

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Management
(Amended at ARRS Committee)

106 KAR 1:201. Local emergency management plan.

RELATES TO: KRS 39A.070(5), 39B.020(3)(d), 39B.030(3), 39B.060, 39C.050(3), 39E.010(1), 39E.110(1)(a)(e),(f), 39E.150, 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 39A.050(2)(m) requires the Division of Emergency Management to promulgate administrative regulations to implement KRS Chapter 39A through 39F. KRS 39B.030(3) requires local emergency management directors develop a local emergency management plan consistent with 106 KAR Chapter 1. This administrative regulation establishes the requirements for processing a local emergency management 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 through 39F.

Section 2. Local Plan Requirement.

- (1) A local plan shall:
 - (a) State title headings for a basic plan and annexes corresponding to the Kentucky Emergency Management Operation Plan;
 - (b) State known hazards that might 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) The Kentucky Division of Emergency Management Standard Operating Guide for the Review, Edit, and Submission of a County Emergency Operations Plan, 2022 Emergency Management Preparedness Grant Cycle;
 - (b) Responsibilities of the LEPC, Kentucky Emergency Management, Version 7; and
 - (c) If 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 annually;
 - (d) Submit corrected, amended, revised, or supplemental plan material 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 established 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 annually.
- (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; and
 - (c) Reference within the local plan's ESF 10 Annex, the Extremely Hazardous Substances (EHS) Facility Emergency Response Plan 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; and
 - (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.

Section 4. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Standard Operating Guide for the Review, Edit, and Submission of a County Emergency Operations Plan, 2022 Emergency Management Preparedness Grant Cycle", 2022;
 - (b) "Responsibilities of the LEPC, Kentucky Emergency Management, Version 7", September 2021; and
 - (c) "Planning Guidance for the Chemical Stockpile Emergency Preparedness Program", May 1996.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Division of Emergency Management, 100 Minuteman Parkway, Frankfort, Kentucky 40601-6168, Monday through Friday, 8 a.m. to 4:30 p.m.
- (49 Ky.R. 168, 1034; eff. 11-16-2022.)
- FILED WITH LRC: October 11, 2022

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