



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik Hooks, Secretary

Michael A. Sprayberry, Director

March 29, 2017
NORTH CAROLINA TIER II GRANT

Fiscal Year 2017
Grant #: TIER II-2017

SUB AWARD NOTIFICATION

Joshua Creighton
Wake County Emergency Management
POB 550/337 S. Saunders Street
Raleigh, North Carolina 27602

Period of Performance: **1/1/2017 to 12/31/2017**
Project Title(s): Wake County Hazardous Facility Risk Assessment
Total Amount of Award: **\$10,000.00**
MOA#: **1701**

I am pleased to inform you that your county has been awarded a 2017 Tier II Competitive Grant in the amount of \$10,000.00

These funds are to be used by your county's Local Emergency Planning Committee (LEPC) for hazardous materials emergency response planning, training, and related exercises. Attached is a Memorandum of Agreement (MOA) which must be signed and returned to North Carolina Emergency Management (this can be completed online via DocuSign).

Only one recipient signatory is required, the remaining lines are there for your convenience should your county have internal policies that require multiple signatories.

If you have any questions or need further assistance please contact:

NCEMGrants1@ncdps.gov
North Carolina Emergency Management
Mail: 4105 Reedy Creek Drive, Raleigh, NC 27607
Phone: (919) 825-2332

Callion L. Maddox
Homeland Security Grants Branch Manager

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY THE DEPARTMENT OF PUBLIC SAFETY, NORTH CAROLINA EMERGENCY MANAGEMENT GRANT PROGRAM BUDGET AND NARRATIVE

MAILING ADDRESS
4105 Reedy Creek Drive
Raleigh NC 27607
www.readync.org
www.ncdps.gov



OFFICE LOCATION
1636 Gold Star Drive
Raleigh, NC 27607-3371
Telephone: (919) 825-2500
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NORTH CAROLINA TIER II GRANT

Fiscal Year 2017

Grant Award #: TIER II Competitive Grant-2017

MEMORANDUM OF AGREEMENT (MOA)

Between

Recipient:

State of North Carolina
Department of Public Safety
Emergency Management

Sub-Recipient:

Wake County Emergency Management
Tax ID/EIN #: 56-000347
DUNS#: 019625961

MOA #1701

DPS Fund Code: 1506-8064-536902

MOA Amount: \$ 10,000.00

MOA Period of Performance 1/1/2017 to 12/30/2017

1. **PURPOSE:** This grant award supports the hazardous material preparedness activities of Local Emergency Planning Committees (LEPCs) as defined in the Emergency Planning and Community Right-to-Know Act (EPCRA). These funds are to be used by your county's or region's LEPC for hazardous materials emergency response planning, training, and related exercises. Please see Attachment 1 for a detailed scope of work.
2. **AUTHORITY:** In accordance with the provisions of North Carolina General Statute §166A-29.1, North Carolina Emergency Management hereby awards to the foregoing Recipient a grant in the amount shown above.
3. **COMPENSATION:** The Grantor agrees that it will pay the Recipient complete and total compensation for the services to be rendered by the Recipient. Payment to the Recipient for expenditures under this Agreement will be reimbursed after the Recipient's cost report, detailed invoices, and proof of payment are submitted and approved for eligible expenses; these documents must be submitted no later than January 31, 2018. The original signed copy of this MOA must be signed by the Official(s) authorized to sign below and returned to North Carolina Emergency Management no later than 45 days after the award date. The grant shall be effective upon return of the executed Memorandum of Agreement and final approval by North Carolina Emergency Management of the grant budget.
4. **CONDITIONS:** The funds awarded under this grant must only be used by your county's or region's LEPC for the purposes of hazardous materials emergency response planning, training and exercises, as mandated in North Carolina General Statute § 166A-29.1. Furthermore, the use of these funds must meet one or more of the follow criteria:

