The Pipeline and Hazardous

Materials Safety Administration
(PHMSA)

OF TRANGO

Hazardous Materials
Emergency Preparedness
(HMEP) Grant Webinar

October 6, 2021



### Today's Agenda

#### **DOT/PHMSA** Priorities

**HMEP Program Updates** 

West Virginia Vigilant Guard Presentation (Ms. Lisa Paxton)

Hazmat Round Table Report (Mr. Bill Lewis)

**New PHMSA Grant Programs** 

# Current DOT/PHMSA PRIORITIES:

- 1. SAFETY
- 2. UNDERSERVED COMMUNITIES & EQUITY

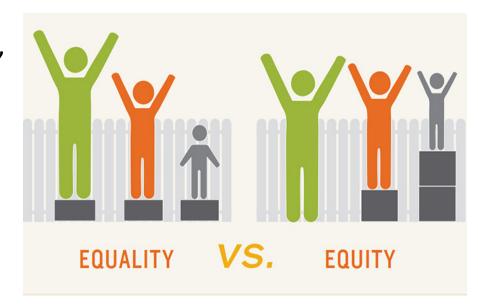
### SAFETY PRIORITIES

- Advancing the safe transportation of energy and hazardous materials
- Creating safe training environments during the ongoing public health emergency
- HMEP grantees will no longer be required to submit activity requests for COVID related training supplies. These supplies will be treated as ordinary supplies required to carry out HMEP activities.
- Costs may include expenses necessary to carry out virtual training environments for safety purposes.



## Underserved Communities & Equity Priorities (EO 13985)

- Underserved communities "refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life."
- Equity means "the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment,\* and persons otherwise adversely affected by persistent poverty or inequality."
- HMEP recipients will be required to ensure training and planning funds are offered equitably and that funds are inclusive of underserved communities applying for subawards.



### HMEP Program Updates

- UPCOMING REPORTING DEADLINES
- NEW QUARTERLY DRAWDOWN REQUIREMENTS
- NEW SPOT CHECK DOCUMENTATION REQUIREMENTS
- MANAGEMENT AND ADMINISTRATIVE COSTS REFRESHER
- BACKFILL, OVERTIME AND STIPENDS GUIDANCE
- COVID-19 TRAINING DELAYS & PERFORMANCE PERIOD EXTENSIONS

### Upcoming Reporting Deadlines

- Federal Financial Reports: The federal financial report (SF-425) captures a grantee's cumulative expenses. The annual FFR must be submitted no later than December 30.
- **Progress Reports**: Progress reports capture activities conducted during a 6-month period. Progress reports are not cumulative. The annual progress report must be submitted no later than December 30.

DUE

• All reports are submitted via email to <a href="mailto:HMEP.grants@dot.gov">HMEP.grants@dot.gov</a>.

### NEW HMEP DRAWDOWN REQUIREMENT

Beginning October 1, 2021, all HMEP recipients will be required to drawdown quarterly. If there are extenuating circumstances preventing your agency from adhering to this requirement, please contact your grants management specialist.



# NEW SPOT CHECK DOCUMENTATION REQUIREMENT

- Beginning October 1, 2021, all HMEP recipients will be required to submit actual receipts or invoices of HMEP expenditures when notified of a spot check of a select reimbursement request.
- Spot checks typically occur no more than twice per year.



### Management and Administrative Costs Refresher

- The HMEP program requires that recipients spend no more than 25% on M&A costs.
- This requirement is to ensure that HMEP funds are used to primarily support actual training and planning activities.
- This cap does not apply to staff who are actually conducting training and planning activities.
- Example 1: Bob is responsible for overseeing the administrative tasks for the HMEP program such as scheduling courses, conducting grants oversight, and submitting financial and progress reports. This role would fall under M&A
- Example 2: Tonya is a state employee responsible for conducting Hazmat Technician courses. This role would fall outside of M&A.

### Backfill, Overtime, and Stipend Refresher

- Overtime: Expenses limited to the additional costs which result from personnel working over and above the number of hours considered fulltime per week of weekly work time as a direct result of HMEP-approved activities. Overtime must not exceed 1.5 times an individual's hourly wage.
- <u>Backfill-related Overtime:</u> Costs that result from personnel who are working overtime to perform the duties of other personnel who are temporarily assigned to PHMSA-approved activities outside their core responsibilities.
- <u>Volunteer Stipend:</u> A nominal amount of money to be paid directly to a volunteer who attended an HMEP training activity. A stipend is nominal if it does not exceed 20 percent of what the fire department would otherwise pay a full-time firefighter to perform response services or the prevailing state volunteer rate.

