

FY 2006
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
Implementation of Hazardous Materials Assistance
CFDA No. 97.021

- I. Purpose: The purpose of the CERCLA and Hazardous Materials (HAZMAT) assistance program is to support programs and activities of State, Indian tribal, and local governments designed to improve capabilities associated with oil and hazardous materials emergency planning and exercising. This program provides the guidelines and process for implementing any assistance provided in support of hazardous materials initiatives in the regions and states.
- II. Authorities: Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended; Superfund Amendments and Reauthorization Act (SARA) of 1986; Homeland Security Act of 2002, Codified in 6 U.S. Code, Public Law 107-296; Executive Order 12148, Federal Emergency Management; and Executive Order 12580, Superfund Implementation. The source of this funding is the Hazardous Substances Trust Fund implemented and authorized under CERCLA. The source of the CERCLA funding is the Hazardous Substances Trust Fund which implements and authorizes the budget appropriation.
- III. Objectives and Processes: FEMA provides technical and financial assistance through the States to support State (including territories and municipalities), Indian tribal, and local governments in oil and hazardous materials emergency planning and exercising. FEMA enters into an agreement with the State to support HAZMAT planning and exercising activities involving State, local and/or tribal governments. These activities should focus on accomplishing specific goals or objectives which emphasize improving capabilities of the State, tribal or local government to respond to accidental and intentional HAZMAT incidents. States should consider the needs of their counterparts (e.g., State Emergency Response Commissions, Tribal nations, local governments, State Environmental Agencies, and Local Emergency Planning Committees (LEPCs)) when determining and negotiating appropriate project/program proposals. As much as possible, the State counterparts should remain informed and be given an opportunity to provide input into the State's planning process.
- IV. Funding Uses:

The Grantee is encouraged to use CERCLA funding to support National Response System activities. These uses may include the coordination of preparedness activities with the Regional Response Team (RRT) and the facilitation of attendance at RRT meetings. During FY 2005 a prime objective of the program will be to enhance the effectiveness of the Local Emergency Planning Committees (LEPC) s. The aim of the FY2005 agreement is to enhance and strengthen the working relationship between EPA and FEMA Regions to enhance the capability of local governments to respond effectively

to hazardous materials spills. Joint EPA/FEMA sponsorship of state and regional LEPC conferences is encouraged. The Grantee may use funds for plan review, training activities and exercise planning and execution having as a scenario both accidental and intentional HAZMAT releases. Programs or projects will be selected based on the relevance of goals or objectives as stated in the application. The application should address the identified needs assessment and methods to demonstrate progress toward meeting these needs. Planned program activities should be listed in the work plan in priority order.

V. FY 2006 Emphasis

In FY 2006, priority should be given to programs that encourage State, Tribal, and local governments to support the National Response System. Special emphasis should be given to working with the EPA Regions to develop programs that increase the effectiveness of LEPCs. A key area of emphasis is the implementation of the Incident Command System, including the Unified Command concept, in all local jurisdictions. Implementation should promote systems compatible with the National Incident Management System.

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VI. Grantee Eligibility

The funds are available to States, locals, tribes, U. S. Territories, State Emergency Response Committees (SERCs) and LEPCs. 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

The application must contain 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. Program Narrative including:
 - A detailed narrative description of the project/program to include background information, proposed objectives, and methods for accomplishing the project/program; and,
 - A description of the financial support needed for the level of effort in achieving the objectives of the project/program.
- D. FEMA Form 20-16, Summary Sheet for Assurances and Certifications

As a part of the application, the applicant must submit proposals that outline preparedness related activities to be undertaken using CERCLA funding.

VIII. Eligible/Ineligible Costs

Eligible Costs: Funding must be used for planning and/or exercising projects that will serve to enhance emergency management capabilities for dealing with oil and hazardous materials releases. Funds may be used for planning, training, and exercising the Incident Command System (ICS) and Unified Command in those jurisdictions that have adopted ICS on or after October 1, 2002. Funding for training required in support exercise activities is permissible. In addition, minimal equipment purchases which directly support the implementation of HAZMAT exercises is permissible.

Ineligible Costs: Certain equipment purchases such as automated data processing machines, facsimile machines, and any other equipment acquired for the sole purpose of carrying out day-to-day work activities are not authorized. However, equipment purchased exclusively for the implementation of exercises (disposable personal protective equipment, simulated emergency response equipment used only for training) is authorized. Reimbursement of salaries and benefits is restricted, and funding for contractual support is permitted. Funding for training and educational programs are limited, and may not be used to supplement the non-Federal matching requirements associated with Hazardous Materials Transportation Act (HMTA), or SARA Title III funds, nor used to attend courses available under any other FEMA programs when separate funds are available for that training.

IX. Matching Requirement

There is no cost share or match requirement. CERCLA funding is 100% federal funds.

X. Reporting Requirements

A. Performance Reports: A semi-annual and final performance report must be submitted to the FEMA Regional office approximately thirty days following the end of the reporting period. Reports are due April 30 and October 30. State reports should contain narrative and financial information. Lessons learned from the CERCLA-funded exercises shall be reported and forwarded to FEMA as an attachment to either the semi-annual or final performance report.

B. Financial Reports: 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 the reporting period. Reporting dates are April 30 and October 30. Final financial reports are due 90 days after the close of the grant.

PMS Report: If the Grantee uses the Department of Health and Human Services (HHS) payment management system, Smartlink, the Grantee shall submit a copy of the PMS 272 report to the FEMA Regional office as they are filed with HHS.