- A. Support costs incurred facilitating LEPC meetings (e.g. printing, general office supplies, food and non-alcoholic beverages)
 - B. Support regional LEPC meetings and collaboration
 - C. Enhance LEPC outreach efforts or produce promotional materials
 - D. Host or support local and regional LEPC conferences
 - E. Create or update hazardous material emergency response plans
 - F. Support local or regional hazardous materials response exercises
 - G. Support purchases of equipment necessary to support the LEPC and its mission
 - i. Purchases of equipment must be pre-approved in writing by the NCEM EPCRA Coordinator
 - H. Support hazardous material risk assessments currently being conducted by North Carolina Emergency Management
 - I. Under no circumstances are the following items eligible for funding under this grant:
 - i. Salaries or benefits for any employee
 - ii. Drone aircraft or unmanned aerial vehicles
 - iii. Support for programs not focused on hazardous materials preparedness
5. **REGULATION:** The funds awarded under this grant must be used in compliance with all applicable state and federal laws governing their use to include compliance with North Carolina General Statute §143C-6-23 and 09 NCAC 03M. By accepting this payment, the below official agrees to use these funds in a manner consistent with state laws and regulations.
6. **TAXES:** Recipient shall be responsible for all taxes.
7. **WARRANTY:** As an independent recipient, the Recipient will hold the Grantor harmless for any liability and personal injury that may occur from or in connection with the performance of this Agreement to the extent permitted by the North Carolina Tort Claims Act. Nothing in this Agreement, express or implied, is intended to confer on any other person any rights or remedies in or by reason of this Agreement. This Agreement does not give any person or entity other than the parties hereto any legal or equitable claim, right or remedy. This Agreement is intended for the sole and exclusive benefit of the parties hereto. This Agreement is not made for the benefit of any third person or persons. No third party may enforce any part of this Agreement or shall have any rights hereunder. This Agreement does not create, and shall not be construed as creating, any rights enforceable by any person not a party to this Agreement. Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina. Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, or the Recipient. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
8. **POINTS OF CONTACT:** To provide consistent and effective communication between the Grantor and Recipient, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. The Department of Public Safety, North Carolina Emergency Management contact shall be, Assistant Director for Planning & Homeland Security, the Planning & Homeland Security Grants Management Staff, and NCEM Branch Staff. The Sub-Recipient point of contact shall be the person designated by the Sub-Recipient.

9. **PUBLIC RECORD ACCESS:** This agreement may be subject to the North Carolina Public Records Act, Chapter 132 of the North Carolina General Statutes.
10. **SITUS:** This Agreement shall be governed by the laws of North Carolina and any claim for breach or enforcement shall be filed in State Court in Wake County, North Carolina.
11. **ANTITRUST LAWS:** This Agreement is entered into in compliance with all State and Federal antitrust laws.
12. **OTHER PROVISIONS/SEVERABILITY:** Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, or the Recipient. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
13. **COMPLIANCE:** Recipient shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Recipient shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA.
14. **ENTIRE AGREEMENT:** This Agreement and any annexes, exhibits and amendments annexed hereto and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.
15. **MODIFICATION:** This Agreement may be amended only by written amendments duly executed by the Grantor and the Recipient.
16. **TERMINATION:** The terms of this agreement, as modified with the consent of all parties, will remain in effect until December 31, 2017. Either party upon thirty (30) days advance written notice to the other party may terminate this agreement. Upon approval by NCEM Technological Hazards Branch and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable NCEM EPCRA Grant Adjustment Notice.
17. **EXECUTION AND EFFECTIVE DATE:** This grant shall become effective upon return of this original Memorandum of Agreement, properly executed on behalf of the Recipient, to North Carolina Emergency Management and will become binding upon execution of all parties to the Agreement. The terms of this Agreement will become effective January 1, 2017. The last signature shall be that of Erik A. Hooks, Secretary for the North Carolina Department of Public Safety.
18. **CERTIFICATION OF ELIGIBILITY--Under the Iran Divestment Act**
Pursuant to North Carolina General Statute §147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to North Carolina General Statute§ 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, North Carolina General Statutes § 147-86.55 et seq.* requires that each

vendor, prior to contacting with the State certifies, and the undersigned on behalf of the Vendor does hereby certify, to the following:

1. That the vendor is not identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
2. That the vendor shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
3. That the undersigned is authorized by the Vendor to make this Certification.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-divestment-Act-resources.aspx> and will be updated every 180 days. For Questions about the Department of State Treasurer's Iran Divestment Policy, please direct question to (919) 814-3852.

