

# 2016

Kentucky Emergency  
Response Commission  
(KERC)

Kentucky Emergency  
Management (KYEM)



## LEPC GRANT APPLICATIONS COURSE MANUAL

This course is designed to provide active LEPC members with an understanding of the state requirements for LEPC grant funding (KRS and KAR), including a detailed review of all the documentation and forms LEPCs are required to submit to the KERC or their designees. The target audience for this course is current members of an LEPC. Specifically, the Chair, the Vice-Chair, the Treasurer, and persons whose role with the LEPC typically includes the responsibility to complete any LEPC forms and documents: This guidance supersedes all previous instructions for application of KERC Grants.

# LEPC Grant Applications Course Manual

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**LEPC Courses:** The Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses consist of:

**LEPCs in Kentucky:** Module 1 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. An introductory look at Local Emergency Planning Committee (LEPC), the laws and regulations that govern them, and an LEPCs importance in providing the community – its citizens and its leaders – with needed information that will better prepare them in the event of a chemical emergency.

**LEPC Grant Applications:** Module 2 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. This course is designed to provide active LEPC members with an understanding of the state requirements for LEPC grant funding (KRS and KAR), including a detailed review of all the documentation and forms LEPCs are required to submit to the KERC or their designees.

**The EPA's Tier2Submit20xx:** Module 2A of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. This course is designed to provide active LEPC members with an understanding of the process of how facilities complete an electronic tier2 report using the EPA's Tier2Submit20xx Software. It is recommended that **ALL** members of the LEPC have the Tier2Submit20xx software on their computer. This will allow access to: A) **ALL** facility addresses within the district, B) a complete list of contact information for **EVERY** facility in the district, and C) a complete list of **EVERY** chemical within the district.

**Emergency Response Planning for EHS Facilities:** Module 3 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. This course is designed to provide active LEPC planners with an understanding of the federal (EPCRA) and state (KRS and KAR) requirements for Hazardous Materials (HAZMAT) emergency response plans (formerly known in Kentucky as TAB Q-7s).

**Tier2 / EHS Facility Plan Validating Exercise:** Module 4 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. Includes the final culminating activity; a Tier2 / EHS Facility Plan Validating Exercise. This course is designed to provide active LEPC members with an understanding of the relationship between Tier2 reporting and EHS Facility plans and how both can be utilized to ensure the LEPC is fulfilling its EPCRA and KRS planning requirements.

**Community Right-To-Know – Coordinating Public Information:** Module 5 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. This course is designed to provide active LEPC members with a wide range of best practices and options for fulfilling ALL of the EPCRA requirements regarding educating and preparing the public for a HAZMAT incident.



## Unit 1: Course Overview

This is the 2<sup>nd</sup> module of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses.

Module 1: LEPCs in Kentucky is a prerequisite for this course.

This course is a detailed review of the state requirements for LEPC grant funding (KRS and KAR), including a detailed review of all the documentation and forms LEPCs are required to submit to the KERC or their designees.

Discussion Questions:

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**Course Purpose**

This course is designed to provide active LEPC members with an understanding of the state requirements for LEPC grant funding.

Includes a review of all documentation and forms.

*The roots of education are bitter, but the fruit is sweet. - Aristotle*

### Course Purpose

This course is designed to provide active LEPC members with an understanding of the state requirements for LEPC grant funding (KRS and KAR), including a detailed review of all the documentation and forms LEPCs are required to submit to the KERC or their designees.

Discussion Questions:

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**Target Audience**

Current members of an LEPC, specifically:



- the Chair,
- the Vice-Chair,
- the Treasurer, and
- other members whose role is vital in completion of required documentation

**Target Audience**

The target audience for this course is current members of an LEPC. Specifically, the Chair, the Vice-Chair, the Treasurer, and persons whose role with the LEPC typically includes the responsibility to complete any/all of the following forms and documents:

- 101-GA Grant Application
- 102-DB Detailed Budget
- 103-PPI Personal Property Inventory
- 103B-PPI Additional Personal Property Inventory
- 104-MCP Membership Cover Page
- 105-GL Grant Ledger
- 107-PLN Public Legal Notice
- 302-ACL Annual Certification Letter

Discussion Questions:

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### Course Design

The individual course units will address the following:

- Unit 1: Course Overview - Purpose, Design, Objectives, Logistics, Expectations, Introductions
- Unit 2: The Annual LEPC Calendar - LEPC requirements in relation to the standard calendar
- Unit 3: LEPC Documentation Provisions - the legal requirements found within EPCRA, KRS, and KAR
- Unit 4: 106 KAR 1:091. KERC fee account grant requirements for LEPCs. – detailed review all of the documents listed within 1.091
- Unit 5: Grant Process & Documentation Submission - the procedures LEPCs must follow & the forms that must be submitted
- Unit 6: Additional Funding - The Hazardous Materials Emergency Preparedness (HMEP) Grant
- Final Exam

### Course Objectives

The course objectives: after completing this manual you should be able to:

- Site the Annual LEPC Calendar and connect the due dates to the documents required by the KERC
- Complete all forms and documents required by the KERC
- Know to whom and where documents are to be submitted and posted

Discussion Questions:

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### Course Logistics

Please sign in and provide an e-mail address.

**Note:** Course certificates will be sent to address on sign-in sheets. Course instructors are not responsible for incorrect or illegible addresses.

### Housekeeping Issues

- Breaks
- Cell Phones on Vibrate
- Location of Restrooms
- Location of Emergency Exits
- Other Concerns (Instructor and/or Student)

### Discussion Questions:

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**Class Expectations**



Participate

Ask Questions

Respect Other's Opinions

Return on Time From Breaks

### **Class Expectations**

All class participants are expected to:

- Participate
- Ask Questions
- Respect Other's Opinions
- Return from breaks on time!
- Other Concerns (Instructor and/or Student)

Discussion Questions:

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## Introductions

INSTRUCTOR	STUDENT
Name	Name
Title	LEPC Name (County)
Organization	Personal or professional interest in LEPC.
Professional Experience	Importance of LEPC

*You can't base your life on other people's expectations. - Stevie Wonder*

### Introductions

Your instructor(s) will introduce themselves and provide you with information about their background and experience with LEPCs.

You will be asked to briefly (60 seconds or less) introduce yourselves and provide information on your background, your experience with LEPCs, why you wanted to participate in the class, and what you think is the most important thing your LEPC does or can do.

Discussion Questions:

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## Acronyms

As you can see, part of learning about LEPCs is becoming familiar with a number of acronyms, some of the more common acronyms are:

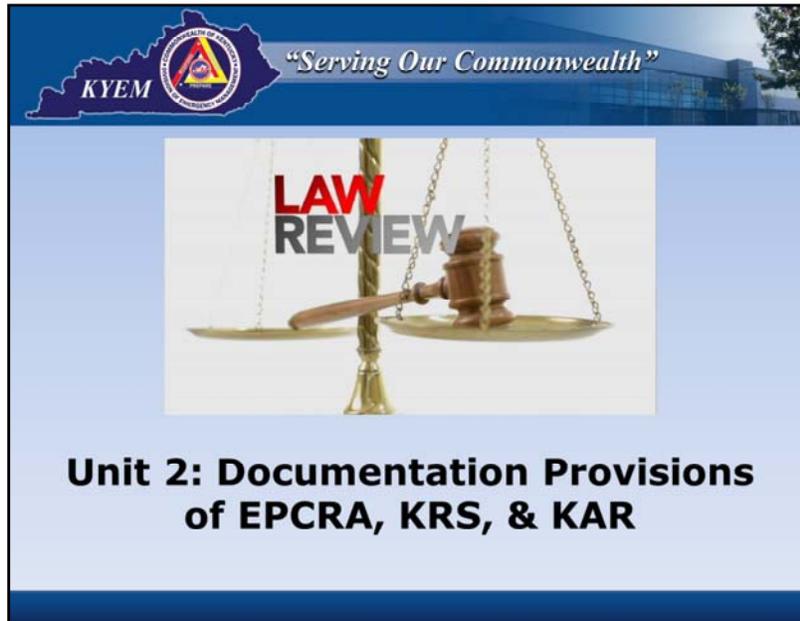
<b>EPCRA</b>	Emergency Planning and Community Right to Know Act
<b>LEPC</b>	Local Emergency Planning Committee
<b>LOL</b>	List of Lists
<b>SARA</b>	Superfund Amendment and Reauthorization Act

### Acronyms

As you can see, part of learning about the LEPC is becoming familiar with a number of acronyms, some of the more common acronyms are:

- **EPCRA**  
Emergency Planning and Community Right to Know Act
- **LEPC**  
Local Emergency Planning Committee
- **LOL**  
List of Lists
- **SARA**  
Superfund Amendment and Reauthorization Act

A more complete acronym list can be found in the back of this manual.



## **Unit 2: LEPC Documentation Provisions in EPCRA, KRS, & KAR**

In this unit we will briefly review the legal requirements regarding grant funding for LEPCs found within EPCRA, KRS, and KAR.

At the end of this unit you should be able to identify:

- What liability protection is afforded LEPC members?
- What are the LEPC Chairman requirements?
- Which KRS & KAR govern the main day-to-day LEPC activities?
- Which KRS governs Open Meeting and Open Record requirements?
- Which KAR governs the way in which facility paid Tier2 Fees are split among KY LEPCs?



**EPCRA Section 301: Bylaws**

Section 301 requires LEPCs shall appoint a chairperson and establish rules (bylaws) by which the committee functions, including provisions for :

- public notification of committee activities,
- public meetings to discuss the emergency plan,
- public comments,
- response to such comments by the committee, and
- distribution of the emergency plan.

The LEPC must establish procedures for receiving and processing requests for information

LEPCs must designation an official to serve as coordinator for information

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**EPCRA SEC. 301 Establishment of SERCs, Planning Districts, and LEPCs.**

(c) Establishment of Local emergency planning committees.

After designation of emergency planning districts the SERC shall appoint members of a LEPC for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subtitle. LEPCs shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for:

- public notification of committee activities,
- public meetings to discuss the emergency plan,
- public comments, response to such comments by the committee, and
- distribution of the emergency plan.

*EPCRA Section 301 is specifically referenced in these materials because LEPCs are required by KAR 1.091 to have bylaws. Those bylaws are required to have, at minimum, the information addressing each bullet point listed above.*

The LEPC shall establish procedures for receiving and processing requests from the public for information under section 324, including tier II information under section 312. Such procedures shall include the designation of an official to serve as coordinator for information.

Discussion Questions:

Legal References: EPCRA Section 301



## EPCRA Section 324: Public Notice

Section 324 requires annual public notice by LEPC be published in local newspaper:

- 1) They have received MSDS, Tier2, Emergency Release Notifications, and /or Tab Q-7;
- 2) All items are available for public review; and
- 3) Location where public can view.



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### **SEC. 324 Public Availability of Plans, Data Sheets, Forms, and Follow-up Notices.**

EPCRA Section 324 requires that each LEPC annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted according to EPCRA Section 324. The notice shall state that follow-up emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or follow-up notice may do so at the location designated.

*EPCRA Section 324 is specifically referenced in these materials because LEPCs are required by KAR 1.091 to annually publish a public notice. The KERC included additional requirements for the public notice and created a template which is found in it's entirety in KAR 1.091. LEPCs should replace the information found within the parenthesis with accurate local information and publish. LEPCs should **NOT** vary from template content, form, or layout.*

Discussion Questions:

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Legal References: EPCRA Section 324



**KRS 39E.100: LEPCs**

Local emergency planning committees are created as part of the state commission.

Local committee members shall be appointed by the commission, and shall be considered as agents of the state for all purposes, including purposes of liability protection.

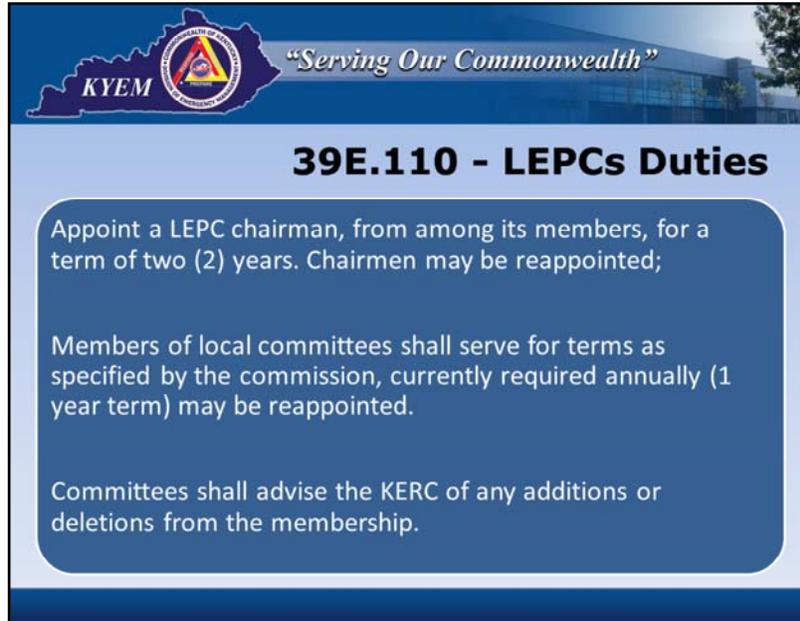
**KRS 39E.100 Local planning committees.**

- (1) Local emergency planning committees are created as part of the state commission.
- (2) Local **committee members** shall be appointed by the commission, and **shall be considered as agents of the state for all purposes, including purposes of liability protection.**

Discussion Questions:

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Legal References:



### LEPCs Duties: KRS 39E.110 Committee Duties

#### LEPC Membership and Terms

(1) Duties of the committees shall include:

(d) **Appointment of a committee chairman**, from among its members, **for a term of two (2) years**. Chairmen may be reappointed;

(4) Members of local committees shall serve for terms as specified by the commission, though not to exceed four (4) years except by reappointment. Committees may establish attendance standards for continued membership and shall advise the commission of any additions or deletions from the membership that are desired. These changes may be approved or disapproved by the commission.

***LEPC members should be very familiar with KRS 39E.110 and 106 KAR1.091 as they identify the majority of day-to-day activities an LEPC is required to do.***

Discussion Questions:

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Legal References: KRS 39E.110

 *"Serving Our Commonwealth"*

**KRS 39E.110 cont.**



Committee meetings shall be subject to provisions of:

- KRS 61.805 to 61.850 relating to public meetings
- KRS 61.870 to 61.884 relating to open records.

**KRS 39E.110 continued...**

**Public Meetings & Open Records**

**(5) Committee meetings shall be subject to provisions of KRS 61.805 to 61.850 relating to public meetings and to KRS 61.870 to 61.884 relating to open records, provided that trade secrets, as determined by the federal Environmental Protection Agency, are processed in accordance with 42 U.S.C. 11042.**

Discussion Questions:

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Legal References: KRS 39E.110

 *"Serving Our Commonwealth"*

## **KRS 39E.140 - Administrative Support**

In local governments where local emergency management agencies receive state or federal funds, those agencies shall provide administrative and planning support to the committee as specified by the director of the division.



**KRS 39E.140 Political entities required to participate in local planning process.**

### **Administrative & Funding Support**

(2) In local governments where local emergency management agencies receive state or federal funds, those agencies shall provide administrative and planning support to the committee as specified by the director of the division.

Discussion Questions:

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Legal References: KRS 39E.110



**KAR 1.081 FACL**

Each March 1 any facility that has an EHS in excess of the TPQ shall review the EHS Facility Emergency Response Plan and send a Facility Annual Certification Letter (FACL) to the LEPC 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 FACL.

**106 KAR 1:081. Kentucky Emergency Response Commission Tier2 Reporting and Fee Schedule Requirements -- EHS Facility Planning Participation Requirements.**

**Facility Annual Certification Letter (FACL)**

**Section 4(1)** In accordance with the planning requirements of KRS no later than sixty (60) days after a facility notifies the KERC that it is subject to the requirements of this section, the facility shall provide emergency response planning information to the LEPC and shall assist the LEPC in developing an EHS Facility Emergency Response Plan for all EHSs in accordance with the “Emergency Response Planning Guide for EHS Facilities”.

**Section 4(2)** After initial submission and approval of the EHS Facility Emergency Response Plan, each March 1 any facility that has an EHS in excess of the TPQ shall review the EHS Facility Emergency Response Plan and send a Facility Annual Certification Letter (FACL) to the LEPC stating that there were no changes and therefore the EHS Facility Emergency Response Plan is correct as is; or the EHS Facility Emergency Response Plan has been revised and the revisions are included with the FACL.

**Section 4(3)** A Category Five Facility which is deemed exempt under SARA Title III Section 311(e) and therefore not subject to the annual chemical inventory reporting requirement shall comply with Section 4 (1) and (2) of this administrative regulation and shall file the fee in accordance with Section 3 of this administrative regulation.

Facilities, at minimum, should be familiar with 106 KAR 1.081, as it dictates how they are to participate in the planning process with the LEPC.