 Calisota submitted a reimbursement request for two volunteer firefighters who backfilled for two career firefighters to attend an **HMEP** training course during their normal shift. Under what circumstances will this request be processed?



- Calisota may only submit costs for stipend reimbursement for volunteer firefighters.
- A stipend is nominal if it does not exceed 20 percent of what the fire department would otherwise pay a full-time firefighter to perform response services.



Wakanda submitted a reimbursement request for career firefighters who attended a HMEP training exercise. All attended outside their duty hours and the agency determined a flat rate to charge against the HMEP grant for all trainees. Is this allowable?



This reimbursement request would be denied because HMEP recipients are required to submit overtime invoices based on the actual overtime costs incurred per individual and not a flat rate charge.



COVID-19
Impact on the HMEP
Program

## COVID-19 Training Delays & Performance Period Extensions

• Due to the ongoing public health emergency, for FY 2019-21 HMEP recipients, PHMSA will offer one year performance extensions through September 29, 2023.

• Grantees will be required to submit formal extension requests via email to HMEP.Grants.gov.

### Reprogramming of Funds Tips

- Review current training program to see if some training can be setup for virtual training.
- Consider upgrading classrooms to accommodate a virtual environment.
- Leverage PHMSA nonprofits grantee for free hazmat training opportunities. Go to <a href="https://www.phmsa.dot.gov">www.phmsa.dot.gov</a> for a list of current grantees.
- Consider purchasing portable laptops/tablets to issue to responders for virtual courses on a temporary basis.
- Purchase of licenses for virtual applications to properly conduct training.
- Purchase training props for recurrent HMEP training, as needed.

New Grant Programs

### Pipeline Emergency Response Grant (PERG)

Purpose: To advance the abilities of emergency responders to manage pipeline emergencies through improved training, cooperation, and communication.

- Funding: Up to \$3 million
- Statute: Public Law 116-260
- Eligibility: State agencies

(only one agency per state can apply)

- CFDA Number (Assistance listing): 20.706
- NOFO: Expected December-January



### Hazardous Materials State Inspection (HMSI) Grant

Purpose: To provide funding for hazardous material inspector training, reimbursement of shipper inspection costs, and data collection and analysis of state hazardous materials inspections.

- Funding: Up to \$2.5 million
- Statute: Public Law 116-260
- Eligibility: State agencies

(only one agency per state can apply)

- CFDA Number (Assistance listing): 20.707
- NOFO: Expected December-January



West Virginia
Vigilant
Guard
Exercise

Presenter: Lisa Paxton

Hazardous
Materials
Round Table
Presentation

Presenter: Bill Lewis





#### **Background**

2019 HazMat Roundtable Mtg Feb 5-6, 2019

Issues and Concerns

- Planning
- **■** Prevention
- Response
- Training
- **■** Standard of Care
- **■** Funding
- Information Sharing

#### **Feasibility Studies**

- Problem Analysis
- **Propose Action Options** 
  - **Improving LEPC Performance**
  - Improving Risk-Based Preparedness and Response
  - Improving Hazmat Prevention/Mitigation

#### Action Options to Help Improve LEPC Performance

#### Help LEPCs Transition to All-Hazard

- Increase federal support/endorsement for LEPC transition to "All-Hazard Preparedness" from "Hazmat Only"
- Provide guidance and training for LEPC members on how best to undertake all-hazard preparedness.
- Provide guidance and training to improve assessment of risks and prevention/ mitigation opportunities using Tier II information.



### **Action Options to Help Improve LEPC Performance**

#### **Hazard Mitigation Grants**

- Ensure that hazmat is an eligible risks under FEMA mitigation grants.
- Provide guidance and training on how to include hazmat risks in mitigation grant applications.

#### Improve Community Awareness and Education

- Provide guidance/training for LEPC members on how to manage an LEPC Pub Ed Pgm.
- Provide Pub Ed materials and media kits to SERCs and LEPCs to raise public awareness.
- Ensure that federal emer. preparedness public messaging includes greater emphasis on LEPCs.



### **Action Options to Help Improve LEPC Performance**

#### Improve LEPC Membership and Leadership

- Provide guidance to SERCs and community leaders on best practices strategies to help increase LEPC membership and involvement.
- Provide guidance and training following ASTM E3241 for LEPC leaders on improving LEPC member engagement and collaboration.

