

CHAPTER 03 - EMERGENCY MANAGEMENT

SECTION .0100 - GENERAL PROVISIONS

- 14B NCAC 03 .0101** **LOCATION AND HOURS OF OPERATION**
14B NCAC 03 .0102 **PURPOSES AND OBJECTIVES**
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History Note: Authority G.S. 143B-10; 143B-474; 166A-5;
 Eff. December 1, 1979;
 Amended Eff. July 1, 1983;
 Transferred from 14A NCAC 04 .0101 Eff. June 1, 2013 (14B NCAC 03 .0101);
 Transferred from 14A NCAC 04 .0102 Eff. June 1, 2013 (14B NCAC 03 .0102);
 Transferred from 14A NCAC 04 .0103 Eff. June 1, 2013 (14B NCAC 03 .0103);
 Expired Eff. February 1, 2017 pursuant to G.S. 150B-21.3A.

14B NCAC 03 .0104 **ORGANIZATION**

History Note: Authority G.S. 143B-10; 143B-474; 166A-5;
 Eff. December 1, 1979;
 Amended Eff. July 1, 1983;
 Transferred from 14A NCAC 04 .0104 Eff. June 1, 2013;
 RRC Objection May 19, 2016 and rule returned to agency on June 17, 2016.

SECTION .0200 - MANUALS: FORMS AND ASSISTANCE

- 14B NCAC 03 .0201** **FORMS AND MANUALS**
14B NCAC 03 .0202 **WHERE TO OBTAIN MANUALS/FORMS AND ASSISTANCE**

History Note: Authority G.S. 143B-10; 143B-474; 143B-601; 166A-5; 166A-19.12;
 Eff. December 1, 1979;
 Amended Eff. July 1, 1983;
 Transferred from 14A NCAC 04 .0201 Eff. June 1, 2013 (14B NCAC 03 .0201);
 Transferred from 14A NCAC 04 .0202 Eff. June 1, 2013 (14B NCAC 03 .0202);
 Expired Eff. February 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0300 - LOCAL EMERGENCY MANAGEMENT

14B NCAC 03 .0301 **LOCAL EMERGENCY MANAGEMENT**

History Note: Authority G.S. 166A-19.12; 166A-19.15; 166A-19.71;
 Eff. December 1, 1979;
 Amended Eff. July 1, 1983;
 Transferred from 14A NCAC 04 .0301 Eff. June 1, 2013;
 Expired Eff. February 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0400 – NORTH CAROLINA SEARCH AND RESCUE SYSTEM

14B NCAC 03 .0401 **PURPOSE**

- (a) The purpose of this section is to prescribe requirements pertaining to the North Carolina Department of Public Safety's Division of Emergency Management administered North Carolina Search and Rescue System.
(b) This Section applies to all persons or entities of the North Carolina Search and Rescue Program made parties pursuant to G.S. 166A-66(a)(9).

History Note: Authority G.S. 166A-66;
 Eff. April 1, 2023.

14B NCAC 03 .0402 ABBREVIATIONS AND DEFINITIONS

As used in this Section the following abbreviations and terms mean:

- (1) "Activation" means the status of a system resource placed at the direction, control, and funding of NCEM as part of the NC SAR System.
- (2) "All-hazards Disaster Response Model" means a response methodology where system resources provide all applicable capability to respond to any threat or hazard that is impacting the State or is forecasted to impact the State as determined by the NCEM Director.
- (3) "Authority Having Jurisdiction" (AHJ) means those local, state, or federal entities having a duty to act over a specific aspect of search and rescue in a specific geographic area.
- (4) "Contract Response Team" means a regional all-hazards disaster response team as defined in G.S. 166A-65 capable of conducting urban search and rescue, swiftwater rescue, and wide area search operations with self-sustaining logistical support allowing for responses into disaster areas.
- (5) "County to County Mutual Aid" means public safety resource sharing between local governments under the conditions of the NC Statewide Mutual Aid Agreement or another similar agreement between local governments.
- (6) "Federal Emergency Management Agency" (FEMA) means an agency of the United States Department of Homeland Security with the responsibility to coordinate the federal response to Presidentially-declared disasters that has occurred in the United States.
- (7) "FEMA Public Assistance Program" means a federal reimbursement grant program that provides federal funding to help communities respond to and recover from disasters.
- (8) "Functionally equivalent" means an item or group of items that can be used in the same basic manner as another item or items to perform a task to the same standard.
- (9) "Local Emergency Management Coordinator" (LEMC) means the County Emergency Management Coordinator as defined in G.S. 166A-19.15 who is responsible for all local disaster preparedness, response, and recovery activities in a specific county.
- (10) "NC All-Hazards Incident Management Team" (NCAHIMT) mean the North Carolina Division of Emergency Management's program responsible for supporting local and state incident management during disaster response activities.
- (11) "North Carolina Search and Rescue System" (NC SAR System) means the NC Search and Rescue Program established in Article 6 of Chapter 166A of the North Carolina General Statutes. The NC SAR System includes five individual programs: Urban Search and Rescue, Swiftwater Rescue, Helicopter Rescue, Mountain Rescue, and Wilderness Search and Rescue.
- (12) "North Carolina Search and Rescue Team Advisory Committee" (NC SAR TAC) means an advisory committee established in Article 6 of Chapter 166A of the North Carolina General Statutes to advise the Secretary of the North Carolina Department of Public Safety on the establishment of the North Carolina Search and Rescue System.
- (13) "North Carolina Division of Emergency Management" (NCEM) means a division of the North Carolina Department of Public Safety established in G.S. 143B-1000 with the responsibility to coordinate the mitigation, planning, preparedness, response, and recovery to a disaster or emergency that has or could be forecasted to occur in the State as determined by the NCEM Director.
- (14) "North Carolina Emergency Management Operations Chief" (NCEM OSC) means the Assistant Director of Operations for the North Carolina Division of Emergency Management.
- (15) "North Carolina Emergency Management Director" (NCEM Director) means the Director of the North Carolina Division of Emergency Management.
- (16) "National Incident Management System" (NIMS) means a federal policy that provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, to reduce the loss of life or property and harm to the environment.
- (17) "On-duty" means when a person is acting as an agent of their Sponsoring or Participating Agency or of the NC Division of Emergency Management as part of the NC Search and Rescue System.
- (18) "Participating Agency" means an entity that assists a Sponsoring Agency with the formation of a search and rescue team by providing personnel or equipment.

- (19) "Program costs" means training, equipment, personnel, or administrative expenses incurred by a Sponsoring or Participating Agency during activities of the NC SAR System.
- (20) "Resource typing" means a document defining and categorizing, by capability, the system resources requested, deployed, and used in incidents.
- (21) "Responsible Party" means the entity whose actions or inactions caused an event as determined by the authority having jurisdiction requiring system resources to respond and incur costs.
- (22) "Sensitive information" means any information, to include audio recordings, images, and video recordings, obtained during an activation that has not been released to the public by the AHJ.
- (23) "Specialty Rescue Team" means a group of response personnel who provide technical search and rescue capability as part of the North Carolina Search and Rescue System that is not a contract response team as defined in G.S. 166A-65.
- (24) "Sponsoring Agency" means a local or tribal unit of government or a corporation with an active response agreement with a local unit of government that organizes and coordinates a search and rescue team in the North Carolina Search and Rescue System. This entity serves as the lead agency for teams comprised of multiple agencies.
- (25) "State Emergency Operations Plan" (SEOP) means a document maintained under the authority of G.S. 166A-19.12(2) that details how the State of North Carolina will respond to a disaster or emergency requiring State assistance utilizing an All-Hazards Disaster Response Model.
- (26) "State Mission Assignment" (State Mission) means a NCEM approved request for assistance to deploy system resources at the request of a local unit of government.
- (27) "System agreements" means contracts, memoranda of agreements, or memoranda of understanding between NCEM and Contract Response Teams for the purposes of establishing and maintaining the NC SAR System.
- (28) "System personnel" means human resources from a Contract Response or Specialty Rescue Team or human resources employed by the Division of Emergency Management with a responsibility for search and rescue response.
- (29) "System resource" means personnel or equipment from a or specialty rescue team that is participating in the NC Search and Rescue System with the North Carolina Division of Emergency Management for search and rescue response.

History Note: Authority G.S. 166A-65; 166A-66; 166A-67; 166A-69;
Eff. April 1, 2023.

