



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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<http://www.state.sd.us/titleiii>

September 30, 2020

MEMO TO: Local Emergency Planning Committees

MEMO FROM: Kelsey Newling

SUBJECT: LEPC Grants

I am contacting you regarding the Local Emergency Planning Committee (LEPC) grants. Active LEPCs in South Dakota are eligible for funding under the provisions of SDCL 1-50-10. An LEPC that does not meet the provisions of SDCL 1-50-10, is not considered “active” and is not eligible for grant funds.

There are four forms you may need to submit in order to apply for a grant.

1. **Certification of Eligibility** - The first step in applying for a grant is to provide information demonstrating that your LEPC is active. If your LEPC is not “active,” you are not eligible for a grant;
2. **Activity and Expenditure Summary** – Any LEPC that has received past grant funds must submit this form to demonstrate funds were utilized responsibly;
3. **Request for LEPC Grant Carryover** – Any LEPC with a total outstanding/unspent LEPC Grant balance in excess of \$200.00 must submit this request for a grant extension; and
4. **LEPC Grant Application** – Indicate your plans for utilization of grant funds.

The complete grant application package must be postmarked, received, or hand-delivered by November 30, 2020.

Applications postmarked, received, or hand-delivered after the November 30, 2020, deadline WILL NOT be accepted. You may wish to consider submitting your application via certified or registered mail for the purpose of documenting and confirming the delivery date.

The information you provide in the application package will be reviewed for completeness. If your LEPC meets the provisions of SDCL 1-50-10, and if you can demonstrate past LEPC grant funds were utilized in a responsible manner, you will be contacted regarding the grant.

Please be aware that some LEPCs may receive more than one copy of this application package. Only one application should be submitted per LEPC.

If you have any questions about the grant process, please contact Kelsey Newling via e-mail at Kelsey.Newling@state.sd.us or by calling 605-773-3296.

APPLICATION GUIDE FOR LEPC GRANTS

Program Intent

The intent of this program is to provide local emergency planning committees (LEPCs) with funding to support Emergency Planning and Community Right to Know activities at the local level. It also gives LEPCs the option of using the funds to provide Title I training for first responders. This is designed to be a streamlined grant program with simplified application and summary reporting processes. Every attempt has been made to keep forms short and concise, and to reduce paperwork requirements.

Compliance and Eligibility (Certification of Eligibility for LEPC Grant form)

"Active" LEPCs in South Dakota are eligible for funding under the provisions of SDCL 1-50-10. To qualify for funding, a statement of compliance with the criteria for an "Active" LEPC must be submitted. An LEPC must also certify that they have a mechanism to receive, expend, and track funds.

Eligible Uses for Funds

SDCL 1-50-10 states that the funds will be distributed as grants to be "Expended by the LEPCs to defray the expenses of operating the SARA Title III program and for related Title I activities." *Remember that Title I outlines the five levels of training for response to a hazardous materials incident.* This can incorporate a wide variety of activities including, but not limited to:

- ⇒ General office expenses needed to operate the program - postage, copying, printing, paper, meeting room rental, other meeting expenses, advertising costs, office expenses, etc.;
- ⇒ Salaries for personnel hired to do data entry, risk assessment, hazards analysis, commodity flow studies, or other special projects;
- ⇒ Expenses associated with updating the emergency response plan;
- ⇒ Expenses related to holding hazardous materials response exercises;
- ⇒ Training of local emergency response personnel and first responders;
- ⇒ Hazardous Materials Incident response equipment; and
- ⇒ Computer hardware and/or software to be used for Title III data management, responding to information requests, hazardous materials emergency response, and/or hazardous materials response planning activities.

Application and Signatures (LEPC Grant Application form)

Current bylaws and membership rosters must be on file with the state or included with the application. If bylaws are revised, they must be resubmitted. Information management procedures and meeting schedules must be identified if they are not contained in the bylaws.

Grant Amounts

Individual grant amounts will be determined by the distribution formula contained in SDCL 1-50-10. The first \$16,500 will be divided evenly among LEPCs that qualify for and have applied for the grant. The remaining amount will be divided among the qualifying LEPCs, based upon the number of facilities that paid Tier II fees for the reporting year from which the grant is funded. Increasing facility compliance in your planning district can result in an increase in your portion of grants for future years.

Carryover of Funds

Under certain circumstances a small amount of unspent grant funds may be carried over to the next fiscal year. However, the LEPC must continue to track and document use of these funds.

Tracking (Activity and Expenditure Summary form)

Failure to submit the required summary documentation will affect future eligibility for grant funds.

Questions

If you have questions or require assistance, please contact Kelsey Newling via e-mail at Kelsey.Newling@state.sd.us or by calling 605-773-3296.

Kelsey Newling
SD DENR – State Emergency Response Commission
523 East Capitol Avenue
Pierre, South Dakota 57501

ADDITIONAL INFORMATION PROVIDED TO LEPCs FOR INFORMATIONAL PURPOSES

SDCL 1-50

A link to the SDCL 1-50 website is available from <http://denr.sd.gov/titleiii>

1-50-10. SERC report--Contents--Appropriations--Distribution of grants. At the end of the budget year the SERC shall submit a report to the Legislature detailing any fees collected pursuant to § 1-50-8 which are in excess of the amount appropriated for these purposes and request a budget appropriation to remit this amount to the local emergency planning committees in the form of grants to support emergency planning and community right-to-know activities at the local level. Grants shall be distributed according to the following schedule:

- (1) An amount not to exceed sixteen thousand five hundred dollars shall be distributed equally to all active local emergency planning committees if the active committees have addressed the minimum requirements of the program including:
 - (a) Annually submit a membership roster which meets the requirements of this section to the SERC for approval;
 - (b) Elect officers and adopt bylaws;
 - (c) Hold regular meetings at least once per quarter;
 - (d) Develop a procedure to provide information to the public on request;
 - (e) Provide public notice of meetings and of the availability of right-to-know information;
 - (f) Submit a draft emergency response plan; and
 - (g) Exercise and update the plan as required.
- (2) Any additional excess funds shall be included in the next year's legislative budget to be appropriated to be divided by the total number of facilities reporting statewide and the funds shall be disbursed to the local emergency planning committees on a per-facility basis.