#### Improve LEPC Funding

- Provide guidance to LEPCs on how to combine efforts with other local agencies to potentially access federal disaster funding.
- Provide best practices examples and guidance to LEPCs on securing alternative local funding for programs.





#### Action Options to Improve Risk-Based Preparedness and Response

#### Strengthen National Support for RBR

- Ensure RBR is included in federal and prof. assoc. references regarding emergency preparedness.
- Develop consensus clarification of what is and what is not RBR as per NFPA 470, and disseminate.

#### Improve science- & evidenced-based data for RBR

- Establish single online point of access for information on current research on hazmat data of importance to RBR
- Establish a technical expert body to translate emergent scientific findings into brief and precise risk protocols easily understood during response and planning.



## Action Options to Improve Risk-Based Preparedness and Response Improve RBR Training Strategies

- Establish an online RBR curriculum center to share ideas, lessons learned, and curricula information.
- To compensate for reduced calls and reduces field experience of students, ensure that RBR training includes high-end, realistic simulations. Provide tools to training systems to better support delivery of simulation-based training.
- To accommodate different learning styles of new responders, ensure RBR training includes different formats and options such as shorter online units and variable training paths.
- Ensure all online federal training deliveries are properly coordinated with state and dept training officials responsible for responders' competencies.



### **Action Options to Improve Risk-Based Preparedness and Response**

Strengthen Response Systems

The reductions in the number of volunteers and reduced staffing of career personnel may create a potential weakening of the nation's capability to offer effective initial Operations-level response to hazmat incidents, which undermines safe hazmat response.

- Ensure fed hazmat community collaborates with Congressional Fire Caucus to champion efforts (such as fire grants, tax deductions, etc) to improve resources needed to properly staff local response capabilities.
- Develop guidance for community leaders on best practices and tips/techniquest to better recruit and retain volunteers to support local emergency preparedness.

#### **Action Options to Improve Hazmat Prevention/ Mitigation**

#### Improve Local Hazmat Policies and Metrics

- Ensure federal agencies establish parallel policies for measurable local hazmat prevention and risk-reduction initiatives.
- Provide guidance on simplified metrics and hazard indicators to better assess local hazmat risks.

Improve Local Zoning, Transportation Routing, and Land Use Planning

- Develop new online and hands on training and informational programs on doing local commodity flow studies.
- Provide guidance to local zoning boards on how to evaluate hazmat risks in local zoning and land use decisions.



#### **Action Options to Improve Hazmat Prevention/ Mitigation**

#### Mitigate Hazmat Risks from Natural Disasters

Expand federal disaster recovery and mitigation grant requirements and instructions to include risk reduction and mitigation measures pertinent to hazmat facilities and related infrastructure.

### Improve Hazmat Facility Operations, Inspections and Code Enforcement

- Foster federal risk mitigation grant funding to small local hazmat facilities which do not have resources to fund needed system risk reductions.
- Develop standards and develop training for inspectors and code enforcement personnel on identification and assessment of hazmat risks.





#### **NEXT STEPS**

- The findings of the three studies will be presented at the upcoming Roundtable meeting, October 26 and 27, 2021
- The findings will also be presented to the federal hazmat community through the Federal Hazmat Partners group.
- The key next step is to implement the action options.
- Copies of the 2019 Roundtable Report, the Feasibility Studies Report, and the upcoming 2021 Roundtable Report are available on request.





**General Inquiries** 

HMEP.grants@dot.gov

PERG@dot.gov

202-366-1109

## Contact information



Shakira Mack

Chief, Grants

shakira.mack@dot.gov

202-366-5090



Carla Sheppard

Team Lead, Grants

carla.sheppard@dot.gov

202-366-2738



Suezett Edwards Grants Management Specialist

Suezett.Edwards@dot.gov

202-366-4863

## Contact information



Flor Valencia Grants Management Specialist

flor.valencia@dot.gov

202-366-6853



Matthew Hufford Hazmat Grants Specialist

Matthew.Hufford@dot.gov

202-366-1952



Andre White
Grants Management Specialist
andre.white@dot.gov
202 366-4275

## Contact information



Lisa Reichenbacher

Grants Management Specialist

lisa.reichenbacher@dot.gov

202 366-1211



Bonita Brown
Hazmat Grants Specialist
Bonita.Brown@dot.gov
202 366-8007

#### HMEP Feedback

• Would new grantees who just joined the Hazmat Grant program within their agencies be interested in attending a new webinar specifically focused in reviewing our program in depth for new personnel?

Meson

#### **HMEP Webinar Q&A**

1. When PHMSA monitors the recipients, what documentation/information will be necessary to show we adhere to the diversity and equity requirements?