In Process

IN WITNESS WHEREOF, the parties have each executed this Agreement and the parties agree that this Agreement will be effective as of January 1, 2017.

**N.C. DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT
1636 GOLD STAR DRIVE
RALEIGH, NORTH CAROLINA 27607**

**WAKE COUNTY EMERGENCY MANAGEMENT
POB 550/337 S. SAUNDERS STREET
RALEIGH, NORTH CAROLINA 27602**

DocuSigned by:

Michael A. Sprayberry

**Michael A. Sprayberry, Director
North Carolina Emergency Management**

APPROVED AS TO PROCEDURES

DocuSigned by:

William Polk

**William Polk, Assistant General Counsel
Reviewed for the Department Of Public
Safety, by William Polk, DPS Assistant
General Counsel, to fulfill the purposes of the
North Carolina Tier II Grant Program**

**James J. Cherokee, Controller
North Carolina Department of Public Safety**

**Erik A. Hooks, Secretary
North Carolina Department of Public Safety**

THIS MOA WAS PREVIOUSLY APPROVED AS TO FORM BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FOR THE 2017 TIER II GRANT PROGRAM ONLY AND IS SUBJECT TO EXECUTION BY ERIK A. HOOKS, SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY. THIS MOU/MOA SHOULD NOT BE USED FOR OTHER MOUs/MOAs FOR THE TIER II GRANT.

2017 Hazardous Materials Preparedness Project Guidance and Application

North Carolina Emergency Management Technological Hazards Branch

General Information

United States Department of Transportation Fiscal Year Hazardous Materials Emergency Preparedness (HMEP) Grant funds and State of North Carolina 2016 Tier II Competitive Grant funds will be passed through to Local Emergency Planning Committees (LEPCs) and Tribes within North Carolina on a competitive basis utilizing a single application.

For the federal HMEP Grant program, NCEM will award a maximum amount of \$10,000 to any one LEPC and \$25,000 for multi-county LEPCs. For the state Tier II Competitive Grant program, the maximum amount awarded will be \$10,000 per project with two projects funded per NCEM Branch.

To be considered for an award under either program, a single application per LEPC project must be received by Area Coordinators/Branch Managers no later than August 19, 2016. Applications will automatically be considered for both grant programs. NCEM will be responsible for selecting the appropriate grant to fund approved projects.

The HMEP Grant is a United States Department of Transportation grant and is managed by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The HMEP funds are derived from shippers of hazardous materials; therefore, there is an expectation that the funds will be used for enhancing preparedness for transportation incidents involving hazardous materials. The NC Competitive Tier II grant is managed by NCEM with funds derived from Tier II reporting facilities, and must be used for hazardous materials response planning, training, and related exercises.

This year priority will be given to (in order):

- Joint/regional hazardous materials preparedness activities.
- Exercise of hazardous materials plans.
- Development of emergency response plans with a clearly identifiable hazardous materials focus or the development or update of the hazardous materials annex to the County/Tribal Plan.

Period of Performance (Anticipated)

October 1, 2016 through September 15, 2017.

Eligible Projects and Activities

The following activities are eligible as projects for consideration. The intent of this process is to allow grant funds to be used by LEPCs for a variety of identified planning needs.

- Conduct Joint/regional hazardous materials preparedness activities that mutually benefit all parties.
- Conduct exercises based on response plans.
- Develop initial LEPC/Tribal Emergency Response Plan, or Hazardous Materials Annex to County/Tribal Plan.
- Revision of the LEPC/Tribal Emergency Response Plan, or Hazardous Materials Annex to County/Tribal Plan.
- Develop or expand Regional Response Team planning.
- Conduct or revise Hazard Identification and Vulnerability Analysis (HIVA).

Grant Award Criteria

Applicants must ensure their hazardous materials response plan is consistent with the provisions of the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as the Superfund Amendment Reauthorization Act (SARA) Title III, and have a functional and active LEPC or Tribal hazardous material response program. Proposed projects will be competitively evaluated according to the following selection criteria:

- How effective will the project be in improving hazardous materials capabilities?
- How cost effective is the proposed project?
- Does it contribute to other jurisdictions planning and regional response efforts?