14B NCAC 03 .0403 DISPATCH OF A CONTRACT RESPONSE TEAM TO A SEARCH AND RESCUE TEAM OR SPECIALTY RESCUE TEAM MISSION

- (a) North Carolina Search and Rescue System's (NC SAR System) system resources shall employ the All-Hazards Disaster Response Model.
- (b) The North Carolina Division of Emergency Management (NCEM) shall maintain direction and control of any deployed system resources that have been deployed through action of NCEM until a time that they have been demobilized or the system resource is needed by the Sponsoring Agency.
- (c) Any resource of the NC SAR System remains a local resource when not deployed by NCEM and may deploy under their local authorities or agreements notwithstanding any action by the State. Participation in the NC SAR System shall not limit or supersede their local authorities, responsibilities, or agreements when the system resource is deploying under those authorities or agreements.
- (d) The County Local Emergency Management Coordinator (LEMC) shall have the authority to request system resources. Local law enforcement agencies, fire departments, rescue squads, and any other local AHJ shall route requests for activation of NC SAR System resources to their LEMC who will make the request for support to NCEM.

History Note: Authority G.S. 166A-66;
Eff. April 1, 2023.

14B NCAC 03 .0404 ON-SITE OPERATIONS OF SYSTEM RESOURCES

All search and rescue system resources shall operate in accordance with the following standards of response:

- (1) FEMA National Incident Management System standards which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be

found at no cost at: https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf;

- (2) following all direction from NCEM personnel acting pursuant to G.S. 166A-19.12(1) when deploying as a system resource;
- (3) when responding in support of law enforcement operations, system resources shall coordinate activities with the law enforcement authorities to ensure their actions support any potential criminal investigation; and
- (4) system resources shall not release any sensitive information to the public or media during operations without the consent of the local, state, or federal authority having jurisdiction consistent with Chapter 132 of the North Carolina General Statutes.

History Note: Authority G.S. 166A-66;
Eff. April 1, 2023.

14B NCAC 03 .0405 STANDARDS FOR ADMINISTRATION OF A CONTRACT RESPONSE TEAM, INCLUDING PROCEDURES FOR REIMBURSEMENT OF RESPONSE COSTS

(a) Contract Response Teams and Specialty Rescue Teams shall maintain the following personnel records and have them available for audit:

- (1) responder medical history;
- (2) emergency contact information;
- (3) current pay and benefit rates, including overtime rates; and
- (4) policies for overtime pay if deploying paid persons.

(b) System personnel shall be in an on-duty status as an emergency management worker as defined in G.S. 166A-19.60(e) during all training and responses.

(c) System resources shall maintain a current team roster.

(d) System resources shall maintain all system personnel training, certification, and credentials as outlined in Rule .0409 in this Section.

(e) System resources shall maintain all inventory and maintenance records for deployable equipment.

(f) Resource records shall be available for review by NCEM officials to ensure compliance.

(g) Within 90 days of demobilization from a State mission, system resources shall submit receipts, expense reports, and supporting documentation of actual costs to NCEM for reimbursement consistent with the FEMA Public Assistance Program and Policy Guide which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and is available at no cost at: https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf.

History Note: Authority G.S. 166A-19.60; 166A-66;
Eff. April 1, 2023.

14B NCAC 03 .0406 RECOVERING THE COSTS OF A SEARCH AND RESCUE TEAM OR SPECIALTY RESCUE TEAM MISSION

(a) NCEM shall seek reimbursement from the Responsible Party for system response costs in cases of negligence or intentional disaster.

(b) NCEM shall bill the Responsible Parties costs to include personnel and equipment costs consistent with current protocols established for the recovery of cost of activation of a response team for a hazardous materials emergency response set out in G.S. 166A-27 or civil liability of persons who willfully ignore a warning in an emergency pursuant to G.S. 166A-19.62.

(c) Responsible Parties shall remit payment to NCEM within 30 days of receipt of invoice.

History Note: Authority G.S. 166A-27; 166A-66; 166A-19.62;
Eff. April 1, 2023.

14B NCAC 03 .0407 PROCEDURES FOR BIDDING AND CONTRACTING FOR SEARCH AND RESCUE TEAM AND SPECIALTY RESCUE TEAM MISSION

(a) Eligibility for participation as a Contract or Specialty Rescue Team:

- (1) Sponsoring agencies shall:

- (A) be a local unit of government, State-recognized tribal government, or a corporation with an active response agreement with a local or tribal unit of government;
 - (B) maintain participation in the statewide mutual aid agreement; and
 - (C) ensure all personnel possess the qualifications as outlined in Rule .0409 of this Section.
 - (2) Participating agencies shall ensure all personnel possess the qualifications as outlined in Rule .0409 of this Section.
- (b) Eligibility for participation as personnel.
- (1) Personnel shall be from the NC SAR System, NCEM All-Hazards Incident Management Team Program, or an employee of NCEM. If not an employee of NCEM, each member's Sponsoring Agency shall have an active system agreement that outlines the conditions of their participation.
 - (2) NCEM shall ensure all personnel possess the qualifications as outlined in Rule .0409 of this Section.
- (c) Contract Response Teams – Within 18 months of the first day of the contractual performance, NCEM shall electronically distribute a bid announcement via electronic mail to all system resources and local emergency management coordinators for interested parties to return a letter of interest. NCEM shall distribute an electronic bid package to all interested parties that shall be returned to NCEM.
- (1) Contract Response Teams shall be limited to seven regionally based all hazard response taskforces. Each taskforce will be assigned a primary response region in the state.
 - (2) The bidding agency and any participating agencies shall be located in that specified response region.
 - (3) A review committee shall be established by the NCEM Director or designee. This committee will open all completed sealed bid packages and evaluate them based on an agreed upon criteria as outlined in Rule .0408 of this Section at a date set by the NCEM Director or designee.
 - (4) The committee shall develop a bid package review summary that includes their recommendations for selections that will be sent to the NCEM Operations Section Chief for concurrence before being reviewed and approved by the NCEM Director.
 - (5) Agencies who are successful in the bid process will be notified and system agreements shall be drafted and executed.
 - (6) NCEM shall draft, execute, and maintain a system agreement with the sponsoring agency for the resource to maintain participation in the NC SAR System.
 - (A) NCEM shall execute and maintain a system agreement with the sponsoring agency that outlines the scope of work that the team shall follow to enable reimbursement of eligible training, equipment, and administrative costs associated with maintaining a Contract Response Team. The system agreement shall be limited to the contract period.
 - (B) Funds reimbursed through this agreement shall go directly to cover program costs and be utilized by the Sponsoring and Participating agencies.
 - (C) The Sponsoring Agency shall maintain all records of any NC SAR System spending and shall not comingle funds or use NC SAR System funding for any other purpose.
 - (D) Each Sponsoring Agency is responsible to draft, execute, and maintain agreements with each participating agency that is supporting their bid for a Contract Response Team with personnel, equipment, or funding. The Sponsoring Agency may include any participating agency resources in their bid package.
 - (E) Resources shall maintain a response agreement with NCEM that outlines the activation process and the reimbursement process for costs of state missions.
- (d) Specialty Rescue Teams - NCEM shall enter into response agreements with Sponsoring Agencies to establish specialty rescue teams to ensure statewide response capability in established NC SAR System program areas.
- (1) These program areas shall be:
 - (A) Swiftwater Search and Rescue;
 - (B) Wilderness / Land Search and Rescue;
 - (C) Mountain Search and Rescue; and
 - (D) Helicopter Search and Rescue
 - (2) NCEM shall support system resources with training and equipment within the confines of available funding. Participation as a Specialty Rescue Team is considered at will by either party to the extent that agreements can be terminated with or without cause by either party with a 30-day notice.

- (3) Each Sponsoring Agency shall enter into a response agreement specific to each established program area with NCEM. The resource will then enter into a system agreement with NCEM that shall be referred to as a Specialty Rescue Team response agreement.
- (4) Specialty Rescue Teams shall demonstrate their ability to deploy a self-sufficient team outside their jurisdiction to be eligible to participate in the NC SAR System. Specialty Rescue Teams shall provide all support requirements for their deployed personnel and equipment for a period of 72 hours from deployment without outside support.
- (5) Each Sponsoring Agency of a Specialty Rescue Team shall draft, execute, and maintain agreements with each Participating Agency that is supporting the Sponsoring Agency in maintaining a Specialty Response Team with personnel, equipment, or funding.

History Note: Authority G.S. 166A-65; 166A-66; 166A-67;
Eff. April 1, 2023.

14B NCAC 03 .0408 CRITERIA FOR EVALUATING BIDS FOR CONTRACT RESPONSE TEAM

(a) Bidding agencies shall:

- (1) submit via courier, United States Mail, or hand deliver a bid package signed by an authorized representative of a local unit of government, State recognized tribal government, or corporation that maintains an active response agreement with a local or tribal unit of government;
- (2) provide a plan for the bidding entity to deploy the required number of personnel for a period of up to 14 days when not required for a local response. This may be as a single entity or as a collaboration of multiple agencies in the specified response region. If a collaboration of multiple agencies, the sponsoring or the bidding agency shall maintain cooperative agreements with all supporting agencies. For the purposes of the bid submission, the bidding entity shall provide a letter of support from all supporting agencies;
- (3) provide a plan for the bidding entity to maintain the required number of personnel trained per Rule .0409 of this Section; and
- (4) ensure all participating members possess the qualifications as outlined in Rule .0409 of this Section.