Discussion Questions:

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**KAR 1.121 Tier2 Funding Split**

Eligible Counties split 50% of the total Tier2 revenue and each eligible county receives:

A 20% share (Eligible County Portion)	= flat rate split
A 40% share (Tier2 Portion)	= $\frac{\# \text{ Tier2s in county}}{\text{Total Tier2s in KY}}$
A 40% share equal (EHS Plan Portion)	= $\frac{\# \text{ EHS Plans in county}}{\text{Total EHS Plans in KY}}$

**106 KAR 1:121. Kentucky Emergency Response Commission Fee Account Grant Distribution Formula.**

**Tier2 Funding Split**

In Kentucky 50% of the Tier2 reporting fees received from facilities are given back to the LEPC. An LEPC must meet all requirements listed in 106 KAR 1.091 to be eligible. **The total amount allocated to the LEPCs in Kentucky is divided according to the formula listed in 106 KAR 1.121.** The formula was designed so that the more facilities you have in a county the larger piece of the allocated funding you receive. The same goes for the EHS facility plans, the more EHS facilities you have in a county the larger piece of the allocated funding you receive.

*This is the main, and sole guaranteed, revenue source for LEPCs.*

For the calendar year 2014, the split translated to:

- Each eligible LEPC was worth \$483.23
- Each Tier2 facility was worth \$22.82
- Each EHS Facility Plan was worth \$78.46

Discussion Questions:

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- Xxx
- Xxx

Legal References: KRS 39E.121



**Unit 2: Fundamentals Review**

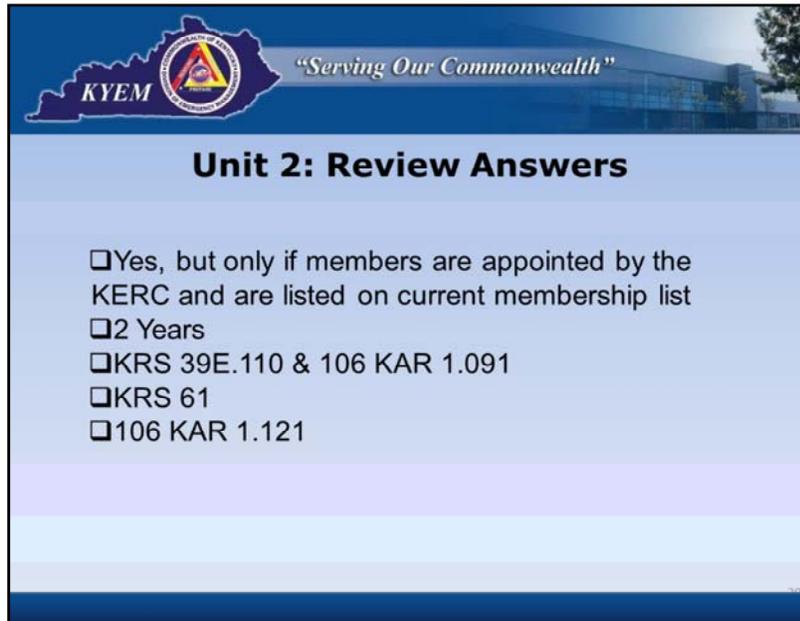
- What liability protection is afforded LEPC members?
- What are the LEPC Chairman requirements?
- Which KRS & KAR govern the main day-to-day LEPC activities?
- Which KRS governs Open Meeting and Open Record requirements?
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## Unit 2: Fundamentals Review

- What liability protection is afforded LEPC members?
- What are the LEPC Chairman requirements?
- Which KRS & KAR govern the main day-to-day LEPC activities?
- Which KRS governs Open Meeting and Open Record requirements?
- Which KAR governs the way in which facility paid Tier2 Fees are split among KY LEPCs?

Discussion Questions:

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## Unit 2: Review Answers

- KRS 39E.100 dictates that LEPC members will be considered as agents of the state for all purposes, including purposes of liability protection if members are appointed by the KERC and are listed on current membership list.
- KRS 39E.110 identifies as a LEPC duty, that the Committee appoint a chairman for a term of two (2) years. Chairmen may be reappointed.
- LEPC members should be very familiar with KRS 39E.110 and 106 KAR1.091 as they identify the majority of day-to-day activities an LEPC is required to do.
- KRS 39E.110 states that committee meetings shall be subject to provisions of KRS 61.805 to 61.850 relating to public meetings and to KRS 61.870 to 61.884 relating to open records
- 106 KAR 1:121 includes the formulas that are used to calculate the 50% splits of the Tier2 reporting fees received from facilities which are given back to the LEPC.

### Discussion Questions:

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**Unit 3: 106 KAR 1:091. Kentucky Emergency Response Commission fee account grant requirements for local emergency planning committees.**

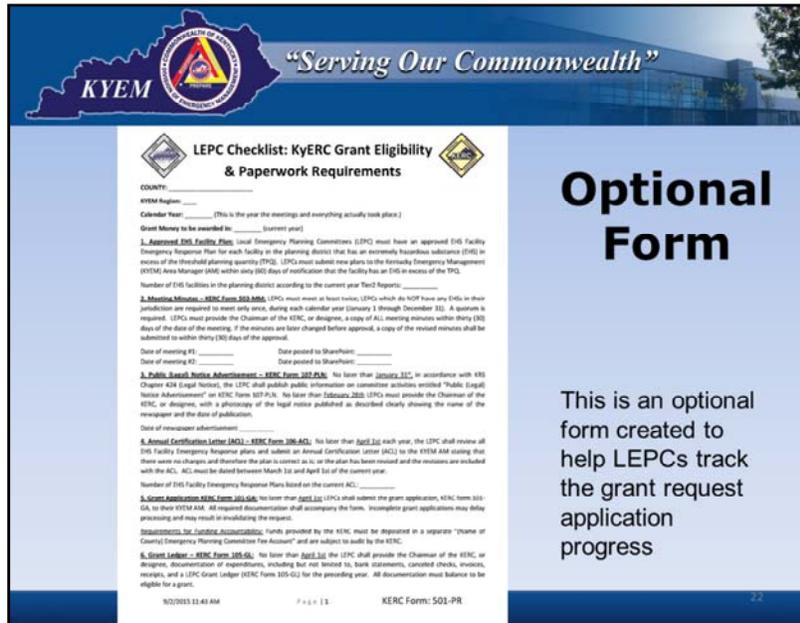
106 KAR 1.091 is the “Meat & Potatoes” of this course in that it identifies the majority of the day-to-day tasks that LEPCs are required to perform. In this unit we review in depth the requirements of 106 KAR 1.091 and all of the documents listed within in which the KERC requires to be submitted annually by LEPCs wishing to secure grant funding. In some instances the documents must be submitted to a KYEM AM, the KERC Chair, or the designee. Many times documents must be uploaded to a County SharePoint folders.

The KERC has established the “LEPC Grant Applications” guidance manual as the official document and instruction manual for securing grant funding. Most of the major items within the “LEPC Grant Applications” guidance manual are echoed in KRS 39E.110 and 106 KAR 1.091.

*LEPCs should annually review the “Emergency Response Planning Guide for EHS Facilities” document and always be familiar with 106 KAR 1.091 to ensure they correctly complete and successfully secure a portion of the funds annually made available through the KERC.*

At the end of this unit you should be able to identify:

- What KRS requirements must LEPCs meet to be eligible for financial assistance.
- What are the planning and plan status requirements LEPCs must meet to be eligible for financial assistance.
- What are the LEPC meeting requirements, including record keeping
- What are the documents and deadlines for submission for all grant eligibility requirements?



**LEPC Checklist: KERC Grant Eligibility & Paperwork Requirements: KERC Form: 501-PR**

COUNTY: \_\_\_\_\_ KYEM Region: \_\_\_\_\_  
 Calendar Year: \_\_\_\_\_ (This is the year the meetings and everything actually took place.)  
 Grant Money to be awarded in: \_\_\_\_\_ (current year)

**1. Approved EHS Facility Plan:** LEPC must have an approved EHS Facility Emergency Response Plan for each facility in the planning district that has an EHS in excess of the TPQ. LEPCs must submit new plans to the KYEM AM within **60 days** of notification that the facility has an EHS in excess of the TPQ.

Number of EHS facilities in the planning district according to the current year Tier2 Reports: \_\_\_\_\_

**2. Meeting Minutes – KERC Form 503-MM:** LEPCs must **meet at least twice**; LEPCs which do NOT have any EHSs in their jurisdiction are required to meet only once, during each calendar year. A quorum is required. LEPCs must provide the Chairman of the KERC, or designee, a copy of ALL meeting minutes within **30 days** of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to within 30 days of the approval.

Date of meeting #1: \_\_\_\_\_ Date posted to SharePoint: \_\_\_\_\_

Date of meeting #2: \_\_\_\_\_ Date posted to SharePoint: \_\_\_\_\_

**3. Public (Legal) Notice Advertisement – KERC Form 107-PLN:** No later than **January 31st**, in accordance with KRS Chapter 424 (Legal Notice), the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement". No later than **February 28th** LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the legal notice published as described clearly showing the name of the newspaper and the date of publication.

Date of newspaper advertisement \_\_\_\_\_

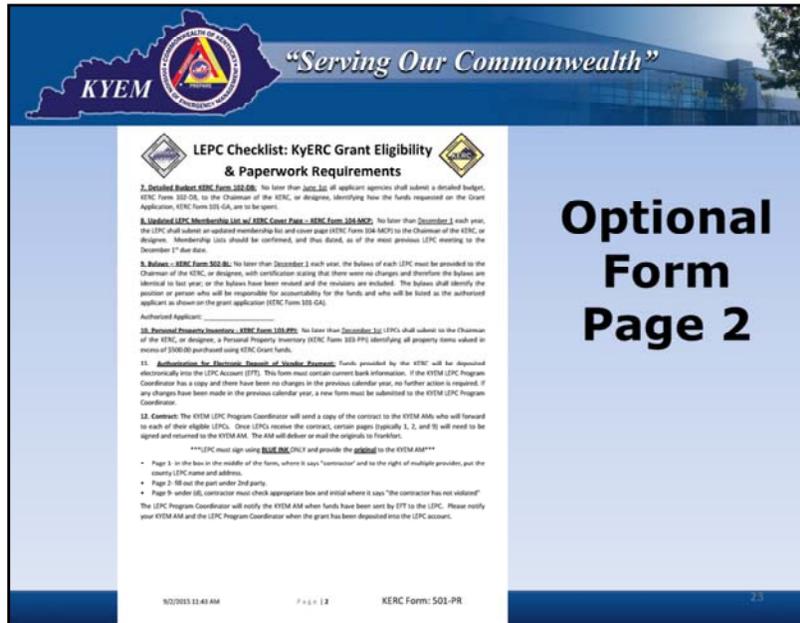
**4. Annual Certification Letter (ACL) – KERC Form 106-ACL:** No later than **April 1st** each year, the LEPC shall review all EHS Facility Emergency Response plans and submit an ACL to the KYEM AM stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the ACL. ACL must be dated between **March 1st and April 1st** of the current year.

Number of EHS Facility Emergency Response Plans listed on the current ACL: \_\_\_\_\_

**5. Grant Application KERC Form 101-GA:** No later than **April 1st** LEPCs shall submit the grant application to their KYEM AM. All required documentation shall accompany the form. Incomplete grant applications may delay processing and may result in invalidating the request.

Requirements for Funding Accountability: Funds provided by the KERC must be deposited in a separate "(Name of County) Emergency Planning Committee Fee Account" and are subject to audit by the KERC.

**6. Grant Ledger – KERC Form 105-GL:** No later than **April 1st** the LEPC shall provide the Chairman of the KERC, or designee, documentation of expenditures, including but not limited to, **bank statements, canceled checks, invoices, receipts, and a LEPC Grant Ledger** for the preceding year. All documentation must balance to be eligible for a grant.



**7. Detailed Budget KYERC Form 102-DB:** No later than June 1st all applicant agencies shall submit a detailed budget to the Chairman of the KERC, or designee, identifying how the funds requested on the Grant Application are to be spent.

**8. Updated LEPC Membership List w/ KYERC Cover Page – KYERC Form 104-MCP:** No later than December 1 each year, the LEPC shall submit an updated membership list and cover page to the Chairman of the KERC, or designee. Membership Lists should be confirmed, and thus dated, as of the most previous LEPC meeting to the December 1st due date.

**9. Bylaws – KYERC Form 502-BL:** No later than December 1 each year, the bylaws of each LEPC must be provided to the Chairman of the KERC, or designee, with certification stating that there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included. The bylaws 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 the grant application.

Authorized Applicant: \_\_\_\_\_

**10. Personal Property Inventory - KYERC Form 103-PPI:** No later than December 1st LEPCs shall submit to the Chairman of the KERC, or designee, a Personal Property Inventory identifying all property items valued in excess of \$500.00 purchased using KERC Grant funds.

**11. Contract Invoice:** A contract will be sent to each eligible LEPC by the KYEM LEPC Program Coordinator identifying the dollar amount of the grant. LEPCs must confirm County Name and Address is correct. LEPCs must complete the section in the lower right-hand corner, “Vender’s Certification” using BLUE INK ONLY. LEPCs must provide the original to the KYEM AM.

The AMs will receive a copy of the contract and will forward to each of their eligible counties. Once you receive the copy of the contract, certain pages (typically 1, 3 and 15) will need to be sent back to Frankfort.

- **Page 1-** in the box in the middle of the form, where it says "contractor" and to the right of multiple provider, put the county LEPC name and address.
- **Page 3-** fill out the part under 2nd party, in blue ink.
- **Page 15-** under (d) - contractor must check one- or
- **Initial-** in blue ink- where it says "the contractor has not violated... "

The LEPC Program Coordinator will notify the KYEM AM when funds have been sent by EFT to the LEPC. Please notify your KYEM AM and the LEPC Program Coordinator when the grant has been deposited into the LEPC account.

Authorization for Electronic Deposit of Vendor Payment: Funds provided by the KERC will be deposited electronically into the LEPC Account (EFT). This form must contain current bank information. If the KYEM LEPC Program Coordinator has a copy and there have been no changes in the previous calendar year, no further action is required. If any changes have been made in the previous calendar year, a new form must be submitted to the KYEM LEPC Program Coordinator.



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

**Section 2 (1) - KRS 39E.110 Requirements**

**To be eligible for financial assistance**, local emergency planning committees which have extremely hazardous substances (EHS) as listed in 40 CFR 355 Appendices A and B, in excess of the threshold planning quantity (TPQ) present in their community shall meet all the following criteria during the preceding calendar year (January 1 through December 31):

- (A) The local emergency planning committee shall meet all requirements set forth in KRS 39E.110.**



**1.091 LEPC Planning Requirements**

The LEPC must have an EHS Facility Emergency Response Plan as set out in the “KERC Emergency Response Planning Guide for EHS Facilities” for each facility that has an EHS in excess of TPQ that has been approved by the KERC.

The LEPC must submit a completed EHS Facility Emergency Response Plan Checklist with all EHS Facility Emergency Response plans submitted for KERC approval.

The LEPC must submit new EHS Facility Emergency Response Plans to the KYEM AM within **sixty (60) days** of notification that the facility has an EHS.

**106 KAR 1:091 continued...**

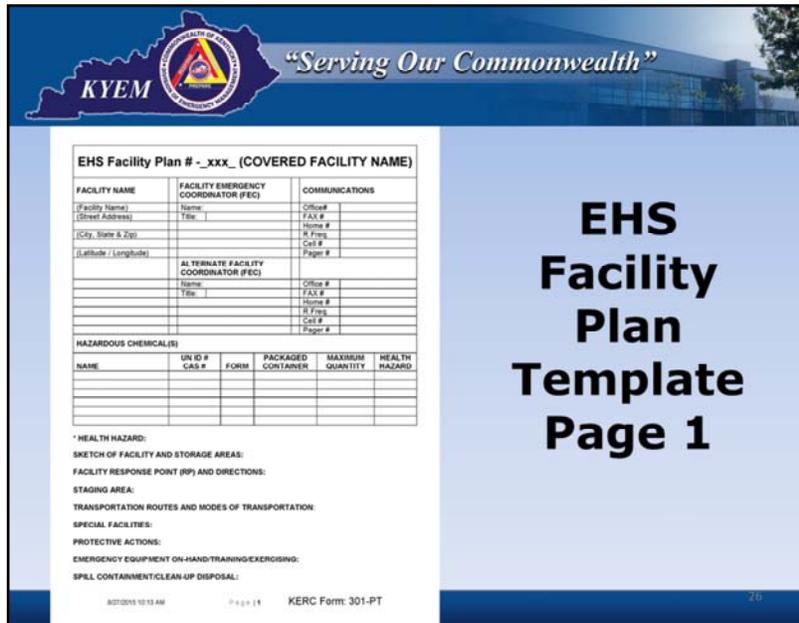
**Section 2 (1) B – LEPC Planning Requirements**

The **LEPC shall have an EHS Facility Emergency Response Plan** pursuant to KRS 39E.110 (1)(a), (e), (f) and 39E.150 as set out in the “Emergency Response Planning Guide for EHS Facilities” **for each facility in the planning district that has an EHS in excess of the TPQ** that has been approved by the KERC.

