



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: State Emergency Response Commission TITLE-SERIES: 55-02
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Emergency Planning Grant Program
CITE STATUTORY AUTHORITY: W. Va. Code 15-5A-5(k).

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 336

Section 64-6-3. Passed On 3/20/2025 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 11, 2025

This rule shall terminate and have no further force or effect from the following date:

August 01, 2030

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 55
LEGISLATIVE RULE
STATE EMERGENCY RESPONSE COMMISSION

SERIES 2
EMERGENCY PLANNING GRANT PROGRAM

§55-2-1. General.

1.1. Scope. -- This rule establishes the procedures for applying for, and awarding Emergency Planning Grants.

1.2. Authority. -- W. Va. Code §15-5A-5(k).

1.3. Filing Date. -- April 11, 2025.

1.4. Effective Date. -- April 11, 2025.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2030.

§55-2-2. Grant Application Deadline Dates.

2.1. The State Emergency Response Commission (“SERC”) shall create an annual grant program for local emergency planning committees (“LEPCs”) with established due dates and eligibility requirements, based upon the availability of funding.

2.2. The SERC will provide details on the application process to local emergency planning committees and will post application material on the West Virginia Emergency Management Division website. Applications that are not timely filed will be considered on a case-by-case basis, by the SERC, based upon the availability of funding.

2.3. Additional grant funding opportunities may arise within the grant year, based on need and available revenue. The opening and closing of these application periods will be determined by the SERC and posted on the West Virginia Emergency Management Division website with corresponding deadlines for each opportunity.

2.4. The SERC will establish grant reporting requirements for all funding opportunities. The information required will, at a minimum, include a listing of actual eligible expenditures incurred and a report of the activities accomplished under the grant. This report must be submitted to the SERC. The SERC will review all documentation submitted to ensure compliance with all grant requirements.

2.5. Amendments to change proposed activities can be submitted to the SERC for consideration at any time during the grant period. Amendments to modify projects must be approved by the SERC before applicants are authorized to deviate from approved projects. The SERC is authorized to request appropriate documentation necessary to justify amendments. Requests for increased grant awards may only be approved by the SERC if sufficient revenue is available.

2.6. Any LEPC making application shall complete the required information on the forms prescribed by the SERC and be in compliance with baseline requirements.

§55-2-3. Award of Grants.

3.1. Final Grant and Reductions in Grand Awards. In order to be eligible for the full grant award, the LEPC must have incurred eligible expenses of at least the grant amounts and must have completed the required work activities as outlined in the grant proposal. If the LEPC fails to complete the required work activities, the final grant award and final payment of the grant shall be reduced.

3.2. The expenses associated with conducting exercises shall be allowed to account for the maximum amount of the grant award.

3.3. The following shall constitute eligible costs:

3.3.1. Contingency planning for chemical releases.

3.3.2. Exercising, evaluating, and distributing plans.

3.3.3. Providing training related to chemical emergency preparedness and prevention of chemical accidents.

3.3.4. Identifying facilities required to report; monitor regulated facilities and conduct compliance enforcement activities to ensure facilities have submitted required information.

3.3.5. Processing the information submitted by the facilities and making it available to the public.

3.3.6. Receiving and handling emergency notifications of chemical releases.

3.3.7. Operating a local emergency planning committee and providing public notice of chemical preparedness activities.

§55-2-4. Grant Close Out and Reimbursement.

4.1. Applicants are required to submit end of grant reports in accordance with deadlines established by the SERC. This includes submission of all appropriate requests for reimbursement prior to the closing of the grant period and all required activity reports.