(b) Bids shall be evaluated on:

- (1) geographic location of team base;
- (2) ability to maintain required number of trained personnel to ensure response readiness;
- (3) ability to maintain and care for any system provided equipment;
- (4) availability of local equipment to support response activities;
- (5) availability to maintain dedicated administrative staff to ensure management of administrative duties, training, and logistical requirements; and
- (6) consistent with federal procurement rules as outlined in 2 CFR Part 200 which is adopted and incorporated by reference with subsequent changes or amendments pursuant to 150B-21.6 and can be found at no cost at: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>; and
- (7) consistent with State procurement rules as outlined in Chapter 5 of North Carolina Administrative Code which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20-%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract>.

History Note: Authority G.S. 166A-66; 166A-67;
Eff. April 1, 2023.

14B NCAC 03 .0409 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR CONTRACT RESPONSE TEAMS AND SPECIALTY RESCUE TEAMS

(a) Requirements for all system personnel:

- (1) personnel shall be no less than 18 years of age;
- (2) personnel shall be an employee of a Sponsoring Agency, Participating Agency, or an employee of the North Carolina Division of Emergency Management. By participating in this program, system personnel remain employees of their Sponsoring or Participating Agency and at no time become a State employee entitled to State benefits unless they are an employee of NCEM;

- (3) personnel shall maintain no less than 24 hours of search and rescue training annually;
- (4) while participating in any program activity personnel shall be considered emergency management workers, as defined in G.S. 166A-19.60. and
- (5) personnel shall possess the qualifications of character and general fitness requisite for a public servant and be of good moral character and entitled to the high regard and confidence of the public as evidenced by:
 - (A) not having been convicted by a local, state, federal, or military court of a felony;
 - (B) not having been convicted by a local, state, federal, or military court of a Class B Misdemeanor as defined in 12 NCAC 09A .0103(24)(b) which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 in the previous five years or the completion of any corrections supervision imposed by the courts, whichever is later;
 - (C) not having been convicted of an offense by a local, state, federal, or military court that would prohibit the possession of a firearm or ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with subsequent amendments and editions pursuant to G.S. 150B-21.6 can be found at no cost <https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf>;
 - (D) being truthful in providing information to the appointing agency;
 - (E) not having pending or outstanding charges in a local, state, federal, or military court that, if convicted, would exclude eligibility under this Rule.
- (6) make the following notifications:
 - (A) within seven days of the qualifying event, notify the Sponsoring Agency in writing of all criminal or traffic offenses for which the individual is charged or arrested;
 - (B) within seven days of the qualifying event, notify the Sponsoring Agency in writing of all criminal offenses for which the individual pleads no contest, pleads guilty, or of which the individual is convicted;
 - (C) within seven days of service, shall notify the Sponsoring Agency that he or she has been served by a judicial official;
 - (D) within seven days of the date the case was disposed of in court, the Sponsoring Agency, provided they have knowledge of system personnel's arrests or criminal charges and final dispositions, shall also notify NCEM of arrests or criminal charges and final disposition of the criminal charges against system personnel; and
 - (E) within seven days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the sponsoring agency, provided they have knowledge of the order, shall also notify NCEM of these orders.
- (b) Requirements for all system equipment:
 - (1) equipment shall be made available for inspections and ; inventory by NCEM personnel;
 - (2) system resources shall maintain any State-owned equipment per manufacturer's recommendations and immediately notify NCEM of any damage to State-owned and issued equipment; and
 - (3) upon separation, all system resources shall return all state property in no more than 30 days to NCEM.
- (c) Urban Search and Rescue Team Personnel and Training Requirements:
 - (1) A Type I or Type II Urban Search and Rescue Team shall maintain a roster of 116 personnel who have successfully completed the North Carolina Urban Search and Rescue Structural Collapse Rescue Technician Course or the Federal Emergency Management Agency Structural Collapse Specialist Course.
 - (2) A Type III Urban Search and Rescue Team shall maintain a roster of 58 personnel who have successfully completed the NC USAR Structural Collapse Rescue Technician Course or the Federal Emergency Management Agency Structural Collapse Specialist Course.
 - (3) North Carolina Division of Emergency Management shall be responsible for providing qualified structures specialists, medical team managers, and canine search specialists for any urban search and rescue team as part of this program if required for a response.
- (d) Urban Search and Rescue Team Equipment Requirements:
 - (1) Urban Search and Rescue Teams shall maintain a functionally equivalent cache of equipment based on the appropriate team type with the Emergency Management Accreditation Program Urban Search and Rescue Cache List which is adopted and incorporated by reference with

subsequent changes or amendments pursuant to G.S. 150B-21.6 as outlined in the latest published standard by the Emergency Management Accreditation Program located at no cost at <https://emap.org/index.php/root/assessor-resources/87-emap-cache-list>.

