

Analysis

Department of State Police

Hazardous Materials Emergency Preparedness

Analyst: Julie Neburka

Request: Approve a request from the Department of State Police to apply for a formula grant of \$853,164 from the US Department of Transportation's 2019 Hazardous materials Emergency Preparedness Formula Grant program.

Analysis: On May 9th, 2019, the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration made \$20.6 million available to states, tribes, and territories through the 2019 Hazardous Materials Emergency Preparedness (HMEP) grant program. This program is intended to increase state, territorial, tribal, and local effectiveness in safely and efficiently handling hazardous materials incidents occurring on the transportation system by funding comprehensive local planning and training for hazardous materials incidents. The program was created in 1990, and is funded by registration fees collected from intra- and interstate hazardous materials shippers. The Oregon State Fire Marshal, an administrative division of the Oregon State Police, has received this grant continuously since the 1990's.

The State Fire Marshal plays an important role in planning for emergency and hazardous incidents response, and is directed by ORS 453.347 to help with emergency response planning at the state and local level to assure that the response to a hazardous materials accident minimizes damage to people, property, and wildlife. At least 75% of the HMEP grant will be passed through to local governments for planning and training activities, with the required 25% in-kind or cash cost share provided by sub-award recipients. The remainder of the grant award would be used by the Office of the State Fire Marshal for administrative activities such as conducting statewide hazardous materials emergency planning and response workshops, attending national emergency planning meetings, and grant administration. The grant application is due May 24, 2019, with grant awards expected to be announced in September 2019 for a three-year period of performance. If successful, the agency may need to return to the Legislature for additional Federal Funds expenditure limitation.

Legislative Fiscal Office Recommendation: Approve the request.

Department of State Police Lisper

Request: Authorization to apply for a Federal Fiscal Year 2019 Hazardous Materials Emergency Preparedness (HMEP) Formula Grant of \$853,164 from the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety.

Recommendation: Approve the request.

Discussion: The Department of State Police (OSP), Office of the State Fire Marshal (OSFM) is requesting authorization to apply for an \$853,164 Federal Hazardous Materials Emergency Preparedness Formula Grant, which has a 25 percent non-federal match of \$213,292 requirement. The match requirements may be met with either in-kind services or state funding. The Department has implemented this grant program since 2010 and has consistently met the non-federal match requirements with in-kind services.

The HMEP grant is a 36-month formula grant effective from the date of the award. The award period is projected to run from October 1, 2019 through September 30, 2022. The federal grant awarded will be allocated annually over the three-year period. The grant application is due May 24, 2019.

The OSFM intends to pass-through up to 75 percent of the HMEP formula grant funding to local emergency agencies through a discretionary sub-grant program. Sub-grantees developing a comprehensive approach to emergency planning and training in response to hazardous materials transportation-related situations is a priority to the Department. All sub-grantee applications must include a 25 percent match. The match may be met with cash or with approved in-kind services. Final sub-grantee approval will include both OSFM and federal endorsements prior to the disbursement of grant funds and approved sub-grantee projects will be included in an OSFM monitoring program to insure program follow through.

If awarded, the Department may need to return to the Legislature to request additional Federal Funds expenditure limitation.



Oregon

Kate Brown, Governor

Department of State Police

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May 6, 2019

The Honorable Senator Betsy Johnson, Co-Chair
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Oregon State Police (OSP), respectfully requests permission to submit an application to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Hazardous Materials Safety for the Fiscal Year (FY) 2019 Hazardous Materials Emergency Preparedness Formula Grant in the total amount of \$853,164, which will be allocated annually. There is an in-kind or cash match requirement of \$213,292, which represents 25% of the total federal grant. This is a formula grant.

Final award decisions will be made by the Secretary of Transportation. PHMSA plans to make awards in September 2019, with a proposed period of performance start date of September 30, 2019. PHMSA expects to make award notifications by September 30, 2019, with an estimated total amount awarded of up to \$82 million. The award period is for 36-months, September 30, 2019 – September 30, 2022. The deadline to submit the application is May 24, 2019.

Background/Purpose

The goal of PHMSA's Fiscal Year (FY) 2019 Hazardous Materials Emergency Preparedness Formula Grant Program is to assist States, Territories, and Native American Tribes to develop, improve, and carry out emergency plans within the National Response System and the Emergency Planning and Community Right-To-Know Act of 1986; and allows grantees the flexibility to implement training and planning programs that address differing needs for each location based on demographics, emergency response capabilities, commodity flow studies, and hazard analysis.

Agency Action

The Office of State Fire Marshal (OSFM), a Bureau within OSP, intends to pass-through up to 75% of the HMEP formula grant to local emergency agencies through a sub-grantee program. The purpose of the sub-grantee program is to increase effectiveness in safety and efficiency handling hazardous materials transportation accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986, and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations. The required 25% in-kind or cash match requirement will be provided by the local emergency agencies that are awarded HMEP grant funds.

Developing comprehensive approaches to emergency planning and training in response to hazardous materials transportation-related situations remains a priority for OSP and the OSFM. Specifically, ORS 453.347 directs the State Fire Marshal to assist with emergency response planning by appropriate agencies of government at the local, state and national levels to assure that the response to a hazardous substance fixed site or transportation accident is swift and appropriate to minimize damage to any person, property or wildlife. Funding from this federal grant opportunity, if approved, will help the State Fire Marshal to achieve this statutory objective.

If this grant is awarded, OSP may need to request an increase in its federal fund limitation for both the 2019-21 and 2021-23 biennia in a future meeting of the Legislative Assembly.

Action Requested

Approve the request to apply for the Fiscal Year (FY) 2019 Hazardous Materials Emergency Preparedness Formula Grant through the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Hazardous Materials Safety.

Legislation Affected

None.

Thank you for your consideration of this request.

Sincerely,



Travis Hampton
Superintendent
Oregon State Police

cc: Constantin Severe, Governor's Office
Michelle Lisper, Department of Administrative Services – Chief Financial Office
Julie Neburka, Legislative Fiscal Office