(i)The LEPC shall submit a completed EHS Facility Emergency Response Plan Checklist as defined in section 2 with all EHS Facility Emergency Response plans submitted for KERC approval.

(ii)The LEPC shall submit new EHS Facility Emergency Response Plans to the KYEM AM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ.

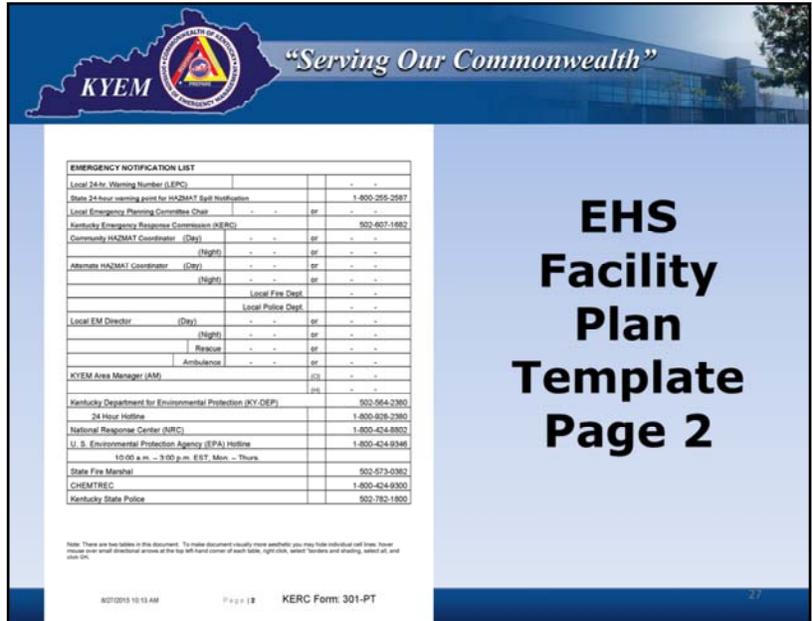
(iii)The KYEM AM shall review new EHS Facility Emergency plans and their accompanying checklists for completeness. Plans deemed complete by the KYEM AM shall be forward them to the Chairman of the KERC, or designee, within thirty (30) days of receipt from the LEPC. Plans deemed incomplete shall be returned to the LEPC with recommendations.



## EHS Facility Plan Template (KERC Form 301-PT) Page 1

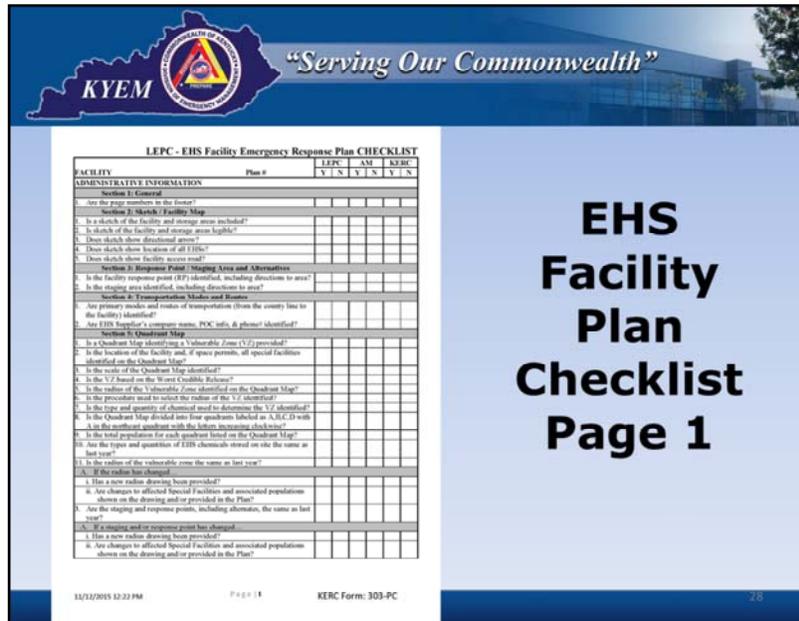
**Note:** There are two tables in the WORD format of this document. To make the document visually more aesthetic you may hide individual cell lines: to do so hover mouse over small directional arrows at the top left-hand corner of each table, right click, select “borders and shading, select all, and click OK.

- FACILITY NAME, (Street Address), (City, State & Zip), (Latitude / Longitude)
- FACILITY EMERGENCY COORDINATOR (FERC) and Alternate FERC: (Name, & Title) Office#, FAX #, Home #, R.Freq., Cell #, Pager #, Email
- HAZARDOUS CHEMICAL(S)
- NAME, UN ID #, CAS #, FORM, PACKAGED CONTAINER, MAXIMUM QUANTITY, HEALTH HAZARD
- SKETCH OF FACILITY AND STORAGE AREAS:
- FACILITY RESPONSE POINT (RP) AND DIRECTIONS:
- STAGING AREA:
- TRANSPORTATION ROUTES AND MODES OF TRANSPORTATION:
- SPECIAL FACILITIES:
- PROTECTIVE ACTIONS:
- EMERGENCY EQUIPMENT ON-HAND/TRAINING/EXERCISING:
- SPILL CONTAINMENT/CLEAN-UP DISPOSAL:



**EHS Facility Plan Template (KERC Form 301-PT) Page 2**

- Local 24-hour Warning Number (LEPC) ..... - -
- Community HAZMAT Coordinator Day..... - -
- Night ..... - -
- Alternate HAZMAT Coordinator Day ..... - -
- Night ..... - -
- Local EM Director Day ..... - -
- Night ..... - -
- KYEM Area Manager ..... - -
- Local Fire Department ..... - -
- Local Police Department ..... - -
- Local Rescue Squad ..... - -
- Local Ambulance ..... - -
- LEPC Chair ..... - -
- Kentucky Emergency Response Commission (KERC) .....1-502-607-1682
- Energy and Environment Cabinet (EEC) .....502-564-2380
- (24 Hour Hotline) .....1-800-928-2380
- National Response Center (NRC) .....1-800-424-8802
- U.S. Environmental Protection Agency (EPA) Hotline.....1-800-424-9346
- State Fire Marshall.....502-573-0382
- State 24-hour warning point for HAZMAT Spill Notification .....1-800-255-2587
- Chemtrec.....1-800-424-9300
- Kentucky State Police.....502-782-1800



# EHS Facility Plan Checklist Page 1

## EHS Facility Emergency Response Plan Checklist (KERC Form 303-PC) Page 1

### Section 1: General

1. Are the page numbers in the footer?

### Section 2: Sketch / Facility Map

1. Is a sketch of the facility and storage areas included?
2. Is sketch of the facility and storage areas legible?
3. Does sketch show directional arrow?
4. Does sketch show location of all EHSs?
5. Does sketch show facility access road?

### Section 3: Response Point / Staging Area and Alternatives

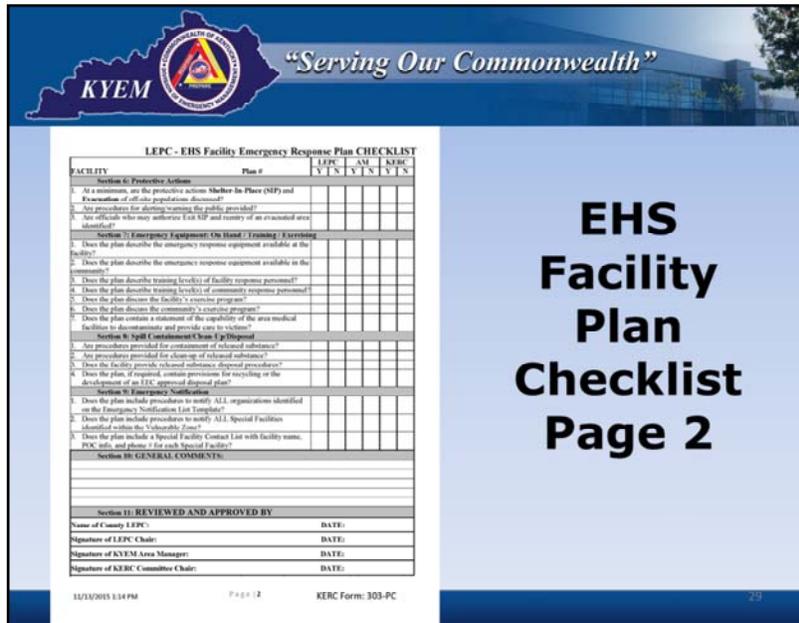
1. Is the facility response point (RP) identified, including directions to area?
2. Is the staging area identified, including directions to area?

### Section 4: Transportation Modes and Routes

1. Are primary modes and routes of transportation (from the county line to the facility) identified?
2. Are EHS Supplier's company name, POC info, & phone# identified?

### Section 5: Quadrant Map

1. Is a Quadrant Map identifying a Vulnerable Zone (VZ) provided?
2. Is the location of the facility and, if space permits, all special facilities identified on the Quadrant Map?
3. Is the scale of the Quadrant Map identified?
4. Is the VZ based on the Worst Credible Release?
5. Is the radius of the Vulnerable Zone identified on the Quadrant Map?
6. Is the procedure used to select the radius of the VZ identified?
7. Is the type and quantity of chemical used to determine the VZ identified?
8. Is the Quadrant Map divided into four quadrants labeled as A,B,C,D with A in the northeast quadrant with the letters increasing clockwise?
9. Is the total population for each quadrant listed on the Quadrant Map?
10. Are the types and quantities of EHS chemicals stored on site the same as last year?
11. Is the radius of the vulnerable zone the same as last year?
  - A. If the radius has changed...
    - i. Has a new radius drawing been provided?
    - ii. Are changes to affected Special Facilities and associated populations shown on the drawing and/or provided in the Plan?
3. Are the staging and response points, including alternates, the same as last year?
  - A. If a staging and/or response point has changed...
    - i. Has a new radius drawing been provided?
    - ii. Are changes to affected Special Facilities and associated populations shown on the drawing and/or provided in the Plan?



**EHS Facility Emergency Response Plan Checklist (KERC Form 303-PC) Page 2**

**Section 6: Protective Actions**

1. At a minimum, are the protective actions Shelter-In-Place (SIP) and Evacuation of off-site populations discussed?
2. Are procedures for alerting/warning the public provided?
3. Are officials who may authorize Exit SIP and reentry of an evacuated area identified?

**Section 7: Emergency Equipment: On Hand / Training / Exercising**

1. Does the plan describe the emergency response equipment available at the facility?
2. Does the plan describe the emergency response equipment available in the community?
3. Does the plan describe training level(s) of facility response personnel?
4. Does the plan describe training level(s) of community response personnel?
5. Does the plan discuss the facility's exercise program?
6. Does the plan discuss the community's exercise program?
7. Does the plan contain a statement of the capability of the area medical facilities to decontaminate and provide care to victims?

**Section 8: Spill Containment/Clean-Up/Disposal**

1. Are procedures provided for containment of released substance?
2. Are procedures provided for clean-up of released substance?
3. Does the facility provide released substance disposal procedures?
4. Does the plan, if required, contain provisions for recycling or the development of an EEC approved disposal plan?

**Section 9: Emergency Notification**

1. Does the plan include procedures to notify ALL organizations identified on the Emergency Notification List Template?
2. Does the plan include procedures to notify ALL Special Facilities identified within the Vulnerable Zone?
3. Does the plan include a Special Facility Contact List with facility name, POC info, and phone # for each Special Facility?

**Section 10: GENERAL COMMENTS:**

**Section 10: REVIEWED AND APPROVED BY**

Checklist must be reviewed, signed upon approval, and dated by: LEPC CHAIRPERSON, KYEM AM, KERC Committee Chair, before being sent to KERC for final approval.



## 1.091 Meeting Requirements

The LEPC must meet at least twice during each calendar year to conduct its business and a quorum shall be required.

A copy of the minutes must be provided to the Chairman of the KERC, or designee, within **thirty (30) days** of the date of the meeting (this is echoed in KRS 39E.110).

**\*\*\* LEPCs which do not have any EHSs are only required to meet at least once during each calendar year. \*\*\***



KRS 61.835 Minutes to be recorded – Open to Public

106 KAR 1:091 continued...

### Section 2 (1) C – Meeting Requirements

**The LEPC shall meet at least twice during each calendar year** to conduct its business and a quorum shall be required. **A copy of the minutes must be provided to the Chairman of the KERC, or designee, within thirty (30) days** of the date of the meeting pursuant to KRS 39E.110 (2).

### Section 2 (2).

(2) To be eligible for financial assistance, **LEPCs which do not have any EHS** in excess of the TPQ present in their community shall meet the following criteria during the preceding calendar year:

(A) The LEPC shall meet criteria set forth in KRS 39E.110 (1)(b), (c), (d), (2), (4), (5) and Section 2(d), (F), (G), (H), (I), and (J) of this administrative regulation.

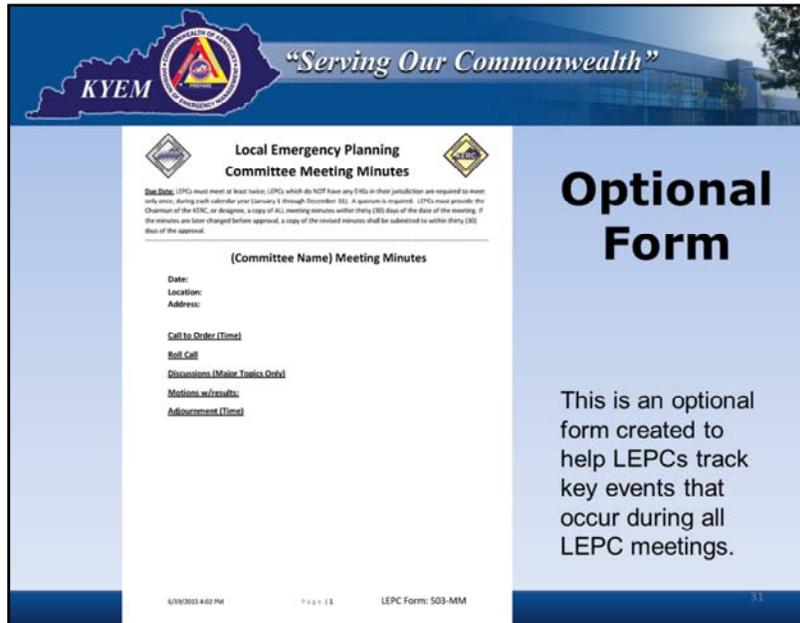
(B) The LEPC **shall meet at least once during each calendar year** to conduct its business and a quorum shall be required. **A copy of the minutes must be provided to the Chairman of the KERC, or designee, within thirty (30) days** of the date of the meeting pursuant to KRS 39E.110 (2).

*As of the 2015 Tier2 Reporting Cycle (calendar year 2014) there were only five counties in Kentucky without an EHS facility: Elliott, Magoffin, Menifee, Robertson, & Rockcastle.*

### KRS 39E.110: Meeting Minutes

(1) Duties of the committees shall include:

(2) Local committees shall advise the commission of their actions by providing a copy of minutes to the commission within thirty (30) days of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to the commission within thirty (30) days of the approval.



## Local Emergency Planning Committee Meeting Minutes – Optional LEPC Form: 503-MM

**Due Date:** LEPCs must **meet at least twice**; LEPCs which do NOT have any EHSs in their jurisdiction are required to meet only once, during each calendar year (January 1 through December 31). A quorum is required. LEPCs must provide the Chairman of the KERC, or designee, a copy of ALL meeting minutes within **thirty (30) days** of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to within thirty (30) days of the approval.

### (Committee Name) Meeting Agenda

**Date:**

**Location:**

**Address:**

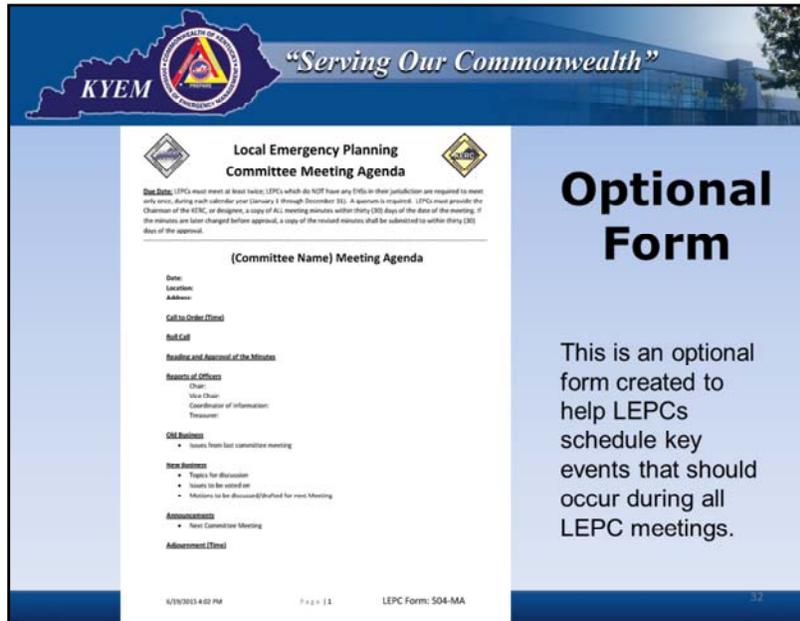
**Call to Order (Time)**

**Roll Call**

**Discussions (Major Topics Only)**

**Motions w/results:**

**Adjournment (Time)**



## Local Emergency Planning Committee Meeting Agenda - LEPC Form: 504-MA

**Due Date:** LEPCs must **meet at least twice**; LEPCs which do NOT have any EHSs in their jurisdiction are required to meet only once, during each calendar year (January 1 through December 31). A quorum is required. LEPCs must provide the Chairman of the KERC, or designee, a copy of ALL meeting minutes within **thirty (30) days** of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to within thirty (30) days of the approval.

