

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Management
(New Administrative Regulation)

106 KAR 1:201. Local plan.

RELATES TO: KRS 39A.070(5), 39B.020(3)(d), 39B.030(3), 39B.060, 39C.050(3), 39E.010(1), 39E110(1)(a)(e),(f), 39E150, 39F.190, 42 U.S.C. 11001-11050

STATUTORY AUTHORITY: KRS 39A.050(2)(j), (m), 39A.070(3), 39E.040(6), 39E.080(4), 42 U.S.C. 1102(c), 1103(c), (d).

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39B.030(3) requires local emergency management directors develop a local emergency management plan consistent with administrative regulations promulgated by the Division of Emergency Management. This administrative regulation establishes the requirements for processing a local plan.

Section 1. Definitions.

- (1) "Federal fiscal year" means a period beginning October 1 of a calendar year and ending September 30 of the following calendar year.
- (2) "Local plan" means the written emergency operations plan of a city, county, charter county, or urban-county government pursuant to KRS Chapters 39A to 39F.

Section 2. Local Plan Requirement.

- (1) A local plan shall:
 - (a) Specify title headings for a basic plan and annexes corresponding to the Kentucky Emergency Management Operation Plan;
 - (b) Specify known hazards which may impact a local jurisdiction and a detailed analysis of each hazard;
 - (c) Catalogue emergency management and response personnel, equipment, facilities, supplies, materials, and services;
 - (d) Identify primary and alternate emergency operations center (EOC) locations by facility names, address, and latitude and longitude;
 - (e) Identify primary and alternate points of distribution (POD) locations by facility names, address, and latitude and longitude;
 - (f) Identify public, private, and volunteer agencies, entities, and departments comprising the membership of a local emergency management agency and emergency management functions (ESFs);
 - (g) Describe the duties and responsibilities of each local emergency management agency and emergency management functions (ESFs) assigned with a local plan; and
 - (h) Incorporate incident command or management system procedures into the direction and control annex.
- (2) Local plan format and content shall comply with:
 - (a) Division of Emergency Management planning guidance;
 - (b) Kentucky Emergency Response Commission planning guidance;
 - (c) Responsibilities of the local emergency planning committee; and
 - (d) Where applicable, planning guidance published jointly by the Federal Emergency Management Agency and the Department of the Army, "Planning Guidance for the Chemical Stockpile Emergency Preparedness Program."

Section 3. Local Plan Process.

- (1) Before July 31 of each federal fiscal year, a local director shall ensure completion of the local plan.
- (2) To complete and process a local plan, a local director shall:
 - (a) Review the existing local plan;

- (b) Consult the local emergency planning committee, the local search and rescue coordinator, elected officials, department heads, agency chiefs, and public and private officers and leaders or their designees who are members or participants of the emergency management agency and emergency management functions (ESFs);
 - (c) Prepare and submit a local plan draft to an area manager by May 1;
 - (d) Submit corrected, amended, revised, or supplemental plan material specified and requested by an area manager within thirty (30) calendar days following receipt of a written request;
 - (e) Upon receipt of written concurrence of the Director of the Division of Emergency Management or designee, submit a local plan draft for official adoption as specified in KRS 39B.030(3); and
 - (f) Distribute an officially adopted local plan to emergency management agency and emergency support functions (ESFs) plan custodians, the chairperson of the local emergency management planning committee, local search and rescue coordinator, area manager, and the Director of the Division of Emergency Management by July 31.
- (3) To process a local plan, an emergency management committee, through its chairperson or other authorized representative, shall:
- (a) Review the local plan for information reporting consistent with KRS 39E.120, 39E.210, and 39E.220, within thirty (30) calendar days of receipt;
 - (b) Identify within the local plan's Hazard Analysis section, facilities required to report under EPCRA, SARA Tier III, and input data within the KYEM Tier II reporting software system;
 - (c) Reference within the local plan's ESF 10 Annex, the Extremely Hazardous Substances (EHS) Facility Emergency Response Plan(s) in accordance with 106 KAR 1:081 and the Local Emergency Planning Committee (LEPC) Annual Certification Letter (ACL).
- (4) A local search and rescue coordinator shall prepare and submit a local search and rescue plan draft to the local director by July 31 of each federal fiscal year, by:
- (a) Reviewing an existing local plan required by KRS 29F.190;
 - (b) Preparing and submitting to the local director an updated plan draft or written notice that an existing local plan has been reviewed and is current as of the date of the notice.

This is to certify that The Adjutant General (TAG) has reviewed and approved this administrative regulation prior to its adoption, as required by KRS 39A.070(3).

HALDANE B. LAMBERTON, Major General, KYNG, Adjutant General

JEREMY C. SLINKER, Director

CHARLES T. JONES, Brigadier General US Army (Ret), Executive Director

APPROVED BY AGENCY: June 7, 2022

FILED WITH LRC: June 15, 2022 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 10:00 a.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted

through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, Kentucky 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.nfg@army.mil.