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# State of New Hampshire

## DEPARTMENT OF SAFETY OFFICE OF THE COMMISSIONER

33 HAZEN DR. CONCORD, NH 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER

October 25, 2013

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

*Retroactive*

### Requested Action

Authorize the New Hampshire Department of Safety, Division of Fire Safety to **retroactively** enter into a Memorandum of Understanding with the Division of Fire Standards and Training and EMS in the amount of \$47,000.00 for the continued statewide hazardous material required training. Effective upon Governor and Council approval from October 1, 2013, through September 30, 2014. Funding Source: 100% Federal Funds.

Funds are available in the following account:

02-23-23-238010-53110000	Dept. of Safety Div of Fire Safety	HMEP Grant
072-500576	Grants to Other State Agencies - Federal	\$47,000.00
Activity Code: 23HMEP1314TR		

### Explanation

The timing of the Hazardous Materials Emergency Planning (HMEP) grant award is usually after the October 1<sup>st</sup> start date of the grant activity period. As a result, this agreement is **retroactive** because the MOU between the Division of Fire Safety and the Division of Fire Standards and Training had to be completed after the grant approval paperwork was received from the U.S. Department of Transportation. The classes conducted by the Division of Fire Standards and Training are federally mandated and need to be scheduled throughout the fiscal year. Therefore, based on the timing of the grant award relative to the grant activity period, this agreement will always be retroactive.

This MOU will allow for the continued statewide hazardous materials training provided by the New Hampshire Fire Academy. This training is required per federal mandates OSHA 1910.120(q) and EPA 40 CFR Part 311, which require specific skills and competencies for personnel responding to calls for assistance where hazardous materials are present. Class curriculum encompasses material based on the National Fire Protection Association (NFPA) guidance for fire, rescue and emergency medical services responders. NFPA 472 and NFPA 473 provide specific guidance on skills and competencies for personnel who work with hazardous material incidents. Funds were awarded from the U.S. Department of Transportation, Hazardous Materials Emergency Planning (HMEP) Grant, to the New Hampshire Department of Safety, Division of Emergency Services, Advisory Council on Emergency Preparedness and Security (ACEPS).

These HMEP funds are 80% federally funded and 20% soft matched by recipients. The 20% soft match is covered by state training dollars paid from Fire Standards and Training Administration – accounting unit 40650000.

Highway Funds or General Funds will not be used should Federal Funds become unavailable.

Respectfully submitted,

John J. Barthelmes  
Commissioner of Safety

**MEMORANDUM OF UNDERSTANDING**  
between the  
DIVISION OF FIRE SAFETY  
and the  
DIVISION OF FIRE STANDARDS AND TRAINING AND EMS

*Project Title:* U.S. DOT Hazardous Materials Emergency Preparedness (HMEP) Grant

This Agreement describes U.S. DOT Hazardous Materials Emergency Preparedness Grant activities that have been agreed to between the Division of Fire Safety and the Division of Fire Standards and Training and EMS for the purpose of hazardous materials training for first responders.

This Agreement is effective upon Governor and Council approval for cost incurred conducting grant activities from October 1, 2013 through September 30, 2014.

For the purpose of the Agreement, Fire Safety and Fire Standards and Training and EMS agree to cooperate as follows:

Section I: Division of Fire Safety agrees to the following:

- A. Provide Fire Standards and Training and EMS with \$47,000.00 reimbursement basis with no match required for the purpose of hazardous materials training for first responders.
- B. This Agreement may be terminated for good cause by any one of the parties or for convenience if all parties agree, with the provision for orderly termination of the project. Termination of the Agreement shall not occur until thirty (30) days after a “notice of termination” has been received by the other party. Said notice shall specify the cause for termination.

Section II: Division of Fire Standards and Training and EMS agrees to the following:

- A. Complete all activities specified in the activities outline of this agreement.
- B. Expend funds for this Agreement solely for the work specified in the attached outline.
- C. Request reimbursement of expended funds from Division of Fire Safety in writing quarterly, to be submitted within sixty (60) days from the end of the quarter. **Grant period ends September 30, 2014. Final billing must be received by Dept of Safety no later than November 30<sup>th</sup>.**

	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr 4</b>
<b>Qtr Dates</b>	Oct 1 - Dec 31	Jan 1 - Mar 31	Apr 1 - June 30	July 1 - Sept 30
<b>Bill Due by</b>	Feb 28	May 31	Aug 31	Nov 30

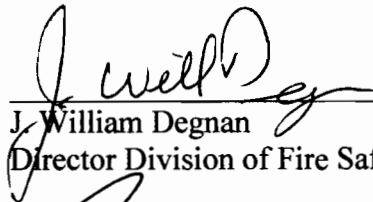
- D. This Agreement may be terminated for good cause by any one of the parties or for convenience if all parties agree, with the provision for orderly termination of the project. Termination of the Agreement shall not occur until thirty (30) days after a "notice of termination" has been received by the other party. Said notice shall specify the cause for termination.

## ACTIVITIES OUTLINE

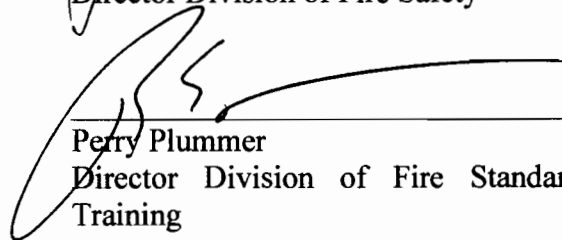
The NH Fire Academy will offer a Hazardous Materials Programs under the HMEP Training Grant covering awareness, operations, technician, incident command system, and decontamination training. Due to the nature of this training, classes will be scheduled in advance through out the year to be reimbursed quarterly. Program expenses include instructor time, mileage, student manuals, and other materials needed for the delivery of the above programs.

IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.


Date 09-27-13

  
J. William Degan  
Director Division of Fire Safety

Date 9/27/13

  
Perry Plummer  
Director Division of Fire Standards & Training

Date 10/3/13

  
John J. Barthelmes,  
Commissioner Department of Safety

Date 10/14/13

  
Attorney General's Office