Grants distributed under this program shall be expended by the local emergency planning committees to defray the expenses of operating the SARA title III program and for related SARA title I activities.

Source: SL 1992, ch 254, § 65; SDCL, § 34A-12-23; SL 1993, ch 257, § 1.

SDCL 1-25 - MEETINGS OF PUBLIC AGENCIES – OPEN GOVERNMENT

- A Guide to South Dakotas Open Meeting Law: http://atg.sd.gov/docs/Open_Meetings_brochure_text_2015.pdf (Read this!)
- FAQ Open Meeting Commission Procedures: <http://atg.sd.gov/legal/opengovernment/faqs.aspx>
- Attorney General's Office Website: <http://atg.sd.gov/Legal/OpenGovernment/default.aspx>

Certification of Eligibility for LEPC Grants

Requirements

Your LEPC must be an “active” committee, as per South Dakota Codified Law 1-50-10.

Important: You must complete EVERY section or your grant application will be considered incomplete!

Date LEPC bylaws were adopted:	
Date LEPC officers were elected:	
Establish a meeting schedule (what is the meeting schedule?):	
Dates of the four quarterly meetings (Oct. 1, through Sept. 30)*:	Meeting #1: Meeting #2: Meeting #3: Meeting #4:
Do you have a procedure for providing information to the public?	
Are meetings held in compliance with public notice requirements of the open meeting law?:	
Date a written emergency response plan was finalized (plans should be submitted to the SERC for review):	
Date of your annual update of the written emergency response plan**:	
Date of your last Haz Mat exercise:	

**A newly formed committee may not have held four meetings and must include dates of future scheduled meetings. For all LEPCs, if postponement/rescheduling results in failure to meet quarterly, but there still were four meetings, provide the dates and explain the circumstances on the back of this form.*

***The annual update is not a plan rewrite. Rather, the update refers to an annual review and revisions made to ensure the plan remains current and up to date.*

Certification

The completed table shows the LEPC is an “active” committee and is eligible to apply for funds available through SDCL 1-50-10. The LEPC understands:

1. The amount awarded will depend on the formula in the law;
2. The committee will not receive a grant if it does not meet requirements outlined in SDCL 1-50-10;
3. Grant funds must be utilized to support the SARA Title III program or related SARA Title I activities;

A completed application package must include the following:

- “Certification of Eligibility” form (required);
 - “LEPC Grant Application” form (required);
 - “State of South Dakota Grant Recipient or Subrecipient Attestation” form (required);
 - “Activity and Expenditure Summary” form (if applicable); and
 - “Request for LEPC Grant Carryover” form (if applicable).
4. Failure to utilize funds for their intended purpose may result in ineligibility for future grants.

Chairperson

Local Emergency Planning Committee

Date

LEPC GRANT APPLICATION

APPLICANT INFORMATION

LEPC Name _____

Chairperson _____

Mailing Address _____

City _____ State _____ Zip _____

PROJECT INFORMATION

Grant funds will be utilized for: Title III Program Activities/Expenses Title I Activities
Provide a brief description of your proposed plans for the grant funds.

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information contained in this application and I agree, on behalf of the LEPC, to provide documentation of funds expended, and to abide by the terms of the agreement.

Chairperson

Local Emergency Planning Committee

Date

State of South Dakota Grant Recipient or Subrecipient Attestation

By completing this form, you, the recipient or subrecipient, attest to meeting the following requirements per SDCL 1-56-10:

- (1) A conflict of interest policy is enforced within the recipient's or subrecipient's organization;
- (2) The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the recipient's or subrecipient's website;
- (3) An effective internal control system is employed by the recipient's or subrecipient's organization; and
- (4) If applicable, the recipient or subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the recipient's or subrecipient's website.

If you, the recipient or subrecipient, have questions or concerns regarding the requirements listed above, please contact your state agency representative before signing this form.

Printed Name of Person Completing Form: _____

Printed Title of Person Completing Form: _____

Signature of Person Completing Form: _____ Date: _____

Request for
Local Emergency Planning Committee
Grant Carryover

The Local Emergency Planning Committee (LEPC) hereby acknowledges LEPC grant funds received during a prior grant year have not been utilized. Rather than return the funds, the LEPC formally requests the State Emergency Response Commission (SERC) consent to an extension.

Unspent/outstanding LEPC Grant balance: \$ _____

The LEPC will utilize unspent/outstanding funds for the following projects/purchases:

- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____
- o _____
Estimated Cost: _____ Completion date: _____

Note:

Original grant restrictions remain in effect.

The SERC may request grant funds be returned if they are not utilized within three years of the original grant award date.

Dated this _____ day of _____, 20_____.

(Signature – LEPC Chairperson)

* Please note that any LEPC with a total outstanding/unspent LEPC Grant balance in excess of \$200.00 must submit this request for a grant extension.