

FY 2006
Superfund Amendments and Reauthorization Act (SARA), Title III
Implementation of Hazardous Materials Training for Tribal Nations
(CFDA No. 97.020)

- I. Purpose: SARA, Title III provides funding for training in emergency planning, preparedness, mitigation, response, and recovery capabilities associated with hazardous chemicals. Individuals who would be eligible for this training include public officials, fire and police personnel, medical personnel, first responders, and other tribal response and planning personnel. Funding is available to federally recognized Tribal Nations.
- II. Authorities: Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, Section 305(a), Emergency Training; Homeland Security Act of 2002, Codified in 6 U.S. Code, Public Law 107-296.
- III. Objectives and Processes: Title III of SARA addresses concerns about emergency preparedness for hazardous chemicals. It establishes requirements for federal, Tribal/State, local governments, and industry, regarding emergency planning and "community right-to-know" reporting on hazardous and toxic chemicals. This legislation emphasizes:
 - a) helping communities meet their responsibilities in preparing to handle chemical emergencies; and
 - b) increasing public knowledge and access to information on hazardous chemicals present in their communities.
- IV. Funding Uses:

This Program provides funding for education and training in emergency planning, preparedness, mitigation, response, and recovery capabilities associated with hazardous chemicals. Possible training sources for this program include federal training activities and conferences, State training programs, private sector training, university training centers, and other training sources. Funding may also be used to pay contractual services acquired for the specific purpose of training and educating the tribes. Training programs should include a number of subjects and a range of levels of complexity to meet the varying needs of as many Tribal governments as possible.
- V. FY 2006 Emphasis:

Section 305(a) training funds are intended to improve emergency planning, emergency notification, hazardous chemical reporting, preparedness, mitigation, response, and recovery capabilities in support of Title III. Work activities should address the most important of the Tribe's needs and be able to show progress toward meeting those needs.

VI. Grantee Eligibility

SARA Title III requires the establishment of State Emergency Response Commissions to oversee hazardous materials planning and preparedness at the State level. This program recognizes Tribal responsibility as equal to States in terms of the protection of lives and property from chemical hazards. Federally recognized Tribal Nations, therefore, fall under the same requirements as the States. In order to meet these responsibilities, some Tribal Nations have elected to enter into agreements with States and work as part of the State system, either as a local emergency planning committee (LEPC's) or as members of LEPC's. These Tribal Nations should continue to work with States to address their training needs under State programs.

Tribal nations that chose to act independently are required by SARA to form Tribal Emergency Response Commission (TERC's) and designate an LEPC or LEPC's. Even if a TERC has not been officially formed, Tribal Nations may apply.

Pursuant to Homeland Security Directive (HSPD)-5, as of FY05, receipt of federal preparedness funds is conditioned upon applicant's/grantee's adoption of the National Incident Management System (NIMS).

VII. Application Information

Participating Tribal Nations must submit an application that includes the following:

- A. SF 424, Application for Federal Assistance
- B. FEMA Form 20-20, Budget Information – Nonconstruction Programs and budget narrative identifying projected costs.
- C. A copy of the Indirect Cost Rate approval by the Tribal Nations' cognizant Federal agency.
- D. A program narrative that includes an acceptable work plan, with the following elements:
 - Narrative description of requested background and proposed program information, including a description of the overall long-range training objective(s).
 - Titles of courses/activities to be funded.
 - Projected number of participants, and level of training they will receive.
 - Percentage of the long-range objective that will be attained by this funding
 - Prioritization of training if less than 100% of the grant application is approved.
 - Activities other than training for which funds will be expended.

- Documentation to support the 20% matching funds requirement.

As part of the program narrative the following background information must be included:

- The population of the Tribal Nation.
- The number of square miles of Tribal lands.
- Identification of the types of hazardous materials present and an estimate of the quantities.
- A description of transportation related chemical hazards, to include highway miles.
- An indication of how many members serve on the TERC, agencies they represent, and their current levels of training. If a TERC has not been formed, state that fact.
- A description of current procedures for response to hazardous materials incidents. Include response capabilities of the Tribe (number of fire departments, police/sheriff offices, hospitals, medical emergency response units, etc.), or cite Memoranda of Understanding with communities.

E. FEMA Form 20-16, Summary Sheet for Assurances and Certifications

VIII. Eligible/Ineligible Costs

Eligible Costs: Travel to courses, hosting courses (including classroom rentals, etc.), course materials, and instructor fees. FEMA Regional PTE Program Officers will assist the Grantees with identifying appropriate training activities.

Ineligible Costs: The purchase of equipment, salaries, combining of the Hazardous Materials Transportation Act funds with 305(a) funds, and attending Emergency Management Institute (EMI), or the National Fire Academy (NFA) courses (since separate funds are available for that training) are ineligible costs.

IX. Matching Requirement

SARA Title III requires a 20 percent non-Federal cost share. This total may be provided as a cash match, a third party in-kind contribution, or any combination of the two. The Federal contribution can be no more than 80 percent of the total cost of the funded activity. Therefore, if FEMA provides a \$4,000 grant; the total cost of the program must be at least \$4,000 divided by .80 or \$5,000. The value of the non-Federal contribution must be at least 20 percent of \$5,000, which is \$1,000.

X. Reporting Requirements

A. Performance Reports:

1. The grantee will submit a semi-annual performance report to the FEMA Regional Assistance Officer (AO) within thirty days following the end of the reporting

Period. Due dates are April 30 and October 30. This report must include the following information:

- List of courses/training activities delivered (with course/activity hours.)
 - Total number of participants trained in each training activity.
2. A final performance report must be prepared within 90 days following the grant period. This report must contain the final number of people trained under this program, the number of training activities conducted, the level of training provided, and a narrative explanation of accomplishments under this program.

B. Financial Reports:

1. Financial Status Report: A semi-annual and final financial report, Financial reports, FEMA Form 20-10, Financial Status Report, will be submitted to the FEMA Regional Office within 30 days after the end of reporting period. Reporting dates are April 30 and October 30. Final financial reports are due 90 days after the close of the grant.
2. PMS Report: If the Grantee uses the Department of Health and Human Services (HHS) payment system, Smartlink, the Grantee shall submit a copy of the PMS 272 report to the FEMA Regional office as they are filed with HHS.