Applicants must have an active registration in the federal System for Award Management (SAM).

Budgetary Criteria

The following budgetary rules apply to all applications.

Allowable expenses for activities:

- Hiring contractors or consultants to perform work eligible under the grant.
- Equipment rental.
- Per Diem and travel expenses.
- Supplies and training materials.
- Mail and postage costs.
- Printing and reproduction costs.

Non-allowable expenses:

- No funds awarded may be used for the purchase of equipment (including software and electronics).
- No funds may be used to replace or supplant local government funding of existing planning or exercise programs.
- Salary (including overtime) of any employees who backfill positions.

For more information about project and expense eligibility, please see the [HMEP Grant Program Expenditures and Activities Guide](#), published by the Pipeline and Hazardous Materials Safety Administration.

Application Review

Proposed project applications will be subjected to a competitive review process. If necessary, a review panel will meet before September 16, 2016 to evaluate all applications. The review panel may consist of the Branch Managers and/or members of the North Carolina State Emergency Response Commission Hazardous Materials Committee. An effort will be made to achieve the broadest possible geographic distribution of these awards. Applicant performance on other NCEM grants will be considered when evaluating the applications.

Monitoring and Follow-Up Requirements

LEPCs receiving grant funds must enter into a Memorandum of Agreement with North Carolina Emergency Management. Additionally, they must provide a semi-annual summary (progress report), not later than May 31, 2017, to the Technological Hazards Branch to ensure that the project deliverables are being met, and that each grant contract is operating within budget. All changes to the statement of work must be approved in writing prior to conducting activities.

Activities must be completed by September 15, 2017 and final documentation is required by October 15, 2017 and includes the following:

- If training/exercise is conducted, a complete roster and After Action Report (AAR) detailing the outcome and benefit is required.
- If seminar or conference, an agenda, attendance roster, and copies of presentations are required.
- If an emergency response plan, hazardous materials response plan, or hazardous materials annex was updated, a copy of the updated plan is required.
- Cost Report should be completed and sent along with detailed invoices and proof of payment.

Note: Funds will not be reimbursed until all deliverables are received.

Application Process

1. Complete the attached 2016 Hazardous Materials Preparedness Project Application.
2. Submit a separate set of applications for each proposed project (if necessary).
3. If submitting a joint/regional application, establish priorities and clearly show how each jurisdiction will benefit.
4. If multiple projects are requested, establish and define a priority list.
5. Submit project proposal electronically via e-mail attachment to appropriate NCEM Area Coordinator who will either tentatively approve or disapprove. The Area Coordinator will forward (tentatively approved applications) to the Branch Manager who will review the application and forward to the Hazardous Materials Preparedness Project review committee for final approval.
6. If there are any questions regarding this process, please contact an EPCRA Coordinator at 919-436-2746 or email epcra@ncdps.gov.

2017 HAZARDOUS MATERIALS PREPAREDNESS PROJECT APPLICATION

Instructions

Please provide the information requested below. All fields are mandatory. Limit your response to the space allocated whenever possible. If this is not possible, please indicate on the form when additional pages are attached. Clear, complete, and concise information is required for the panel to make fair and equitable decisions.

Applicant Information

Organization:	Wake County Emergency Management
Mailing Address: Street, City, State, Zip +4	PO Box 550, Raleigh, NC 27602
Physical Address: Street, City, State, Zip +4	337 S. Saunders St. Raleigh, NC 27602
DUNS Number:	019625961
Tax ID Number:	56-6000347

Host County:	Wake
Local Emergency Planning Committee (LEPC):	Wake County
Is your organization registered in SAM:	YES

Point of Contact:	Amy Ikerd
Title:	Hazardous Materials Planner
Email:	amy.ikerd@wakegov.com
Phone Number:	919-856-6486
Fax:	919-856-7046

Memorandum of Agreement (MOA/MOU) Information

Please list all names and titles that should appear on the signature page of the MOA/MOU should your organization receive an award. Only one signatory is required; multiple spaces have been provided for entities with policies requiring multiple people to sign. If more space is needed, please add rows identical to the ones below and notify NCEM. Names will appear in order entered below.