### (Committee Name) Meeting Agenda

**Date:**

**Location:**

**Address:**

**Call to Order (Time)**

**Roll Call**

**Reading and Approval of the Minutes**

**Reports of Officers**

- Chair:
- Vice Chair:
- Coordinator of Information:
- Treasurer:

**Old Business**

- Issues from last committee meeting

**New Business**

- Topics for discussion
- Issues to be voted on
- Motions to be discussed/drafted for next Meeting

**Announcements**

- Next Committee Meeting

**Adjournment (Time)**

 "Serving Our Commonwealth"

## LEPC Food Expenditures

The KERC allows food expenditures\* at:

- Two (2) official LEPC meetings per year, and
- Two (2) exercise/training events per year

**\* The per person cost must not exceed the most current state per diem.**



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### LEPC Food Expenditures

It shall be the policy of the Kentucky Emergency Response Commission (KERC) to authorize LEPC's to expend funds allocated to the services and training categories for food on the following occasions:

- 1) At two official LEPC meetings per year, with per person cost not to exceed the most current State Per Diem
- 2) At two exercises/training events per year, with per person cost not to exceed the most current State Per Diem

This policy was voted on and approved by the CERC Board of Commissioners at the July 18th, 2012 meeting.



**1.091 "Public (Legal) Notice Advertisement"**

No later than **January 31st** each calendar year (January 1 through December 31) in accordance with KRS Chapter 424 (Legal Notice), the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement".

No later than **February 28th** LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the "Public (Legal) Notice Advertisement" published as described clearly showing the name of the newspaper and the date of publication.

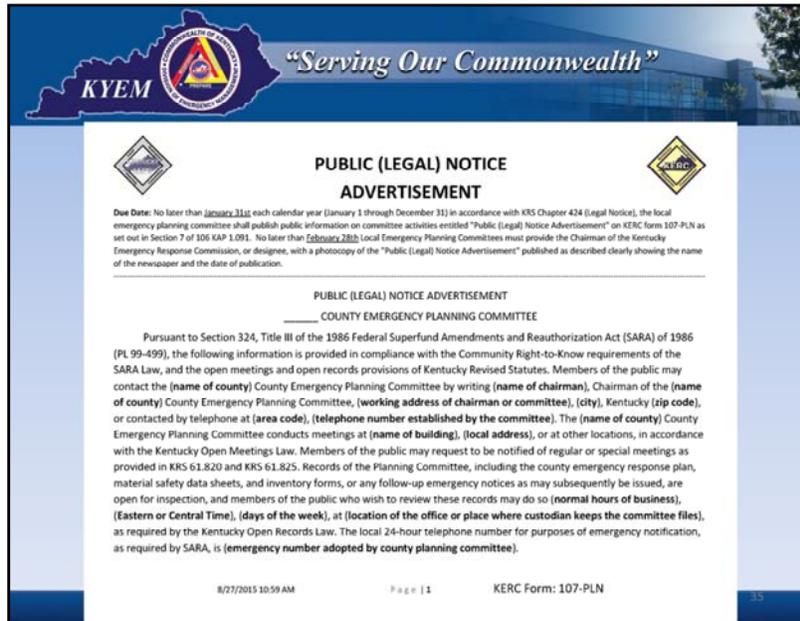
106 KAR 1:091 continued...

**Section 2 (1) D - "Public (Legal) Notice Advertisement"**

**No later than January 31st** each calendar year (January 1 through December 31) in accordance with KRS Chapter 424 (Legal Notice), **the local emergency planning committee shall publish** public information on committee activities entitled "**Public (Legal) Notice Advertisement**" on KERC form 107-PLN as set out in Section 7 of 106 KAR 1.091.

**No later than February 28th Local Emergency Planning Committees must provide** the Chairman of the KERC, or designee, with a **photocopy of the "Public (Legal) Notice Advertisement"** published as described clearly showing the name of the newspaper and the date of publication.

*At the last LEPC meeting of the calendar year LEPCs should set the schedule for the upcoming calendar year in preparation of publishing the "Public (Legal) Notice Advertisement".*



**“PUBLIC (LEGAL) NOTICE ADVERTISEMENT” - KERC Form: 107-PLN**

**Due Date:** No later than **January 31st** each calendar year (January 1 through December 31) in accordance with KRS Chapter 424 (Legal Notice), the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement" on KERC form 107-PLN as set out in Section 7 of 106 KAR 1.091. No later than **February 28th** LEPC must provide the Chairman of the KERC, or designee, with a photocopy of the "Public (Legal) Notice Advertisement" published as described clearly showing the name of the newspaper and the date of publication.

**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)**.





**1.091 Annual Certification Letter (ACL)**

No later than **April 1** each year, the LEPC shall review EHS Facility Emergency Response plans and send an Annual Certification Letter (ACL) to the KYEM AM 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 ACL.

106 KAR 1:091 continued...

**Section 2 (1) E - Annual Certification Letter (ACL)**

No later than **April 1** each year, the local emergency planning committee shall review EHS Facility Emergency Response plans and **send an Annual Certification Letter (ACL)** as defined in section 2 to the KYEM AM 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 ACL.

(i) The KYEM AM shall review the ACL and all EHS Facility Emergency Response Plan revisions 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.

**LEPC Annual Certification Letter (ACL)**

**Due Date:** No later than April 1st each year, the LEPC shall review all EHS Facility Emergency Response Plans and submit an Annual Certification Letter (ACL) to the KYEM AM stating that there were no changes and therefore the plan is current as is, or the plan has been revised and the revisions are included with the ACL.

**County:** \_\_\_\_\_  
**KYEM Region:** \_\_\_\_\_

Our Local Emergency Planning Committee (LEPC) has reviewed all existing EHS Facility Emergency Response Plans (EHS-FEP). Based on this review, which includes information that was received from covered facilities by March 1, for the previous calendar year, the LEPC has created new and/or finds changes (have or have not) occurred to the content of these EHS Facility Emergency Response Plans since last submitting an ACL. Included with this ACL are the new or revised EHS Facility Emergency Response Plans, with their required EHS Facility Plan Checklists.

The following is a complete listing of all EHS Facility Plans that have been reviewed by the LEPC as of April 1 and a designation of their current status:

Plan Number	Facility Name	Status	SharePoint	Checklist	KERC Approval Date
053-001	Woodstream Columbus				
053-002	Woodstream Cellular, 555-C Long Road				
053-003	Woodstream Linton, 2080 Independence Rd				
053-004	Southern States Adair Branch				
053-005	Warner Fertilizer Co, Inc.				

5 \_\_\_\_\_ Total number of current EHS Facility Plans in my County.

LEPC's must submit with their ACL a complete plan, highlighting revisions, along with a EHS Facility Plan Checklist for all plans with status listed as: "New" or "Technical Change".

LEPC's must submit a complete plan along with a EHS Facility Plan Checklist for all plans with status listed as "Under Development" within 60 days of notification that the facility has an EHS in excess of the TPQ.

Certification: I, the undersigned, certify to the Kentucky Emergency Response Commission (KERC) that all the information is true and accurate.

Chair \_\_\_\_\_ Signature \_\_\_\_\_  
 Local Emergency Planning Committee Date: \_\_\_\_\_

6/27/2013 11:13 AM Page 1 of 1 KERC Form 302-ACL

**Annual Certification Letter (ACL): KERC Form 302-ACL**

Annually, each LEPC must submit a ACL that states the LEPC has reviewed all existing EHS Facility Plans. Based on this review, which includes information that was received from covered facilities by March 1, for the previous calendar year, the LEPC has created new and/or finds changes (have or have not) occurred to the content of these EHS Facility Plans since last submitting an ACL. The LEPC must also submit, with the ACL, all new or revised EHS Facility Plans, with their required EHS Facility Plan Checklists. The ACL must include the LEPC Chair Signature & Date.

The ACL will include a complete listing of all EHS Facility Plans that have been reviewed by the LEPC as of April 1 and a designation of their current status: Plan Number, Facility Name, Status, SharePoint, Checklist, KERC Approval Date. Finally, the ACL will state the total number of EHS Facility Plans that count towards KERC Grant funds (this excludes plan numbers reserved for future use, deleted plans, and plans without an EHS).

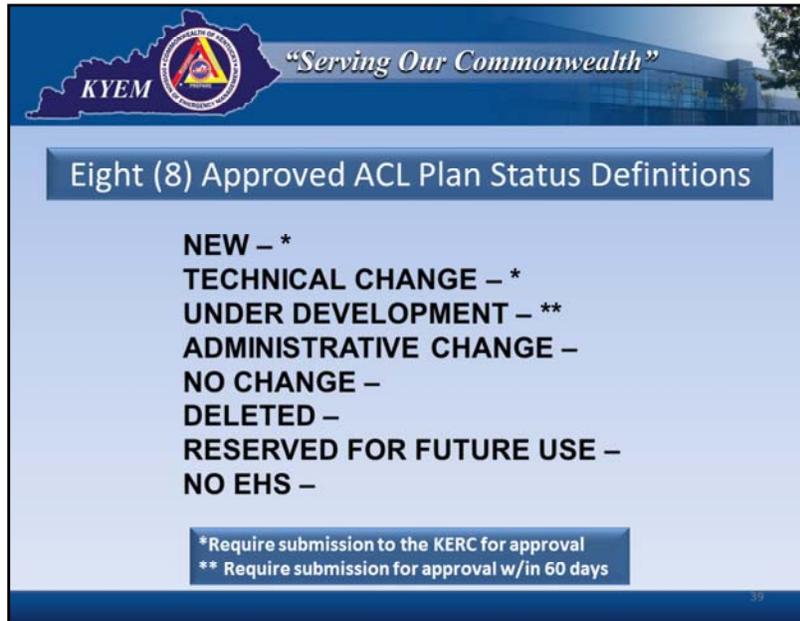
- LEPC's must submit with their ACL a complete plan, highlighting revisions, along with a EHS Facility Plan Checklist for all plans with status listed as: "New" or "Technical Change".
- LEPC's must submit a complete plan along with a EHS Facility Plan Checklist for all plans with status listed as "Under Development" within 60 days of notification that the facility has an EHS in excess of the TPQ.

**ACL Table Instructions:**

1. **Plan Number:** The KERC requires a six digit numbering system. The first three digits represent the LEPC's county code. The last three numbers are the individual plan number. Using three digits for the plan number enables you to sort the data within the excel format.
2. **Facility:** Enter the name of the facility. If there are multiple facilities under one name, i.e. AT&T, BellSouth, Southern States, etc, be sure to include an address with the facility name to help verify it with the Tier2Submit listing.
3. **SharePoint:** Is the EHS facility plan posted to County SharePoint site? – Yes - No - n/a
4. **Checklist** Does SharePoint posted EHS facility have a signed checklist attached? – Yes - No - n/a
- 5 **Date:** What is the date on the KERC Approval Letter?

**New ACL Template: EXCEL format**

A new ACL template was designed in 2015. The template is electronic and utilizes Microsoft Excel. The LEPC Program Coordinator or a KYEM Area Manager can provide electronic copies to individual LEPC Chairs as requested. The new format allows for easier tracking and sorting of individual EHS Facility Plans.



**Eight (8) Approved ACL Plan Status Definitions**

\* **NEW** – New plan that is complete and has been reviewed and approved by LEPC but has never been reviewed or approved by a KYEM AM or the KERC; requires submitting a EHS Facility Plan Checklist.

\* **TECHNICAL CHANGE** – A plan that has prior KERC approval but, includes changes that materially affect response operations in the event of a release of an EHS; requires submitting a EHS Facility Plan Checklist. Complete definition in the KERC's "Emergency Response Planning Guide for EHS Facilities".

\*\* **UNDER DEVELOPMENT** - New plan that is not complete, or is complete, but has not been officially reviewed and approved by LEPC, and has never been reviewed or approved by KYEM AM or KERC. Requires submitting a EHS Facility Plan Checklist. 106 KAR 1:091 states that the LEPC shall submit a EHS Facility Plan to the AM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ.

**ADMINISTRATIVE CHANGE (DATE)** - A plan that has prior KERC approval, however; changes that do not materially affect response operations in the event of a release of an EHS have been made during the annual review. Complete definition in the KERC's "LEPC Guide to Emergency Response Planning for EHS Facilities". Include the date of the administrative change(s) in the FACILITY field.

**NO CHANGE** - A plan that has prior KERC approval and has not been changed since its last review. Plan is currently on the county SharePoint page with a signed/dated EHS Facility Plan Checklist and KERC approval letter.

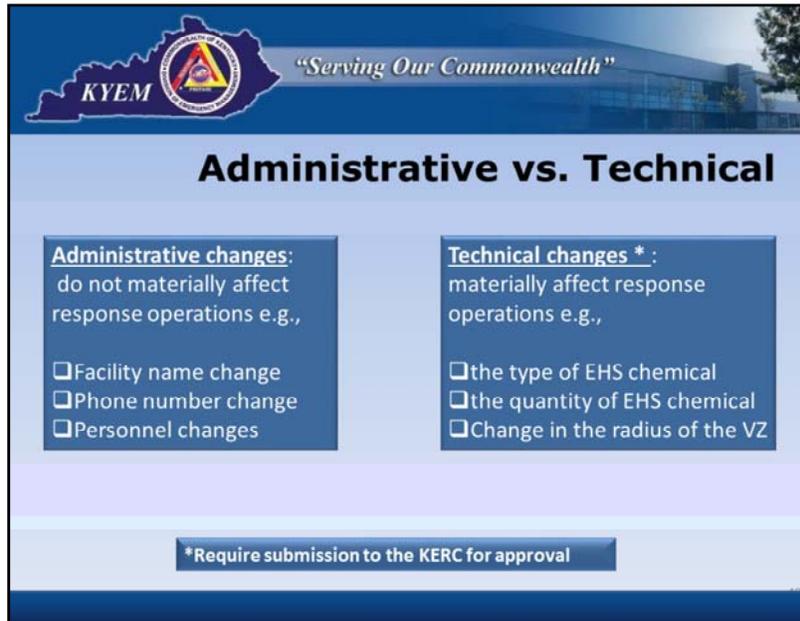
**DELETED (DATE)** – An obsolete plan that is no longer part of the County EOP. ACL includes date and reason plan was deleted. These plans do not count toward KERC fee account grant distribution formula. Include the date the plan was deleted in the FACILITY field.

**RESERVED FOR FUTURE USE** – Plan does not exist but space reserved for future plan. These plans do not count towards KERC fee account grant distribution formula.

**NO EHS** – An optional plan created by the LEPC for a facility that does not house any EHS's. These plans do not count towards KERC fee account grant distribution formula.

\*Require submission to the KERC for approval

\*\* Require submission for approval w/in 60 days



**Definitions: Administrative vs. Technical**

The EHS Facility Plans Checklist was revised in 2006 (current version Dec 2014) to allow differentiation between administrative and technical changes made to EHS Facility Plans. Administrative changes do not require approval by the KERC and a Checklist does not need to be prepared. The definitions of Administrative and Technical Changes are given below. A copy of the Checklist is provided in this manual see Table of Contents for exact location.

**Administrative Change Definition**

Administrative changes are those changes that in themselves do not materially affect response operations in the event of a release of an extremely hazardous substance. These changes include: name change of the facility, changes to telephone numbers, personnel changes, and changes to the names or numbers of affected special facilities listed for a quadrant in the vulnerable zone (unless these changes are due to a change in the radius of the vulnerable zone).

**\* Technical Change Definition**

Technical changes are those changes that materially affect response operations in the event of a release of an extremely hazardous substance (EHS). These include changes to the type or quantity of EHS chemicals that may cause an increase or decrease in the radius of the vulnerable zone, and other changes that affect the size of the vulnerable zone. In the event of a change in the size of the vulnerable zone, corresponding sections of the Title III Plan such as Response Point, Staging Area, and Special Facilities should be reviewed to determine if and how the change has affected these sections. If Special Facilities have been added to or subtracted from quadrants due to the change in radius the drawing of the new radius should include these changes.