- (2) Equipment shall be maintained in a manner ready to be used and with a means to transport all required equipment.

(e) Swiftwater Rescue Team Personnel and Training Requirements:

- (1) Any Type I Swiftwater Rescue Team shall maintain a minimum roster of 32 personnel who have successfully completed Swiftwater Rescue Technician level training that meets requirements of Chapters 5, 11, and 12 of National Fire Protection Associations (NFPA) 1006 which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1006> at a cost of ninety one dollars (\$91.00). From the complete roster, the team shall maintain the following number of personnel trained in position specific advanced roles:
 - (A) eight personnel who have completed the North Carolina Swiftwater Flood Rescue Boat Operator Course;
 - (B) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader Course; and
 - (C) two personnel who have completed either the North Carolina Swiftwater / Flood Rescue Team Communications Specialist Course or North Carolina Urban Search and Rescue Communications Specialist Course.
- (2) Any Type II Swiftwater Rescue Team shall maintain a minimum roster of 24 personnel who have successfully completed Swiftwater Rescue Technician level training that meets training requirements of Chapters 5, 11, and 12 of NFPA 1006. From the complete roster, the team shall maintain the following number of personnel trained in position specific advanced roles:
 - (A) four personnel who have completed the North Carolina Swiftwater Flood Rescue Boat Operator Course;
 - (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader Course; and
 - (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue Team Communications Specialist Course or North Carolina Urban Search and Rescue Communications Specialist Course.
- (3) Any Type III Swiftwater Rescue Team shall maintain a minimum roster of 16 personnel who have successfully completed Swiftwater Rescue Technician level training that meets training requirements from Chapters 5, 11, and 12 of NFPA 1006. From the complete roster, the team shall maintain the following number of personnel trained in position specific advanced roles:
 - (A) two personnel who have completed the North Carolina Swiftwater Flood Rescue Boat Operator Course;
 - (B) two personnel who have completed either the North Carolina Swiftwater Flood Rescue Team Leader Course or North Carolina Urban Search and Rescue Task Force Leader Course; and
 - (C) two personnel who have completed either the North Carolina Swiftwater Flood Rescue Team Communications Specialist Course or North Carolina Urban Search and Rescue Communications Specialist Course.

(f) Swiftwater Rescue Team Equipment Requirements:

- (1) Any Type I Swiftwater Rescue Team shall maintain an equipment cache of no less than:
 - (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
 - (B) sixteen portable radios capable for internal team communications;
 - (C) one portable computer with cellular or satellite-based internet access;
 - (D) sixteen each of dry suits with a liner, personal floatation devices with not less than 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key, water rescue throw bag, and pair of water rescue boots;
 - (E) two each thermal imaging cameras and handheld spotlights;
 - (F) two State of North Carolina road atlases;