NCEM grant MOAs are currently being disseminated and signed electronically via DocuSign.

Name:	Joshua Creighton
Title:	Director, Emergency Management
Email	Joshua.creighton@wakegov.com

Name:	Susan McCullen
Title	Director, Finance
Email:	smccullen@wakegov.com

Name	Jim Hartmann
Title:	County Manager
Email:	Jim.hartmann@wakegov.com

Project Overview:

Project Title:	Wake County Hazardous Facility Risk Assessment
Is your proposed activity joint or regional in nature?	No
If you answered yes above, please explain, otherwise put N/A:	N/A
Would you like to request the State Hazardous Materials Regional Response Team (RRT) participate in your HMEP grant activity?	No
If you answered yes above, please describe desired RRT involvement (technical assistance, exercise participation, pre-planning, etc.), otherwise put N/A:	

Note: Requests for regional response team participation will be reviewed and granted as funding allows. Regional Response Team participation will be funded by Tier II fee revenue and do not need to be accounted for in your project budget below.

Project Statement of Work

Please provide a detailed description of your proposed project.

- Breakdown activities into clear actions.
- Identify personnel providing services if applicable.
- Identify measurable, tangible deliverables/results.

Statement of Work

Application for Tier II Grant Award

The Wake County LEPC seeks to mitigate the risk to the population resulting from ongoing development in proximity to chemical hazards. In support of this effort, the County is requesting contractor support to (I) identify all Hazardous Materials (hazmat) and Resource Conservation and Recovery Act (RCRA) hazardous waste facilities and primary transportation corridors in the county, (II) rank these sources of hazmat risk from level 1 to 3 or remove those sources that present no community scale risk per the criteria in the county policy, and (III) establish isolation protection zone buffers surrounding these sources in a geographic information system (GIS) format that supports the LEPCs land-use review and generation of risk mitigation recommendations.

This would be a multi-year project that would be conducted in phases with the first phase being the identification of such sites and the ranking of these sites bases on pre-determined categories. The first phase would be covered within the period of performance of this grant.

Wake County would publish a Request for Proposal (RFP) to determine who this work would be contracted with for completion.

The tangible deliverables/results would be a tool or ranking system that would be used by the Planning and Zoning Boards within Wake County to determine “smart” development for the purpose of emergency planning.

Projected Timeline/Costs would be determined by the contractor chosen to complete the work based on the RFPs received.

Project Timeline

Include critical dates and measurable activities for task completion. Projects must be completed in time to submit all paperwork by October 15, 2017.

Date	Milestone
Fall 2016	Stakeholder Kickoff Meeting / Turn over data for review to Contractor
Winter 2016	Develop IPZs around each facility
Winter 2016/17	Assign Risks and hazard class categories
May 2017	Semi Annual Summary Report to NCEM
Spring/Summer 2017	Microsoft Excel file and GIS ESRI shape files that list all 435 facilities and includes the IPZ and risk designation for each source.
September 2017	Project Completion
October 2017	Project documentation to NCEM

Project Budget

Please provide your projected costs.

Item Description	Cost
Personnel Time: Collect and Review Data	¼ of Cost
Personnel Time: Develop IPZs	¼ of Cost
Personnel Time: Assign Hazard Class to each facility	¼ of Cost
Personnel Time: Develop, maintain, & finalize project documentation	¼ of Cost
Total Projected Cost:	\$10,000

Final signed cost report should be submitted with, or prior to, final performance deliverables. The requested reimbursement amount on the final cost report should not exceed the total amount of the grant reward.

Application Submission

Please type your name and today's date below as signature to certify the following:

- This application is complete and accurate to the best of your knowledge.
- This project, if awarded, will adhere to the approved Statement of Work and any changes made to this project after submission must be approved in writing by the Technological Hazards Branch of North Carolina Emergency Management.
- This application will be submitted by email to your county's NCEM Area Coordinator on or before August 19, 2016.

Name:	Amy Ikerd
Date:	8/19/2016

If you have any questions please do not hesitate to reach out to us at 919-436-2746 or epcra@ncdps.gov.

In Process