**\*Require submission to the KERC for approval**



## New vs. Under Development

<p><b>* NEW –</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Complete</li> <li><input type="checkbox"/> Has been reviewed and approved by the LEPC</li> <li><input type="checkbox"/> Has <b>NOT</b> been reviewed or approved by a KYEM AM or the KERC.</li> </ul>	<p><b>** UNDER DEVELOPMENT –</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Complete -or- <u>Not</u> complete</li> <li><input type="checkbox"/> Has <b>NOT</b> been reviewed and approved by the LEPC</li> <li><input type="checkbox"/> Has <b>NOT</b> been reviewed or approved by KYEM AM or KERC.</li> <li><input type="checkbox"/> 106 KAR 1:091 requires LEPCs submit EHS Facility Plans to the KYEM AM within sixty (60) days of notification that the facility has an EHS.</li> </ul>
<p><b>*Require submission to the KERC for approval</b></p>	<p><b>** Require submission for approval w/in 60 days</b></p>

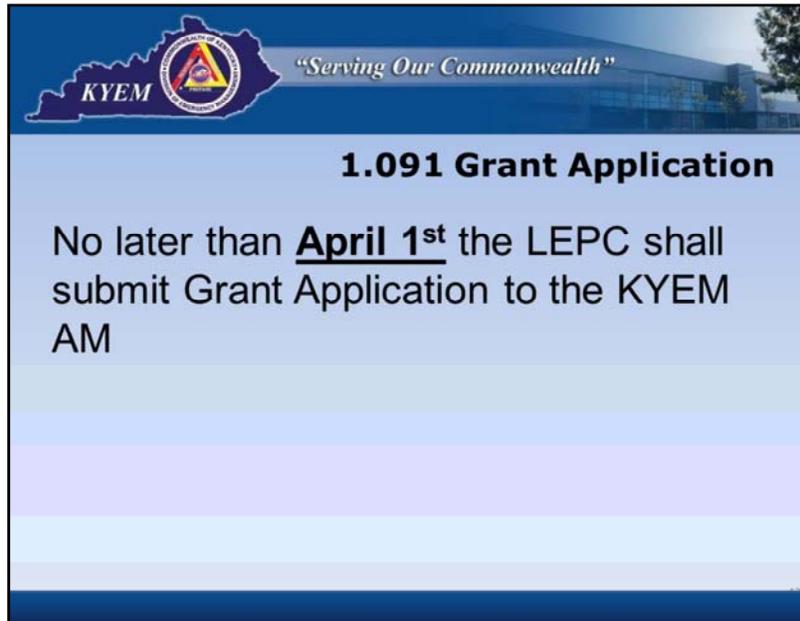
### Definitions: New vs. Under Development

**\* NEW** – A new plan is one that is complete and has been reviewed and approved by the LEPC but has **NOT** been reviewed or approved by a KYEM AM or the KERC. New plans require submitting a signed EHS Facility Plan Checklist with the EHS Plan.

**\*\* UNDER DEVELOPMENT** – A plan that may be complete -or- is **NOT** yet complete, but has not been reviewed and approved by LEPC. Under development plans have **NOT** been reviewed and approved by KYEM AM or KERC. 106 KAR 1:091 states that the LEPC shall submit an EHS Facility Plan to the KYEM AM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ. When Under Development Plans are officially reviewed and approved by the LEPC their designation will change to NEW and will accordingly require submitting a signed EHS Facility Plan Checklist with the EHS Plan.

**\*Require submission to the KERC for approval**

**\*\* Require submission for approval w/in 60 days**

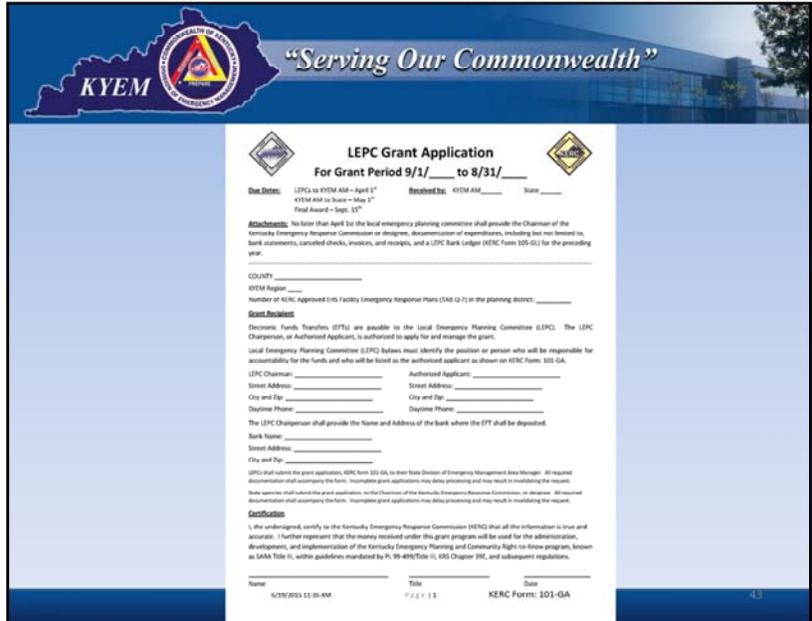


106 KAR 1:091 continued...

**Section 2 (1) F - Grant Application**

**No later than April 1<sup>st</sup> the local emergency planning committee shall submit Grant Application** on KERC Form 101-GA to the KYEM AM

- (i) The KYEM AM 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 May 1.



**LEPC Grant Application: KERC Form: 101-GA**

Due Dates: LEPCs to KYEM AM – April 1st  
 KYEM AM to State – May 1st  
 Final Award – Sept. 15th

**Attachments:** No later than April 1st the LEPC shall provide the Chairman of the KERC or designee, documentation of expenditures, including but not limited to, bank statements, canceled checks, invoices, and receipts, and a LEPC Bank Ledger (KERC Form 105-GL) for the preceding year.

COUNTY \_\_\_\_\_ KYEM Region \_\_\_\_\_  
 Number of KERC Approved EHS Facility Emergency Response Plans (TAB Q-7) in the planning district: \_\_\_\_\_

Electronic Funds Transfers (EFTs) are payable to the LEPC. The LEPC Chairperson, or Authorized Applicant, is authorized to apply for and manage the grant.  
 LEPC bylaws must 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 KERC Form: 101-GA.

LEPC Chairman: \_\_\_\_\_ Authorized Applicant: \_\_\_\_\_  
 Street Address: \_\_\_\_\_ Street Address: \_\_\_\_\_  
 City and Zip: \_\_\_\_\_ City and Zip: \_\_\_\_\_  
 Daytime Phone: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

The LEPC Chairperson shall provide the Name and Address of the bank where the EFT shall be deposited.  
 Bank Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City and Zip: \_\_\_\_\_

LEPCs shall submit the grant application, KERC form 101-GA, to their KYEM AM. All required documentation shall accompany the form. Incomplete grant applications may delay processing and may result in invalidating the request.



**1.091 Documentation of Expenditures**

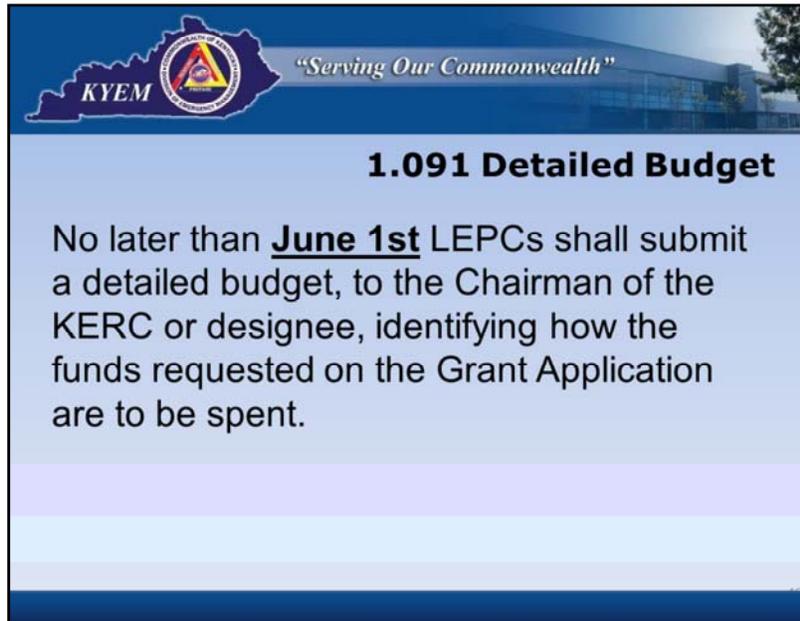
No later than **April 1st** the LEPC shall provide the Chairman of the KERC or designee, documentation of expenditures, including but not limited to, bank statements, canceled checks, invoices, receipts, and a LEPC Bank Ledger for the preceding year.

106 KAR 1:091 continued...

**Section 2 (1) G - Documentation of Expenditures**

No later than **April 1st** the local emergency planning committee shall provide the Chairman of the Kentucky Emergency Response Commission or designee, **documentation of expenditures**, including but not limited to, bank statements, canceled checks, invoices, receipts, and a LEPC Bank Ledger (KERC Form 105-GL) for the preceding year.





106 KAR 1:091 continued...

**Section 2 (1) H - Detailed Budget**

**No later than June 1st local emergency planning committees shall submit a detailed budget**, KERC Form 102-DB, to the Chairman of the Kentucky Emergency Response Commission or designee, identifying how the funds requested on the Grant Application, KERC Form 101-GA, are to be spent.

**Detailed Budget**  
For Grant Period 9/1/\_\_\_\_ to 8/31/\_\_\_\_

**Due Date:** No later than June 1st all applicant agencies shall submit a detailed budget, KERC Form 102-DB, to the Chairman of the Kentucky Emergency Response Commission or designee, identifying how the funds requested on the Grant Application, KERC Form 101-GA, are to be spent.

**Ineligible Items:** Emergency Response Equipment  
Reimbursement for Emergency Response Training  
Reimbursement for Spill Containment, Clean-up, or Disposal

COUNTY: \_\_\_\_\_  
KYEM Region: \_\_\_\_\_

Budget Categories	Grant Funds Requested	Carry-Over Grant Funds	Planned Grant Percentage (%)	Grant Award State Use Only
<b>Right-to-Know:</b> Includes publishing required Right-to-Know notices or other Right-to-Know materials.				
<b>Data Management:</b> Includes expenses associated with records and data management for facility emergency planning notification.				
<b>Telephone:</b> Includes 24-hour warning point for releases and cost of telephone, fax, and Internet for LEPCs.				
<b>Services:</b> Includes contracts to support KRS 39E. Must comply with all state laws and regulations.				
<b>Office Supplies:</b> Includes postage, printing, copying, paper, pens, or other office supplies necessary to support the LEPC office.				
<b>Furniture:</b> Includes file cabinets, desks, chairs, or other office furniture for the LEPC office.				
<b>Commission Approved Training:</b> Includes travel, per diem, and fees to attend or hire trainers for KERC approved training necessary to implement SARA Title III.				
<b>Total</b>	\$	\$	%	\$

All required documentation shall accompany the form. Incomplete forms may delay processing and may result in invalidating the request.  
**Certification:** I, the undersigned, certify to the Kentucky Emergency Response Commission (KERC) 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 guidelines mandated by PL 99-499/Title III, KRS Chapter 39E, and subsequent regulations.

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
6/18/2015 12:35 PM Page | 1 KERC Form: 102-DB

**Detailed Budget: KERC Form: 102-DB**

**Due Date:** No later than June 1st all applicant agencies shall submit a detailed budget, KERC Form 102-DB, to the Chairman of the KERC or designee, identifying how the funds requested on the Grant Application, KERC Form 101-GA, are to be spent.

**Ineligible Items:**

- Emergency Response Equipment
- Reimbursement for Emergency Response Training
- Reimbursement for Spill Containment, Clean-up, or Disposal

COUNTY: \_\_\_\_\_ KYEM Region: \_\_\_\_\_

**Budget Categories**

**Right-to-Know:** includes publishing required Right-to-Know notices or other Right-to-Know materials.

**Data Management:** includes expenses associated with records and data management for facility emergency planning notification.

**Telephone:** includes 24-hour warning point for releases and cost of telephone, fax, and Internet for LEPCs.

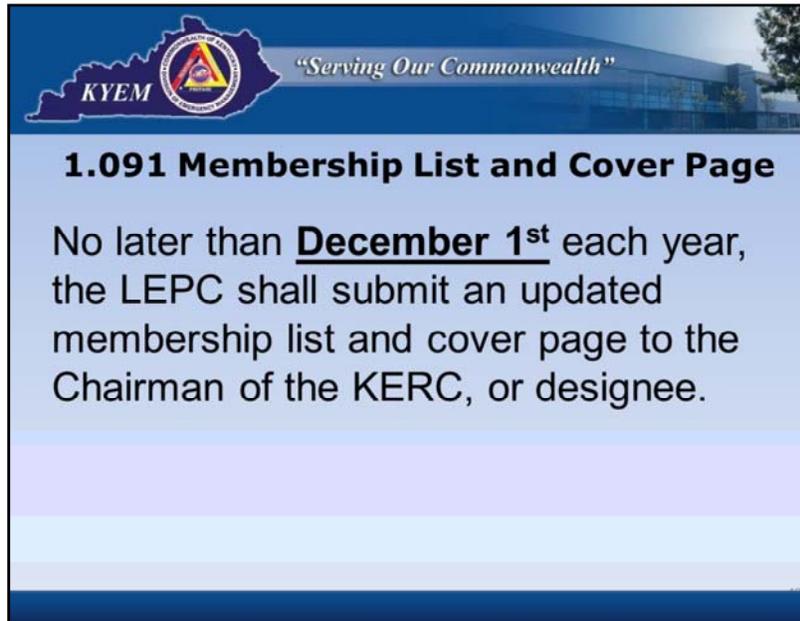
**Services:** includes contracts to support KRS 39E. Must comply with all state laws and regulations.

**Office Supplies:** includes postage, printing, copying, paper, pens, or other office supplies necessary to support the LEPC office.

**Furniture:** includes file cabinets, desks, chairs, or other office furniture for the LEPC office.

**Commission Approved Training:** includes travel, per diem, and fees to attend or hire trainers for KERC approved training necessary to implement SARA Title III.

All required documentation shall accompany the form. Incomplete forms may delay processing and may result in invalidating the request. Make sure Budget Category amounts match your total grant award.



106 KAR 1:091 continued...

**Section 2 (1) I - Membership List and Cover Page**

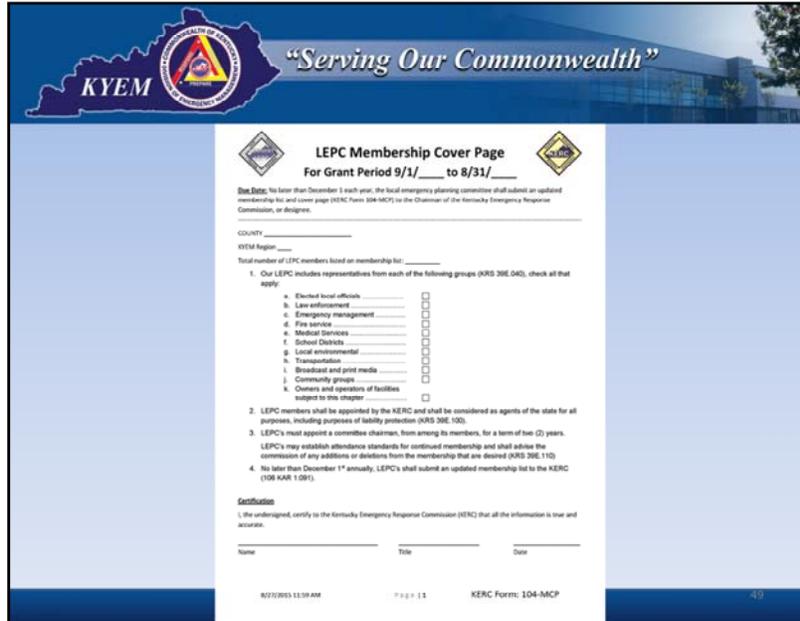
No later than **December 1** each year, the LEPC shall submit an updated **membership list and cover page** as defined in section 1 to the Chairman of the KERC, or designee.

KRS 39E.040 Duties -- Appointment of committees.

The commission shall:

(1) Appoint LEPCs and revise these committees as it deems appropriate. The committees shall include, as a minimum, representatives from each of the following groups:

- (a) Elected local officials
- (b) Law enforcement
- (c) Emergency management
- (d) Fire service
- (e) Medical Services
- (f) School Districts
- (g) Local environmental
- (h) Transportation
- (i) Broadcast and print media
- (j) Community groups
- (k) Owners and operators of facilities subject to this chapter



**LEPC Membership Cover Page**

**Due Date:** No later than **December 1** each year, the LEPC shall submit an updated membership list and cover page (KERC Form 104-MCP) to the Chairman of the KERC , or designee.

COUNTY \_\_\_\_\_ KYEM Region \_\_\_\_\_  
 Total number of LEPC members listed on membership list: \_\_\_\_\_

1. Our LEPC includes representatives from each of the following groups (KRS 39E.040), check all that apply:

- a. Elected local officials
- b. Law enforcement
- c. Emergency management
- d. Fire service
- e. Medical Services
- f. School Districts
- g. Local environmental
- h. Transportation
- i. Broadcast and print media
- j. Community groups
- k. Owners and operators of facilities subject to this chapter

2. LEPC members shall be appointed by the KERC and shall be considered as agents of the state for all purposes, including purposes of liability protection (KRS 39E.100).

