

Pulaski County Fiscal Court Ordinance # 340.0

Ordinance relating to the Creation of HazMat 12: A volunteer regional hazardous materials/WMD response team operating under the auspices of the Pulaski County Public Safety Director.

WHEREAS, Pulaski County and the area known as the Kentucky Division of Emergency Management Area 12 (referred to as KyEM Area 12) are vulnerable to a variety of technological hazards, including the release or spill of hazardous materials and terrorism incidents involving biological, radiological, nuclear, incendiary, chemical, or explosive materials or other weapons of mass destruction; and

WHEREAS, Pulaski County recognizes the seriousness of these threats or hazards and the importance of responding in a coordinated and efficient fashion to protect public health and safety from the effects of the release or spill of hazardous materials and terrorism incidents involving biological, radiological, nuclear, incendiary, chemical, or explosive materials or other weapons of mass destruction; and

WHEREAS, Pulaski County recognize the necessity for a properly trained and equipped hazardous materials/WMD response team in Kentucky Division of Emergency Management Area 12, and

NOW, THEREFORE HAZMAT 12 IS CREATED AS:

A local emergency management agency-supervised volunteer regional hazardous materials/WMD response team established pursuant to KRS 39B.070(3) operating under the auspices of the Pulaski County Public Safety Director.

Hazmat 12 through execution of local mutual aid agreements and cost-recovery ordinances enacted by local governments in Adair, Boyle, Casey, Clinton, Cumberland, Lincoln, Mercer, Pulaski, Russell, and Wayne counties will respond to hazardous materials/WMD incidents in the geographic area of the Commonwealth that comprises Kentucky Division of Emergency Management Area 12.

Pursuant to KRS 39C.110(3), the Division of Emergency Management may provide workers' compensation insurance coverage for a local emergency management agency-supervised volunteer regional hazardous materials response team; and pursuant to KRS 39A.280, certain immunity from liability is provided to local emergency management agency-supervised operating units officially affiliated with a local disaster and emergency services organization pursuant to KRS 39B.070(3).

1. The Pulaski County Public Safety Director shall supervise Hazmat 12 for purposes of day-to-day operations
2. HazMat 12 shall adopt bylaws, including the election of a Board of Directors, and standard

operating procedures.

3. Through the Pulaski County Public Safety Director and the area manager of the Kentucky Division of Emergency Management Area 12 Office, the Pulaski County Public Safety Director shall submit to the director of the Kentucky Division of Emergency Management:
 - A. A copy of the Ordinance establishing Hazmat 12 as a local emergency management agency-supervised operating unit officially affiliated with the local disaster and emergency services organization pursuant to KRS 39B.070(3);
 - B. A current copy of the bylaws and general operating procedures of Hazmat 12
 - C. A statement certifying that Hazmat 12 is in compliance with the requirements of 29 CFR 1910.120(q), 29 CFR 1910.134 and KRS 39C.110;
 - D. A statement requesting workers' compensation coverage as provided under KRS 39C.110(3); and
 - E. A statement requesting affirmative recognition of immunity as provided under KRS 39A.280.
3. The Pulaski County Public Safety Director shall send copies of any changes to the bylaws and general operating procedures of Hazmat 12 to the director of the Kentucky Division of Emergency Management, the area manager of the Kentucky Division of Emergency Management Area 12 Office, and the Pulaski County Public Safety Director within ten (10) calendar days following any changes.
4. The Pulaski County Public Safety Director shall:
 - A. Provide to the area manager of the Kentucky Division of Emergency Management Area 12 Office, a completed Workers' Compensation Enrollment Form (KyEM Form 50) for each active member of Hazmat 12 immediately upon adoption of this memorandum of understanding by all parties, and thereafter within forty-eight (48) hours upon adding a new member to Hazmat 12
 - B. For purposes of establishing eligibility for workers' compensation insurance coverage for each new member added to Hazmat 12 following initial adoption of this memorandum of understanding, attach a written statement with each completed KyEM Form 50 certifying that each new active member meets all requirements of 29 CFR 1910.120(q), 29 CFR 1910.134 and KRS 39C.110(3);
 - C. Notify the area manager of the Kentucky Division of Emergency Management Area 12 Office, in writing, within forty-eight (48) hours when any active Hazmat 12 member fails to meet provisions of 29 CFR 1010.120(q), 29 CFR 1910.134 and KRS 39C.110(3) or is no longer an active Hazmat 12 member;
 - D. Prepare and submit to the area manager of the Kentucky Division of Emergency

Management Area 12 Office an active membership roster that contains the names and addresses of all Hazmat 12 members which shall be a minimum of fifty-two (52) qualified members; and

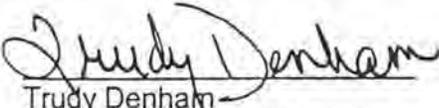
- E. Provide all documentation supporting and verifying compliance with 29 CFR 1910.120(q), 29 CFR 1910.134 and KRS 39C.110 within forty-eight (48) hours following a written request from the director of the Kentucky Division of Emergency Management.
5. The Kentucky Division of Emergency Management shall provide workers' compensation insurance coverage to qualified, active members of Hazmat 12 Workers' compensation coverage shall terminate immediately for any active member of Hazmat 12 who fails to meet provisions of 29 CFR 1910.120(q), 29 CFR 1910.134 and KRS 39C.110(3).
 6. Hazmat 12 shall respond to hazardous materials/WMD incidents in accordance with its adopted by-laws and general operating procedures and in support of provisions in Annex Q and Annex AA of a local Emergency Operations Plan.
 7. Hazmat 12 shall notify the Kentucky Division of Emergency Management duty officer in the State Emergency Operations Center and receive an incident number prior to, or immediately upon, responding to any incident.
 8. The Kentucky Division of Emergency Management may request Hazmat 12 to respond to certain incidents within the Commonwealth in locations outside of Kentucky Division of Emergency Management Area 12.

INTRODUCED, SECONDED, AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Pulaski County, Kentucky, held on the 29 day of JULY, 2003.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Pulaski County, Kentucky, held on the 29 day of JULY, 2003.


Darrell BeShears
Pulaski County Judge/Executive

ATTEST:


Trudy Denham
Pulaski County Court Clerk