digit no.:

Enter total number of Tab Q-7's with Extremely Hazardous Substances in your county. This is the total number of facilities with extremely hazardous substances in your county: _____

DATE:

GRANT INFORMATION

Grant Amount Requested \$

Circle Type of Application:

LEPC:

New

Revised

State Agency:

New

Revised

GRANT RECIPIENT

Checks shall be made payable to and mailed to the AUTHORIZED APPLICANT. The AUTHORIZED APPLICANT is the county emergency planning committee which is authorized to apply for and manage the grant. The AUTHORIZED APPLICANT shall provide the name _____ and phone number _____ of the designated contact person. The AUTHORIZED APPLICANT shall provide the name _____ and address _____ of the bank where the check shall be deposited.

Emergency Planning Committee

County Name:
 County Code-3 digit number:
 Street Address:
 City, Zip:

LEPCs shall submit grant request form DES/SARA-303 to their state disaster and emergency services area coordinator. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

State agencies shall submit grant request form DES/SARA-303 to the Chairman, or designee, of the Kentucky Emergency Response Commission. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

CERTIFICATION

I, the undersigned, certify to the Kentucky Emergency Response Commission that all the information is true and accurate. I further represent that the money received under this grant program will be used for the administration, development and implementation of the Kentucky Emergency Planning and Community Right-to-know program, known as SARA Title III, within the guidelines mandated by PL 99-499/Title III, KRS Chapter 39.800 to 39.990 and subsequent administrative regulations.

Name, Title and Date:
 DES/SARA-303

Grant Application for Grant Period 09/01/9__ to 08/31/9__

ATTACHMENTS

- Detailed budget sheet for each budget category you request.
- Documentation for preceding year's award.
- Copy of published DES/SARA-324
- Bylaws.

INELIGIBLE ITEMS

- Emergency response equipment.
- Reimbursement for emergency response and/or cleanup of a release.

BUDGET CATEGORIES	GRANT REQUEST	GRANT AWARD
Right-to-know responsibilities-includes legal notice DES/SARA-324		
Data Management-includes receiving and maintaining data under 302(c)/KRS 39.845; 304/KRS 39.840(b), 311/312/KRS 39.840(c)		
Telephone-includes 24-hour warning point for releases and cost of telephone for LEPC business		
Services-includes contracts* to support KRS 39.800 to KRS 39.990		
Office Supplies-includes postage,		

printing, copying and paper		
File cabinets, desks, chairs		
Commission-approved training		
Commission-approved travel		
TOTAL GRANT REQUEST		
LESS CARRYOVER MONIES		
ADJUSTED GRANT AWARD		

*Contracts for personal services and equipment shall be in conformance with state laws and administrative regulations.

DES/SARA-303

(18 Ky.R. 1712; Am. 2325; 2522; eff. 1-27-92; 22 Ky.R. 606; 898; eff. 10-11-95.)