3. LEPC’s must appoint a committee chairman, from among its members, for a term of two (2) years. LEPC’s may establish attendance standards for continued membership and shall advise the commission of any additions or deletions from the membership that are desired (KRS 39E.110)

4. No later than December 1 annually, LEPC’s shall submit an updated membership list to the KERC (106 KAR 1:091).



**1.091 Bylaws**

No later than **December 1st** each year, the bylaws of each LEPC must be provided to the Chairman of the KERC, or designee, with certification stating:

- There were no changes and therefore the bylaws are identical to last year; or
- The bylaws have been revised and the revisions are included.

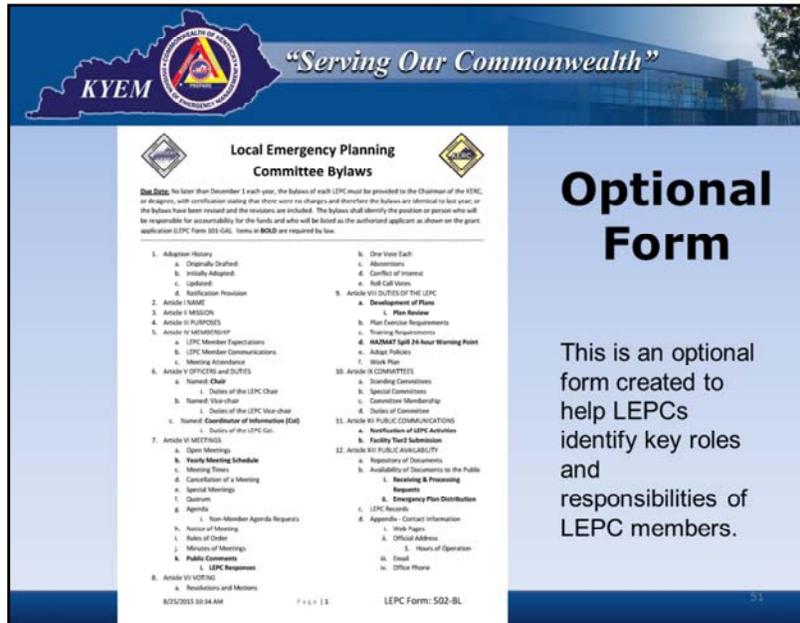
\*The bylaws shall identify the position or person who will be responsible for accountability for the funds and who will be listed as the authorized applicant as shown on the grant application.

**106 KAR 1:091 continued...**

**Section 2 (1) J - Bylaws**

**No later than December 1 each year, the bylaws of each local emergency planning committee must be provided to the Chairman of the Kentucky Emergency Response Commission, or designee, with certification stating that there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included.**

The bylaws 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 the grant application (KERC Form 101-GA).



**Local Emergency Planning Committee Bylaws: LEPC Form: 502-BL**

**Due Date:** No later than **December 1** each year, the bylaws of each LEPC must be provided to the Chairman of the KERC, or designee, with certification stating that there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included. The bylaws 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 the grant application. Items in **BOLD** are required by law.

1. Adoption History: a. Originally Drafted, b. Initially Adopted, c. Updated, & d. Ratification Provision
2. Article I NAME
3. Article II MISSION
4. Article III PURPOSES
5. Article IV MEMBERSHIP: a. LEPC Member Expectations, b. LEPC Member Communications, c. Meeting Attendance
6. Article V OFFICERS and DUTIES: a. Named: **Chair**, i. Duties of the LEPC Chair  
b. Named: Vice-chair, i. Duties of the LEPC Vice-chair  
c. Named: **Coordinator of Information (Col)**, i. Duties of the LEPC Col.
7. Article VI MEETINGS: a. Open Meetings, b. **Yearly Meeting Schedule**, c. Meeting Times, d. Cancellation of a Meeting, e. Special Meetings, f. Quorum, g. Agenda, i. Non-Member Agenda Requests, h. Notice of Meeting, i. Rules of Order, j. Minutes of Meetings, **k. Public Comments, l. LEPC Responses**
8. Article VII VOTING: a. Resolutions and Motions, b. One Vote Each, c. Abstentions, d. Conflict of Interest, e. Roll Call Votes
9. Article VIII DUTIES OF THE LEPC: **a. Development of Plans, i. Plan Review**, b. Plan Exercise Requirements, c. Training Requirements, **d. HAZMAT Spill 24-hour Warning Point**, e. Adopt Policies, f. Work Plan
10. Article IX COMMITTEES: a. Standing Committees, b. Special Committees, c. Committee Membership, d. Duties of Committee
11. Article XII PUBLIC COMMUNICATIONS: **a. Notification of LEPC Activities, b. Facility Tier2 Submission**
12. Article XIII PUBLIC AVAILABILITY: a. Repository of Documents, b. Availability of Documents to the Public, **i. Receiving & Processing Requests, ii. Emergency Plan Distribution**, c. LEPC Records, d. Appendix - Contact Information, i. Web Pages, ii. Official Address, 1. Hours of Operation, iii. Email, iv. Office Phone



**1.091 Personal Property Inventory Maintenance**

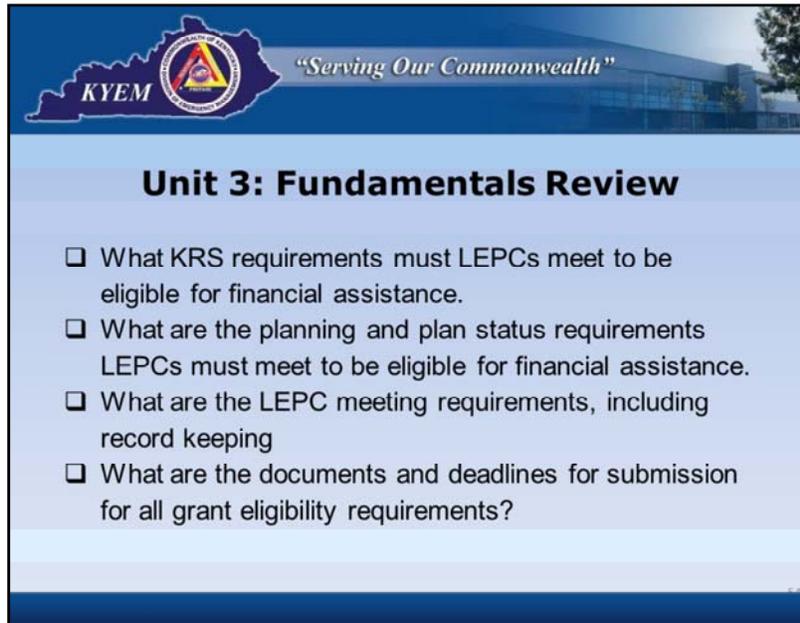
No later than **December 1st** LEPCs shall submit to the Chairman of the KERC or designee, a Personal Property Inventory identifying all property items purchased using KERC Grant funds and valued in excess of \$500.00.

106 KAR 1:091 continued...

**Section 2 (1) K - Personal Property Inventory Maintenance**

No later than **December 1st** local emergency planning committees shall submit to the **Chairman of the Kentucky Emergency Response Commission** or designee, a Personal Property Inventory (KERC Form 103-PPI) identifying all property items purchased using KERC Grant funds and valued in excess of \$500.00.



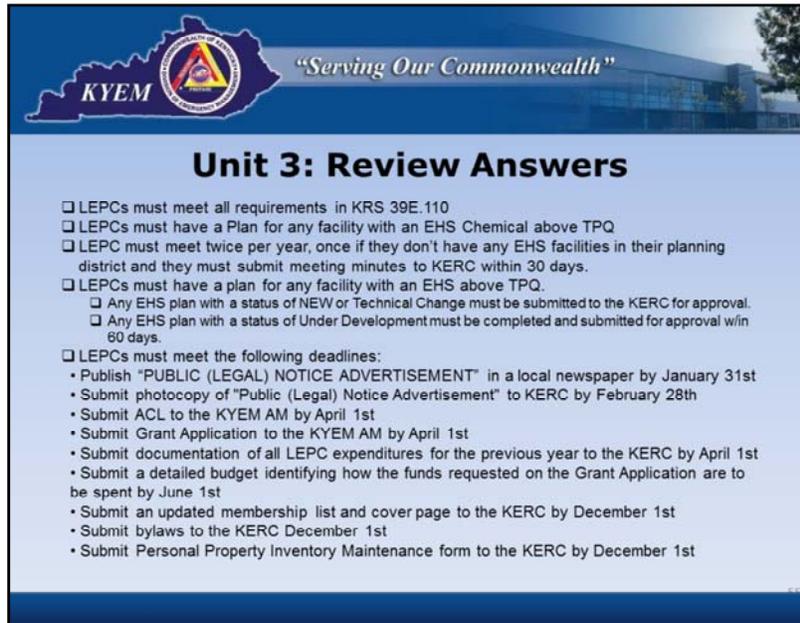


## Unit 3: Fundamentals Review

- What KRS requirements must LEPCs meet to be eligible for financial assistance.
- What are the planning and plan status requirements LEPCs must meet to be eligible for financial assistance.
- What are the LEPC meeting requirements, including record keeping
- What are the documents and deadlines for submission for all grant eligibility requirements?

Discussion Questions:

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### Unit 3: Review Answers

- To be eligible for financial assistance LEPCs must meet all requirements in KRS 39E.110
- LEPCs must have an Emergency Response Plan for any facility with an EHS Chemical above TPQ
- LEPC must meet twice per year, once if they don't have any EHS facilities in their planning district and they must submit meeting minutes to the KERC within 30 days.
- LEPCs must have a plan for any facility with an EHS above TPQ. Any EHS plan with a status of NEW or Technical Change must be submitted to the KERC for approval. Any EHS plan with a status of Under Development must be completed and submitted for approval w/in 60 days.
- LEPCs must meet the following deadlines:
  - Publish "PUBLIC (LEGAL) NOTICE ADVERTISEMENT" in a local newspaper by January 31st
  - Submit photocopy of "Public (Legal) Notice Advertisement" to KERC by February 28th
  - Submit ACL to the KYEM AM by April 1st
  - Submit Grant Application to the KYEM AM by April 1st
  - Submit documentation of all LEPC expenditures for the previous year to the KERC by April 1st
  - Submit a detailed budget identifying how the funds requested on the Grant Application are to be spent by June 1st
  - Submit an updated membership list and cover page to the KERC by December 1st
  - Submit bylaws to the KERC December 1st
  - Submit Personal Property Inventory Maintenance form to the KERC by December 1st

Discussion Questions:

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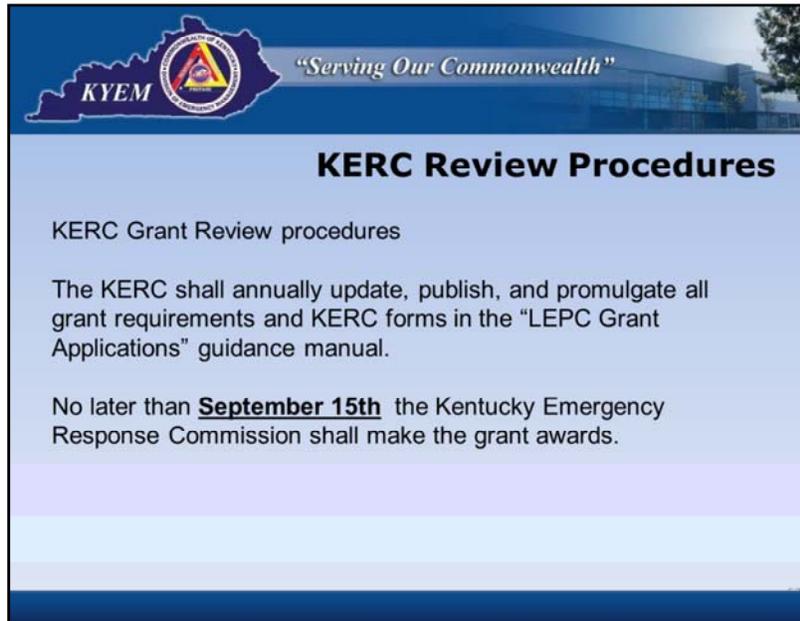


## Unit 4: The Grant Process & Documentation Submission

In this unit we review in depth the Grant Process detailed in 106 KAR 1.091 and the procedures LEPCs must follow when submitting documentation. In some instances the documents must be submitted to a KYEM AM, the KERC Chair, or the designee. Many times documents must be uploaded to a County SharePoint folders.

At the end of this unit you should be able to identify:

- When does the KERC make grant award payments?
- When is a grant modification required?
- What are the banking requirements for grant funds?



**106 KAR 1:091 continued...**

**Section 3 KERC Grant Review procedures**

(1) The KYEM AM, the Chairman of the KERC, or designee, or the Grant Review Committee may request additional information which shall be provided by the LEPC. Failure to provide the requested information shall invalidate the LEPC's request for funding.

(2)The Chairman of the KERC, or designee, shall annually update, publish, and promulgate all grant requirements and KERC forms in the "KERC FEE ACCOUNT GRANT GUIDE FOR LEPCS."

(3) The schedule of due dates are as follows:

(A) No later than June 1st the Chairman of the KERC, 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.

(B) No later than July 1st the Grant Review Committee, with a quorum present, shall review all grant requests and Detailed Budget (KERC Form 102-DB) and forward their recommendations to the KERC for final approval.

(C) **No later than September 15th the KERC shall make the grant awards.**



**Request for Modifications**

A modification of a grant award is required if there is a change in the grant request or if a LEPC 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.

Requests for modifications of grant awards shall be submitted on a Detailed Budget and, except for due dates, shall be processed in accordance with Sections 2 and 3 of 106 KAR 1.091.

Modifications may be submitted throughout the grant period.

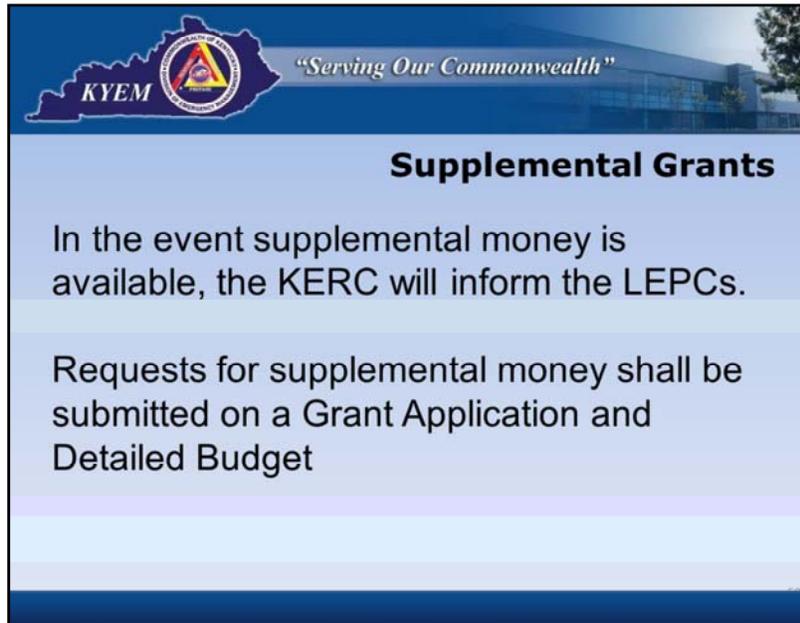
**106 KAR 1:091 continued...**

**Section 4 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.**

(2) Requests for modifications of grant awards shall be submitted on a Detailed Budget (KERC Form 102-DB) and, except for due dates, shall be processed in accordance with Sections 2 and 3 of 106 KAR 1.091.

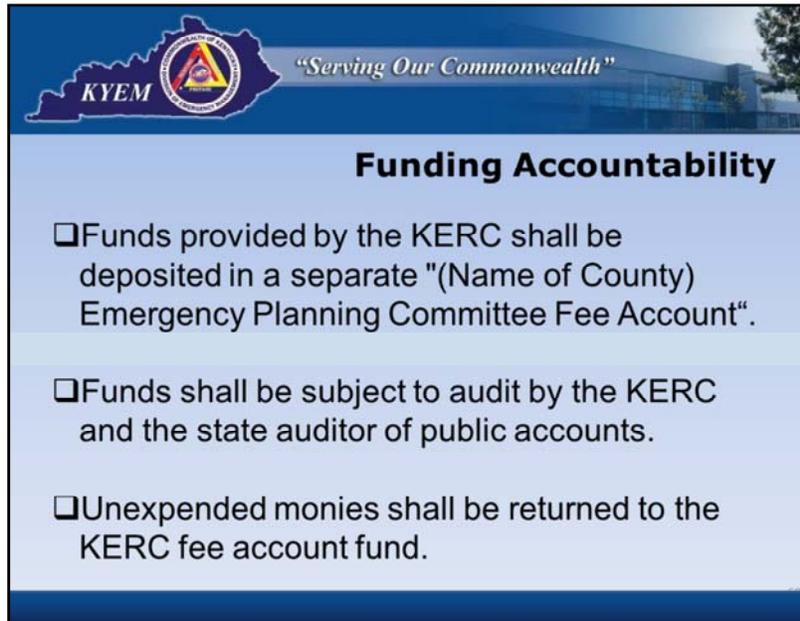
(3) Modifications may be submitted throughout the grant period.