**Response:** PHMSA will monitor recipients through applications, desk reviews and site visits. By reviewing recipients' subgrant processes, PHMSA will assess if a recipient is adhering to the diversity and equity requirements set forth in Executive Order (EO) 13985. If PHMSA determines that there are gaps, PHMSA will work with recipients to develop a corrective action plan.

2. How do you determine what is considered equitable? It is based on population and average household salary, etc?

**Response:** PHMSA will determine what is considered equitable based on the definitions of underserved communities and equity in <u>EO 13985</u>.

3. Can you repeat the name of website that list the underserved communities?

**Response:** Recipients may utilize the Environmental Protection Agency's Environmental Screening tool here: <a href="https://ejscreen.epa.gov/mapper/">https://ejscreen.epa.gov/mapper/</a>. For more information, please visit the following site: <a href="https://www.epa.gov/ejscreen/purposes-and-uses-ejscreen">https://www.epa.gov/ejscreen/purposes-and-uses-ejscreen</a>.

4. Does the 25%M&A cap include in-kind match?

**Response:** The 25% M&A cap is for Federal funds; however, a recipient can use a person's time spent doing M&A functions as an in-kind match.

5. Is the 25% max for M&A applied in each year of the grant or is it combined for years 1 through 3?

**Response:** The 25% max for M&A is applied each year that funding is awarded; however, if a recipient does not use the entire 25% cap in one year of funding they may carry it forward to the next year of funding. Also if a recipient exceeds the 25% cap for M&A in year one or year two, the recipient must make adjustments to M&A cap in the following year to ensure that they do not exceed the 25% cap of the total award. If a recipient is aware that they will exceed the 25% M&A cap they will need to provide that information in their application.

6. Does the 25% M&A cap apply to passthrough funds as well? For example, as an HMEP direct recipient, we only take 9% M&A for Personnel & Fringe Benefits. But, if we passthrough funds to another agency as Contractual, do they have to stay within 25% M&A within their own grant agreement?

**Response:** PHMSA's 25% M&A cap can also be utilized by subrecipients as long as the combined total from subrecipients and your agency does not exceed the 25% cap for the total award.

#### **HMEP Webinar Q&A**

7. Does the 25% M&A cap also include travel and supplies?

**Response:** No, the 25% M&A cap only applies to personnel and fringe benefits.

8. If we are a state recipient of HMEP, can we only subaward to counties? Or can we subaward to other entities, such as cities/towns, local govt. entities like fire depts., nonprofits, etc.?

**Response:** A recipient can subaward to local governments, cities/towns, and entities like fire departments and nonprofits as long as the activities requested is for the benefit of training first responders in their community to respond to hazmat accidents and incidents in transportation, or if the activity will help with assessing, improving, updating, or writing emergency response plans for the surrounding community.

9. When we previously discussed OT, we talked about having employees that are FULL TIME on a 35-hour week. Has this been discussed? Will this meet the threshold?

**Response:** Yes, PHMSA has revised the backfill and overtime guidance to accommodate for recipients whose fulltime work week is less than 40 hours. Please refer to PHMSA's updated backfill and overtime guidance.

10. When a sub award agreement is entered into with another state agency for a recurring training, at what point can the grantee agency submit an invoice for reimbursement? Would that agency receiving the sub award have to expend all the funds in order for the grantee agency to be reimbursed?

**Response:** The recipient does not have to wait until a subrecipient has expended their total subaward. If a subrecipient submits an invoice for each class/training completed, the recipient may submit that invoice for reimbursement at the time they receive the invoice.

11. What if the union contract specifies more than 1.5 times the hourly rate? If over the 1.5 times, would the amount that is over be available to use as match?

**Response:** PHMSA will reimburse up to 1.5 times the hourly rate for overtime if recipient has received prior approval for the cost; however, a recipient can use any time over the 1.5 time as a match.

12. Is reimbursement for staff time of participants at training an unallowable cost? For example, if a firefighter during her regular 40-hour week attends training, can reimbursement be sought for the firefighter's time, as well as the backfill?

**Response:** Correct, PHMSA does not allow recipients to pay participants for the time that they attend a HMEP training if it is during their normal course of work hours. PHMSA does however allow for recipients to pay overtime or backfill for career firefighters that have already worked his/her fulltime work week to attend HMEP

#### **HMEP Webinar Q&A**

training. PHMSA also allows for stipends to be paid to volunteer firefighters to attend HMEP training. Please refer to PHMSA backfill, overtime, and stipend guidance.