**106 KAR 1:091 continued...**

**Section 5 Supplemental Grant Awards.**

- (1) In the event supplemental money is available, the KERC shall determine the date of the supplemental allocation award and inform the LEPC of that date.
- (2) Requests for supplemental money shall be submitted on a Grant Application and Detailed Budget and, except for due dates, shall be processed in accordance with Sections 2 and 3 of 106 KAR 1.091.
- (3) If a LEPC requests supplemental money the schedule of due dates is:
  - (A) 30 days from notification by the KERC of the availability of supplemental money, the LEPC shall submit the supplemental grant request and detailed budget to the KYEM AM.
  - (B) 30 days from receipt of the supplemental grant request, the KYEM AM shall review the supplemental grant request documents and forward it to the Chairman of the KERC, or designee.
  - (C) 30 days from receipt of the supplemental grant request, the Chairman of the KERC, or designee, shall review the supplemental grant request and forward it to the Grant Review Committee.
  - (D) 45 days from receipt of the supplemental grant request, the Grant Review Committee, with a quorum present, shall review the supplemental grant request and forward their recommendations to the KERC.
  - (E) 30 days from receipt of the recommendation of the Grant Review Committee, the KERC shall make the supplemental grant award.



106 KAR 1:091 continued...

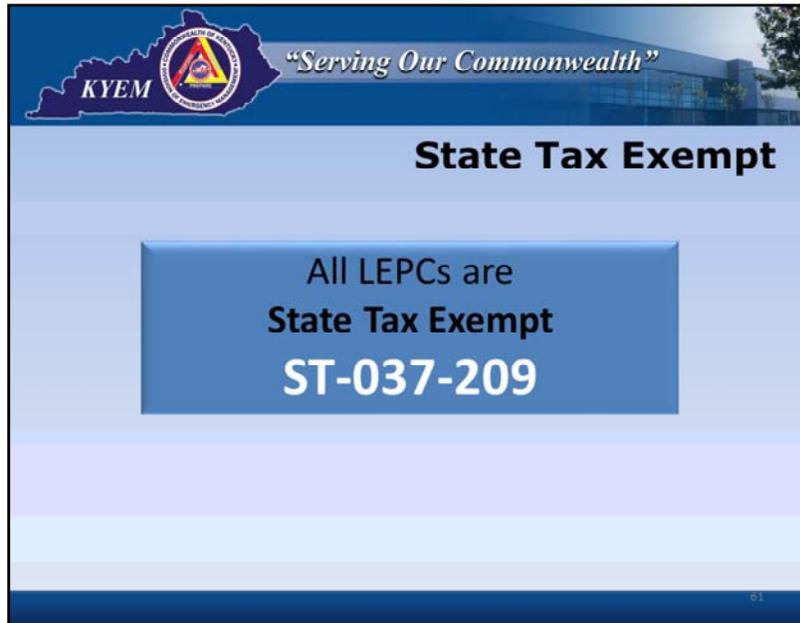
**Section 6 Requirements for Funding Accountability.**

(1) Funds provided by the KERC 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 KERC and the state auditor of public accounts.

(2) Grant awards approved by the KERC may be withheld for noncompliance with KRS 39E.010 to 39E.990 and administrative regulations issued there under and for failure to provide required documentation.

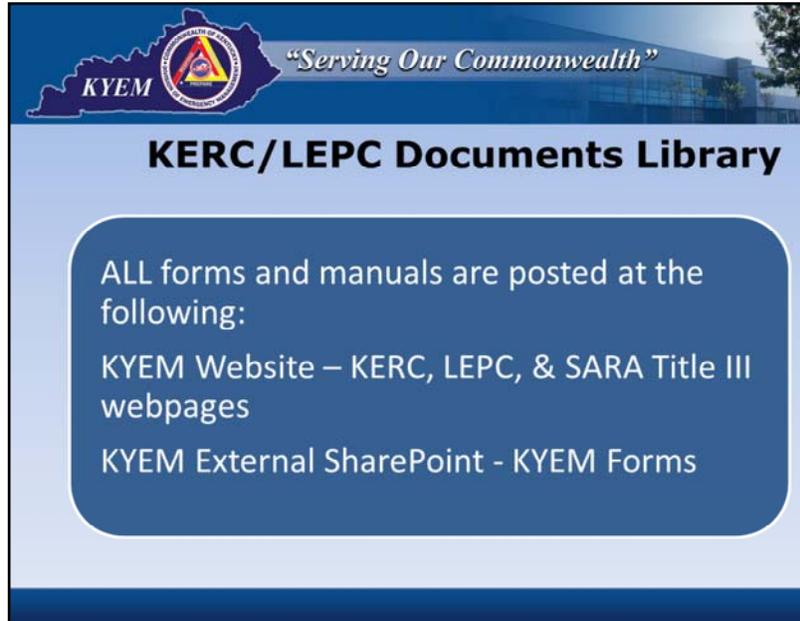
(3) All funding allocation decisions shall be made by the KERC and shall be dependent upon availability of fees collected.

(4) Unexpended monies shall be returned to the KKERC fee account fund.



## **State Tax Exempt**

All Kentucky LEPCs are state tax exempt. ID – ST-037-209



## **KERC/LEPC Documents Library**

KERC Form Naming Protocol:

- 100 Level Forms: Grant Forms
- 300 Level Forms: Planning Forms
- 500 Level Forms: Optional Forms
- 700 Level Forms: TBD



**SharePoint Posting & Notification**

- 1) LEPC representative uploads documentation to County SharePoint Folder
- 2) LEPC representative emails KYEM AM and LEPC Program coordinator

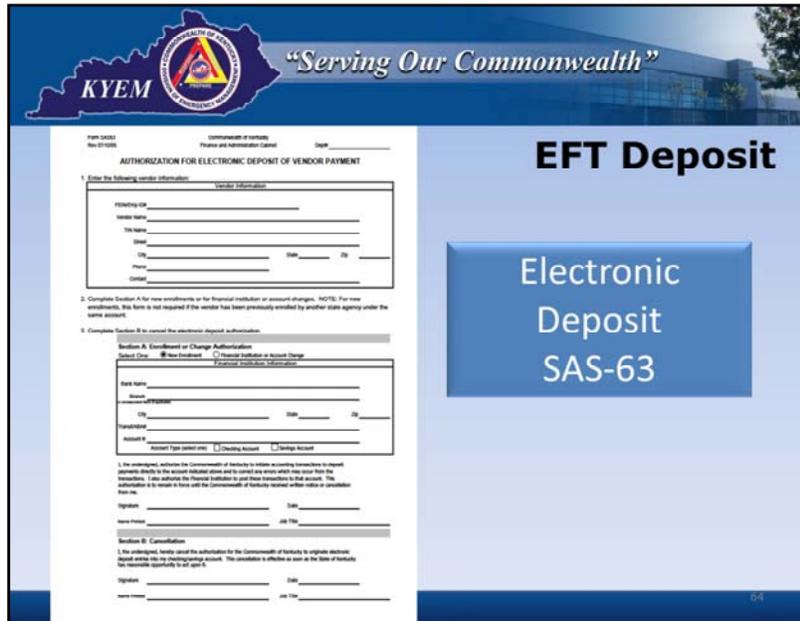
Email must include specifically:

- a) which document was uploaded (xxxx)
- b) where document is located (xxxx)

**SharePoint Posting & Notification**

For all LEPC Grant documentation requirements items are either to be submitted directly to the KYEM AM or the KEREC Chair, or the designee. In all cases the Chair’s designee would constitute LEPC Program Staff in Frankfort and documents should be “submitted” in the following manner:

- 1) LEPC representative uploads documentation to County SharePoint Folder
  - 2) LEPC representative emails KYEM AM and LEPC Program coordinator
- Email must include specifically:
- a) which document was uploaded (xxxx)
  - b) where document is located (xxxx)



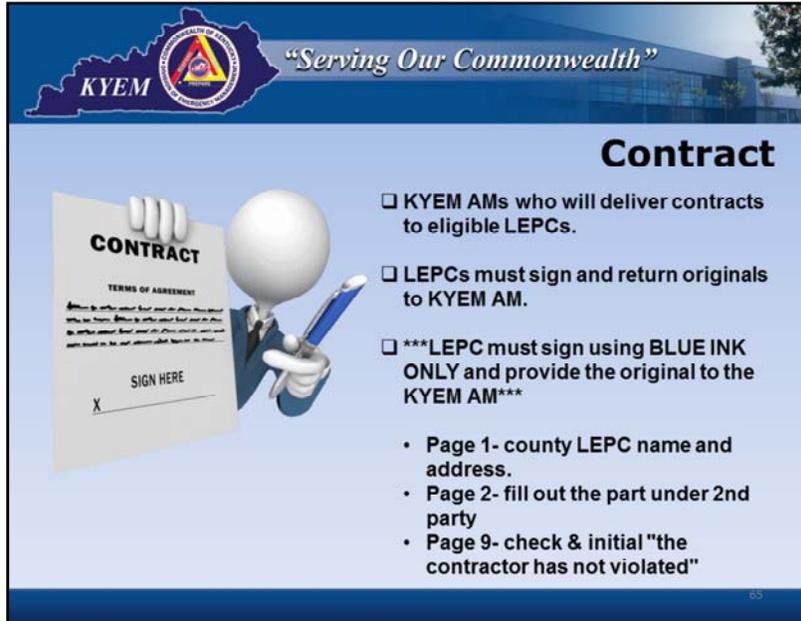
## Electronic Funds Transfer (EFT) – Electronic Deposit

LEPCs must submit an Authorization for Electronic Deposit of Vendor Payment with current LEPC bank information on it to the KERC Chair, or the designee. Funds provided by the KERC will be deposited electronically into the LEPC Account (EFT). If the KYEM LEPC Program Coordinator has a copy and there have been no changes in the previous calendar year, no further action is required. If any changes have been made in the previous calendar year, a new form must be submitted to the KYEM LEPC Program Coordinator.

This document should not be posted to SharePoint as it contains PPI. Current standard procedures allow for a signed copy to be emailed to the LEPC Program Coordinator.

If you are not sure if your LEPC has a current bank account, contact the KYEM LEPC Program Coordinator to verify.

Office: 502-607-5732  
 connie.g.estill.nfg@mail.mil  
 tier2kyem@gmail.com



**Contract**

- KYEM AMs who will deliver contracts to eligible LEPCs.
- LEPCs must sign and return originals to KYEM AM.
- \*\*\*LEPC must sign using **BLUE INK ONLY** and provide the original to the KYEM AM\*\*\*
  - Page 1- county LEPC name and address.
  - Page 2- fill out the part under 2nd party
  - Page 9- check & initial "the contractor has not violated"

**Contract:** The KYEM LEPC Program Coordinator will send a copy of the contract to the KYEM AMs who will forward to each of their eligible LEPCs. Once LEPCs receive the contract, certain pages (typically 1, 2, and 9) will need to be signed and returned to the KYEM AM. The AM will deliver or mail the originals to Frankfort.

\*\*\*LEPC must sign using **BLUE INK ONLY** and provide the **original** to the KYEM AM\*\*\*

Page 1- in the box in the middle of the form, where it says "contractor" and to the right of multiple provider, put the county LEPC name and address.

Page 2- fill out the part under 2nd party.

Page 9- under (d), contractor must check appropriate box and initial where it says "the contractor has not violated"

The LEPC Program Coordinator will notify the KYEM AM when funds have been sent by EFT to the LEPC. Please notify your KYEM AM and the LEPC Program Coordinator when the grant has been deposited into the LEPC account.



**Unit 4: Fundamentals Review**

- When does the KERC make grant award payments?
- When is a grant modification required?
- What are the banking requirements for grant funds?

## Unit 4: Fundamentals Review

- When does the KERC make grant award payments?
- When is a grant modification required?
- What are the banking requirements for grant funds?

Discussion Questions:

- 
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**Unit 4: Review Answers**

106 KAR 1:091:

- Identifies September 15th as the deadline for the KERC to make grant award payments.
- Requires a modification if there is a change in the grant request or if a LEPC is unable to expend the funds for the purpose for which the grant was awarded.
- Requires that funds provided by the KERC be deposited in a separate "(Name of County) Emergency Planning Committee Fee Account"

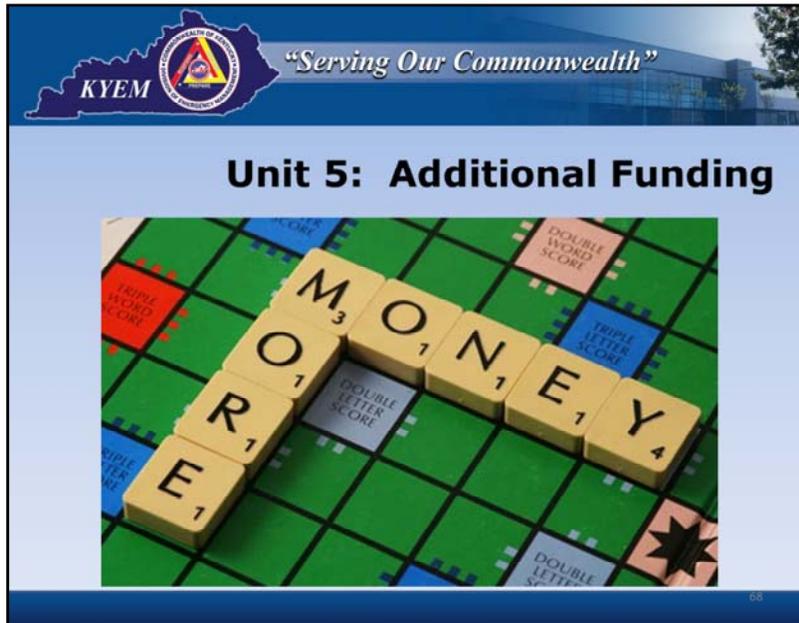
## Unit 4: Review Answers

106 KAR 1:091:

- Identifies September 15th as the deadline for the KERC to make grant award payments.
- Requires a modification if there is a change in the grant request or if a LEPC is unable to expend the funds for the purpose for which the grant was awarded.
- Requires that funds provided by the KERC be deposited in a separate "(Name of County) Emergency Planning Committee Fee Account"

Discussion Questions:

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### **Unit 5: Additional LEPC Funding - HMEP Grant**

In this unit we will briefly review a secondary grant in Kentucky that may be used to fund LEPCs. The Hazardous Materials Emergency Preparedness (HMEP) is administered by KYEM through the HAZMAT Program Coordinator.

At the end of this unit you will be given the contact information for the KYEM HAZMAT Program Coordinator. You may contact them at any time with questions or for assistance in applying.



**HMEP Grant**

**FUNDING SOURCE**

The HMEP grant is funded through the Federal Department of Transportation (DOT) and distributed through the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Grant period runs from October 1 – September 30 annually.

**The grant is an 80% federal with 20% local match.**



### **Hazardous Materials Emergency Preparedness (HMEP) Grant**

- HMEP is funded through the Federal Department of Transportation (DOT).
- The funds are distributed through the Pipeline and Hazardous Materials Safety Administration (PHMSA).
- Grant period runs from October 1 – September 30 annually.
- Grant funds are divided into 2 categories :
  - - Training
  - - Planning & Exercise
- 75% of the Grant Funds are distributed for Training, Planning and Exercises. The remaining 25% are used for administration of the grant.
- The grant is an 80% federal with 20% local match.
- All grant activities need to be completed by first week of September and all paperwork completed and returned to KYEM Haz-Mat Program Coordinator by September 1st.

### **Pipeline and Hazardous Materials Safety Administration (PHMSA)**

PHMSA's National Goal is to reduce the risk of death or major injury associated with hazmat incidents. Effective response by appropriately trained personnel, operating under an efficient emergency plan and with strong institutional cooperation, can, among other things:

- Effectively isolate and stop a hazardous material release once an accident happens
- Administer appropriate and expedient medical treatment to those injured
- Stop the release of hazardous material
- Prevent a fire or explosion resulting from a hazardous materials release
- Reduce the amount of time in the closure of a major transportation artery
- Avoid unnecessary evacuations



## HMEP Training

KYEM works with a variety of hazardous materials training partners to provide first responders and LEPC members with training on hazardous materials and emergency response.

The HMEP Grant works to fund the following trainings:

- Awareness/ERG Book
- HazMat Operations level
- HazMat Technician level
- Crude Oil Training
- AND MANY MORE...



### HMEP Grant (Training)

Training Funds are:

- Expended to train first responders and LEPC members for response to hazardous materials incidents in their communities.
- Used to increase hazardous materials awareness of LEPC Members & Community Leaders to the threat to their community.

KYEM works with a variety of hazardous materials training partners such as Kentucky Community & Technical College System (KCTCS) and Louisiana State University / National Center for Biomedical Research and Training (LSU/NCBRT) to provide first responders and LEPC members with training on hazardous materials and emergency response.

- The HMEP Grant works to fund the following trainings:
  - ❖ Awareness/ERG Book
  - ❖ HazMat Operations Level
  - ❖ HazMat Technician Level
  - ❖ HazMat Refresher Course
  - ❖ HazMat Tank Car Specialty
  - ❖ HazMat IQ
  - ❖ HazWopper
  - ❖ Haz-Cat Training
  - ❖ CAMEO
  - ❖ Ammonia, Ethanol, Chlorine Response
  - ❖ Flammable Liquid and Gas Bulk Storage
  - ❖ Radioactive Material Specialty in transportation
  - ❖ Crude Oil Training
  - ❖ AND MANY MORE....

 *"Serving Our Commonwealth"*

## HMEP Planning & Exercise

The LEPC can use HMEP funds to:

- Perform tabletop exercises, full scale exercises.
- Perform a Commodity Flow Survey (CFS) if determined necessary.
- Use the planning funds for development, improvement, and public awareness campaigns for their committee.



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### **HMEP Grant (Planning & Exercise)**

Planning funds are expended through the LEPC for planning and exercises to test the communities capability to respond to hazardous materials incidents in their communities.

The LEPC can use HMEP funds to:

- Perform tabletop exercises, full scale exercises.
- Perform a Commodity Flow Survey (CFS) if determined necessary.
- Use the planning funds for development, improvement, and public awareness campaigns for their committee.


"Serving Our Commonwealth"

## 2012 HMEP Grant Totals

**2014 HMEP Grant total expended for Planning, Preparedness and Pre-Planning was \$74,070**

**2014 HMEP Grant total expended for Hazardous Materials First Responder Training was \$186,135**




### 2014 HMEP Grant Totals

2014 HMEP Grant total expended for Planning, Preparedness and Pre-Planning was \$74,070

2014 HMEP Grant total expended for Hazardous Materials First Responder Training was \$186,135



## HMEP Grant Timeline

<b>January 1<sup>st</sup></b>	<b>March 31</b>	<b>April 3<sup>rd</sup></b>
Applications are distributed to LEPCs for project proposals.	Deadline for project proposals to be submitted to KYEM.	Projects will be selected for inclusion in PHMSA for the Federal Grant.
<b>May 1<sup>st</sup></b>	<b>September 1<sup>st</sup></b>	<b>October 1<sup>st</sup></b>
Deadline for KYEM to submit to PHMSA for approval.	Deadline for completion of the sub-grantee projects and submission to KYEM for reimbursement of funds.	Sub-grantees will be notified approval and can begin work immediately. The sub-grantee has until September 1 <sup>st</sup> the following year to perform and complete project.



## HMEP Grant Timeline

**January:** Applications are distributed to LEPCs for project proposals annually on the first workday of January

- **March 15<sup>th</sup>:** Annual deadline for project proposals to be submitted to the KYEM HAZMAT Program Coordinator
- **March 31<sup>st</sup>:** Project proposals will be selected for inclusion in the application to PHMSA for the Federal Grant
- **April 3<sup>rd</sup>:** Deadline for KYEM to submit the Federal Grant Application to PHMSA for approval
- **September 1<sup>st</sup>:** Deadline for completion of the sub-grantee projects from the previous grant cycle and submission of paperwork and invoices to KYEM for reimbursement of funds
- **September 30<sup>th</sup>:** PHMSA will notify KYEM of the grant award
- **October 1<sup>st</sup>:** Successful sub-grantees will be notified and they can begin work immediately
- **Oct. 1<sup>st</sup> - Sept. 1<sup>st</sup>:** The Sub-grantee has 12 months to perform the projects and complete all the necessary paperwork



**Appendix Items List**

- Acronym List, KERC and LEPC, August 2015
- KERC / LEPC Events Calendar

The image shows a slide with a blue header containing the KYEM logo and the slogan "Serving Our Commonwealth". Below the header is a light blue background with the title "Appendix Items List" in bold black text. Underneath the title are two bullet points, each with a square checkbox, listing "Acronym List, KERC and LEPC, August 2015" and "KERC / LEPC Events Calendar". The slide has a decorative background with horizontal bands of light blue, purple, and grey.

**Appendix**



## Appendix B: The Annual LEPC Calendar

### **Purpose (KERC LEPC Calendar):**

This document is designed to provide LEPC members with a timeline of the grant requirements found in EPCRA, KRS, and KAR. It will also serve as a valuable tool in planning yearly LEPC meetings and Exercises. Tentative dates for the KERC meeting have been included. All LEPC Chairs are welcome to attend and encouraged to contact the KERC Program Manager to schedule agenda time for presentations regarding current LEPC events, issues, requests, and general updates of activities.

### **Target Audience (KERC LEPC Calendar):**

The target audience for this document is any private citizen with an interest in community awareness and emergency preparedness and current members of an LEPC. Specifically, the Chair, the Vice-Chair, the Treasurer, and persons whose role with the LEPC typically includes the responsibility to complete any/all of the following forms and documents:

- |          |  |
|----------|--|
| 101-GA   | Grant Application                      |
| 102-DB   | Detailed Budget                        |
| 103-PPI  | Personal Property Inventory            |
| 103B-PPI | Additional Personal Property Inventory |
| 104-MCP  | Membership Cover Page                  |
| 105-GL   | Grant Ledger                           |
| 107-PLN  | Public Legal Notice                    |
| 302-ACL  | Annual Certification Letter            |

~ January 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1) Tier2 Reporting Period Opens, Facilities must submit to SERC, LEPC, & FD no later than March 1 <sup>st</sup> 2) No later than <u>January 31</u> publish public information on committee activities entitled "Public (Legal) Notice Advertisement".					1 Tier2 Reporting Period Opens	2
3	4	5	6	7	8	9
10	11	12	13	14 LEPC	15	16
17	18 Portrait of a person	19	20	21	22	23
24	25	26	27	28	29	30
Notes: LEPCs must meet at least twice per year (once if no EHS in district)						
Publish "Public (Legal) Notice Advertisement"						

## LEPC Calendar January

Tentatively set at least 2 meeting dates for the upcoming calendar year.

- The LEPC shall meet at least twice during each calendar year. LEPCs which do not have any EHS in excess of the TPQ present in their community shall meet at least once during each calendar year. A quorum shall be required. A copy of the minutes must be provided to the Chairman of the KERC, or designee, within 30 days of the date of the meeting.
- No later than **January 31st** each calendar year in accordance with KRS Chapter 424 the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement".

O No later than **February 28th** LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the legal notice publish as described clearly showing the name of the newspaper and the date of publication.

~ February 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	1) No later than <u>February 28</u> submit to the KERC a photocopy of the "Public (Legal) Notice Advertisement" published, clearly showing the name and date of the newspaper.				

### LEPC Calendar February

- No later than **January 31st** each calendar year in accordance with KRS Chapter 424 the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement".

O No later than **February 28th** LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the legal notice publish as described clearly showing the name of the newspaper and the date of publication.

~ March 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Facilities must submit by <b>March 1</b> : 1) Tier2 Reports 2) Facility Annual Certification Letter (FACL)		1 Facility Deadline: Tier2 Report and FACL	2	3	4	5
6	7	8	9	10	11	12
13 	14	15	16 	17	18	19
20	21	22	23	24	25 FRIDAY FRIDAY FRIDAY	26
27	28	29	30	31	Notes - FACL must state: 1) there were no changes to EHS Plan; or 2) EHS Plan has been revised and the revisions are included with the FACL	

### LEPC Calendar March

- No later than **March 1** facilities must submit Tier2 Inventory Forms to the SERC, LEPCs, & FDs.
- No later than **March 1** any facility that has an EHS in excess of the TPQ shall review the EHS Facility Emergency Response Plan and send a Facility Annual Certification Letter (FACL) to the LEPC stating that there were no changes and therefore the EHS Facility Emergency Response Plan is correct as is; or the EHS Facility Emergency Response Plan has been revised and the revisions are included with the FACL.

~ April 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Notes: No later than April 1 <sup>st</sup> : 1) Review EHS Facility plans and send an ACL to the KYEM AM stating: a. that there were no changes; or b. plan has been revised and the revisions are included with the ACL 2) Submit Grant Application to the KYEM AM 3) Submit documentation of expenditures, including LEPC Bank Ledger					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### LEPC Calendar April

- No later than **April 1st** each year, the LEPC shall review EHS Facility Emergency Response plans and send an ACL to the KYEM AM 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 ACL.
- No later than **April 1st** the LEPC shall submit Grant Application to the KYEM AM
- No later than **April 1st** the LEPC shall provide the Chairman of the KERC or designee, documentation of expenditures, including but not limited to, bank statements, canceled checks, invoices, receipts, and a LEPC Bank Ledger for the preceding year.

~ June 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Notes: No later than June 1 submit detailed budget to the KERC or designee, identifying how the funds requested on the Grant Application are to be spent.			1 Submit Detailed Budget	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	Notes:	

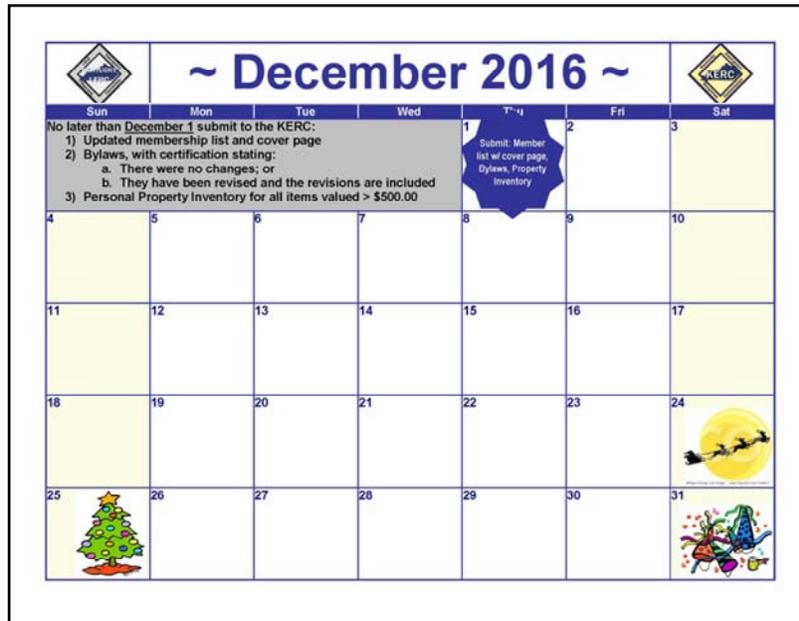
**LEPC Calendar June**

- No later than **June 1st** LEPCs shall submit a detailed budget to the Chairman of the KERC or designee, identifying how the funds requested on the Grant Application are to be spent.

~ September 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Notes: No later than <u>September 15</u> the KERC will make the grant awards.				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 KERC makes Grant Award Payments	16	17
18	19	20	21 KERC	22	23	24
25	26	27	28	29	30	Notes:

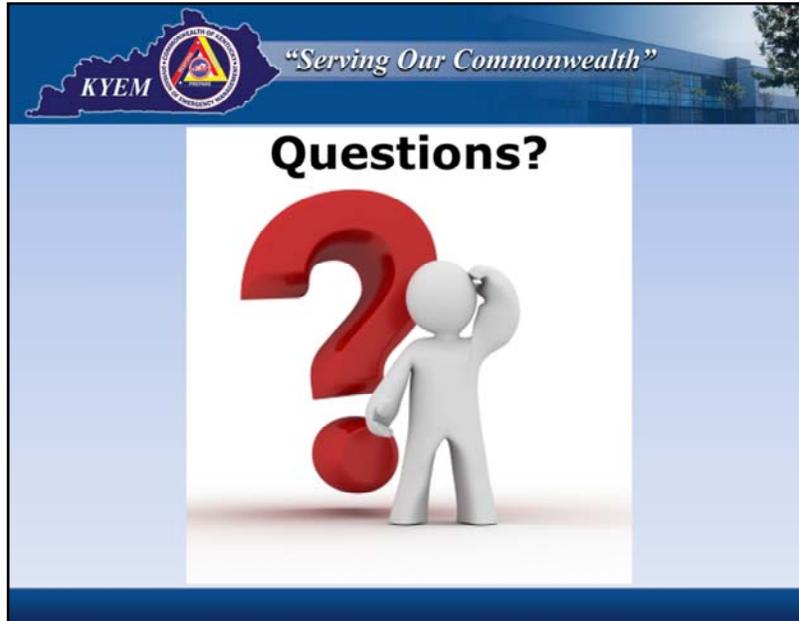
### LEPC Calendar September

- No later than September 15th the KERC shall make the grant awards.



### LEPC Calendar December

- No later than **December 1st** each year, the LEPC shall submit an updated membership list and cover page to the Chairman of the KERC, or designee.
- No later than **December 1st** each year, the bylaws of each LEPC must be provided to the Chairman of the KERC, or designee, with certification stating that there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included.
  - The bylaws 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 the grant application.
- No later than **December 1st** LEPCs shall submit a Personal Property Inventory Maintenance identifying all property items valued in excess of \$500.00 purchased using KERC Grant funds.



Please do not hesitate to contact any of the KYEM Staff if you have any questions:

HAZMAT Program Coordinator  
Danita Farrier  
Kentucky Emergency Management (KYEM)  
Boone Center National Guard  
EOC Room 210-P-5  
110 Minuteman Parkway  
Frankfort, KY 40601  
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Fax: 502-607-1622  
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LEPC Program Coordinator  
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Boone Center National Guard  
EOC Room 210-P-5  
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Kentucky Emergency Management (KYEM)  
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110 Minuteman Parkway  
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Fax: 502.607.1008  
david.m.davis200.nfg@mail.mil  
kentuckyserc@gmail.com



**Noteworthy Resources**

Kentucky Emergency Management  
<http://kyem.ky.gov/Who%20We%20Are/Pages/KERC.aspx>  
<http://kyem.ky.gov/Who%20We%20Are/Pages/LEPC.aspx>  
<http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>

The following and other relevant items can be found in at least one of the Document Libraries found on the above websites:

<ul style="list-style-type: none"> <li>•EPCRA: (SARA-TITLE-III)</li> <li>•KRS 39E</li> <li>•106 KAR 1.081 – 1.131</li> <li>•County Title III Plan Checklist</li> <li>•Sara Title III Sample Certification Letter</li> <li>•List of Lists</li> </ul>	<ul style="list-style-type: none"> <li>•EPCRA How to Comply Packet</li> <li>•Tier2 Reporting Fee Schedule</li> <li>•Battery Lead-Acid KERC Policy Documents</li> <li>•Kentucky LEPC's - It Is Your Right To Know</li> <li>•TAB Q-7 Plan Development Guidance</li> <li>•Tier2 Retail Gas Station Reporting Rule</li> </ul>
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**Noteworthy Resources**

Kentucky Emergency Management

<http://kyem.ky.gov/Who%20We%20Are/Pages/KERC.aspx>

<http://kyem.ky.gov/Who%20We%20Are/Pages/LEPC.aspx>

<http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>

The following and other relevant items can be found in at least one of the Document Libraries found on the above websites:

- EPCRA: (SARA-TITLE-III)
- KRS 39E
- 106 KAR 1.081 – 1.131
- County Title III Plan Checklist
- Sara Title III Sample Certification Letter
- List of Lists
- EPCRA How to Comply Packet
- Tier2 Reporting Fee Schedule
- Battery Lead-Acid KERC Policy Documents
- Kentucky LEPC's - It Is Your Right To Know
- TAB Q-7 Plan Development Guidance
- Tier2 Retail Gas Station Reporting Rule

Discussion Questions:

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## Noteworthy Websites

### National Association of SARA Title III Program Officials

<http://www.nasttpo.com/>

### EPA - EPCRA information

<http://www2.epa.gov/epcra>

### EPA Risk Management Program

<http://www2.epa.gov/rmp>

### CAMEO (Computer Aided Management for Emergency Operations)

<http://www2.epa.gov/cameo>

### Department of Homeland Security (DHS)

#### Chemical Facility Anti-Terrorism Standards (CFATS)

<http://www.dhs.gov/chemical-facility-anti-terrorism-standards>

Discussion Questions:

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## Noteworthy Websites

### **National Association of SARA Title III Program Officials**

<http://www.nasttpo.com/>

### **EPA - EPCRA information**

<http://www2.epa.gov/epcra>

### **EPA Risk Management Program**

<http://www2.epa.gov/rmp>

### **CAMEO (Computer Aided Management for Emergency Operations)**

<http://www2.epa.gov/cameo>

### **Department of Homeland Security (DHS)**

#### **Chemical Facility Anti-Terrorism Standards (CFATS)**

<http://www.dhs.gov/chemical-facility-anti-terrorism-standards>

Discussion Questions:

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# LEPC Grant Application Course Manual

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