- (G) six global positioning system receivers;
 - (H) two forcible entry kits to include a Halligan, axe, sledgehammer, and bolt cutters per kit;
 - (I) two chain saws;
 - (J) four inflatable ridged boats not less than four meters in length with not less than six total outboard motors;
 - (K) one rope rescue kit to include 20 locking carabiners, four full body harnesses, two knot passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a bag, two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12 foot, 15 foot, 20 foot nylon tubular webbing;
 - (L) two decontamination kits to include one 2.5 gallon pressure sprayer, one five gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, cleaning solution per dry suit manufacturer recommendations, and one 1.5 inch to .75 inch male garden hose adapter;
 - (M) six non-venting fuel cells with fuel lines;
 - (N) two self-bailing rafts;
 - (O) four boat field repair kits to include a patch and five clamshells per kit;
 - (P) twelve paddles;
 - (Q) shelter system for 16 personnel that can be assembled in under 30 minutes time and does not require power for assembly;
 - (R) sixteen each of a sleeping kit such as a cot, pad, or sleeping bag;
 - (S) two each of two kilowatt or larger generators with portable lights; and
 - (T) two electric air pumps, four manual inflation pumps, and eight compressed air cylinders with fill systems to inflate boats or rafts.
- (2) Any Type II Swiftwater Rescue Team shall maintain an equipment cache of no less than:
- (A) four 800 MHz portable radios programed with the NC VIPER Radio System template;
 - (B) ten portable radios capable for internal team communications;
 - (C) one portable computer with cellular or satellite-based internet access;
 - (D) ten each of dry suits with a liner, personal floatation devices with not less than 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key, water rescue throw bag, and pair of water rescue boots;
 - (E) two each thermal imaging cameras and handheld spotlights;
 - (F) two State of North Carolina road atlases;
 - (G) four global positioning system receivers;
 - (H) one forcible entry kits to include a Halligan, axe, sledgehammer, and bolt cutters per kit;
 - (I) two chain saws;
 - (J) two inflatable ridged boats not less than 4 meters in length with not less than three total outboard motors;
 - (K) one rope rescue kit to include 20 locking carabiners, four full body harness, two knot passing pulleys, 12 tandem prusiks, eight pulleys, two 200 foot life safety rope in a bag, two 300 foot life safety rope in a bag, line thrower, and six sections of each 5 foot, 12 foot, 15 foot, 20 foot nylon tubular webbing;
 - (L) one decontamination kits to include one 2.5 gallon pressure sprayer, one five gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, cleaning solution per dry suit manufacturer recommendations, and one 1.5 inch to .75 inch male garden hose adapter;
 - (M) four non-venting fuel cells with fuel lines;
 - (N) one self-bailing raft;
 - (O) two boat field repair kits to include a patch and five clamshells per kit;
 - (P) six paddles;
 - (Q) shelter system for ten personnel that can be assembled in under 30 minutes time and does not require power for assembly;
 - (R) ten each of a sleeping kit such as a cot, pad, or sleeping bag;
 - (S) two each of two kilowatt or larger generators with portable lights; and

- (T) two electric air pumps, four manual inflation pumps, and eight compressed air cylinders with fill systems to inflate boats or rafts.
- (3) Any Type III Swiftwater Rescue Team shall maintain an equipment cache of no less than:
 - (A) six 800 MHz portable radios programed with the NC VIPER Radio System template;
 - (B) six portable radios capable for internal team communications;
 - (C) one portable computer with cellular or satellite-based internet access;
 - (D) six each of dry suits with a liner, personal floatation devices with not less than 22lbs of floatation, helmet with headlamp, rescue knife, pealess whistle, boat motor key, water rescue throw bag, and pair of water rescue boots;
 - (E) one State of North Carolina road atlas;
 - (F) two global positioning system receivers;
 - (G) one forcible entry to include a Halligan, axe, sledgehammer, and bolt cutters per kit;
 - (H) one chain saw;
 - (I) one inflatable ridged boats not less than 4 meters in length with not less than two total outboard motors;
 - (J) one rope rescue kit to include 20 locking carabiners, two full body harness, two knot passing pulleys, 12 tandem prusiks, four pulleys, 200 foot life safety rope in a bag, 300 foot life safety rope in a bag, line thrower, and three sections of each 5 foot, 12 foot, 15 foot, 20 foot nylon tubular webbing;
 - (K) one decontamination kits to include one 2.5 gallon pressure sprayer, one five gallon bucket, one 40 gallon work box, one 110 volt submersible pump, two 25 foot sections of garden hose, garden hose wye adaptor, a 110 volt submersible pump, cleaning solution per dry suit manufacturer recommendations, and one 1.5 inch to .75 inch male garden hose adapter;
 - (L) two non-venting fuel cells with fuel lines;
 - (M) one self-bailing raft;
 - (N) one boat field repair kits to include a patch and five clamshells per kit;
 - (O) three paddles;
 - (P) shelter system for 16 personnel that can be assembled in under 30 minutes time and does not require power for assembly;
 - (R) sixteen each of a sleeping kit such as a cot, pad, or sleeping bag;
 - (S) one each of two kilowatt or larger generators with portable lights; and
 - (T) one electric air pumps, one manual inflation pumps, and two compressed air cylinders with fill system to inflate boats or rafts.
- (g) Helicopter search and rescue technicians shall:
 - (1) be a member of the Urban Search and Rescue, Swiftwater Rescue, Wilderness Search and Rescue, or Mountain Rescue Programs with a letter of support from their sponsoring agency;
 - (2) complete the North Carolina Division of Emergency Management Helicopter Rescue Indoctrination Course; and
 - (3) attend scheduled training on no less than a quarterly basis to maintain their qualification as a helicopter rescue technician.
- (h) Helicopter Rescue Team Equipment Requirements
 - (1) Helicopter search and rescue technicians shall maintain all issued equipment in accordance with the manufacturer recommendations.
 - (2) Helicopter search and rescue technicians shall inspect their issued equipment prior to and after each use and report any damage per manufacturer recommendations to the Aviation Life Safety Equipment Officer.
- (i) Wilderness Search and Rescue Team Requirements
 - (1) A wilderness search and rescue team shall maintain a roster of no less than eight personnel that have completed the NC Land Search Field Team Member Course or other wilderness search course that meets the current requirements of the American Society for Testing and Materials F2209 standard which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at: <https://www.astm.org/f2209-20.html> at a cost of fifty seven dollars (\$57.00).
 - (2) A wilderness search and rescue team shall maintain a team equipment cache of no less than eight of the following:

- (A) field pack able to carry required equipment;
 - (B) multi-purpose knife;
 - (C) water containers sufficient to hold two quarts of potable water;
 - (D) safety glasses;
 - (E) pealess whistle;
 - (F) grid reader for 1:24000 scale;
 - (G) compass;
 - (H) two light sources with spare batteries;
 - (I) set of rain gear to include a jacket with a hood and a pair of pants;
 - (J) tracking stick no less than 42 inches long;
 - (K) watch;
 - (L) equipment needed to start a fire such as waterproof matches or fire starting steel;
 - (M) measuring device capable of measuring no less than 18 inches;
 - (N) paper and pen or pencil;
 - (O) FEMA ICS 214 form which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at: [https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,%20activity%20log%20\(v3.1\).pdf](https://training.fema.gov/emiweb/is/icsresource/assets/ics%20forms/ics%20form%202014,%20activity%20log%20(v3.1).pdf) at no cost;
 - (P) fifty foot of cordage;
 - (Q) eight zip ties; and
 - (R) signaling mirror.
- (3) A wilderness search and rescue team shall maintain a rescue equipment cache of no less than the following:
- (A) two global positioning system receivers; and
 - (B) two first aid kits to include two tourniquets, eight four inch square gauze pads, two two inch gauze rolls, two rolls of paper tape one inch by ten yards, two rolls of moleskin patches two inch by five yards, two emergency survival blankets, two triangle bandages, one SAM splint 36 inches in length, five pairs of nitrile gloves, one CPR micromask, and one trauma shear scissors.

(j) Mountain Rescue Team Requirements

- (1) A mountain rescue team shall maintain a roster of no less than eight personnel that have completed the NC Mountain Rescue Operations Course. Of those eight personnel, two personnel shall have also completed the NC Mountain Rescue Technician Course.
- (2) A mountain rescue team shall maintain a team equipment cache of no less than eight of following:
 - (A) field pack able to carry required equipment;
 - (B) multi-purpose knife;
 - (C) water containers sufficient to hold two quarts of potable water;
 - (D) grid reader for 1:24000 scale;
 - (E) equipment needed to start a fire such as waterproof matches or fire starting steel;
 - (F) compass;
 - (G) two light sources with spare batteries;
 - (H) set of rain gear to include a jacket with a hood and a pair of pants;
 - (I) watch;
 - (J) paper and pen or pencil; and
 - (K) FEMA ICS 214 form;
- (3) A mountain rescue team shall maintain a rescue equipment cache of no less than the following:
 - (A) two global positioning system receivers;
 - (B) ten screw gate carabiners;
 - (C) four belay type friction devices;
 - (D) eight pre-sewn runners;
 - (E) eight sets of matching prussik pairs;
 - (F) four 30 foot cords suitable for anchor and litter rigging;
 - (G) eight mountaineering harnesses;
 - (H) two rappel type friction devices;
 - (I) two each of single and double micro pulleys;
 - (J) two 150 foot ropes with a rating equal to or greater than 20 kilonewtons;

- (K) two 250 foot ropes with a rating equal to or greater than 20 kilonewtons;
- (L) eight pairs of snow shoes;
- (M) eight pairs of trekking poles;
- (N) four ice screws;
- (O) eight pairs of slip-on boot traction devices;
- (P) four pairs of crampons;
- (Q) a patient litter such as a military type stokes basket or sked system; and
- (R) two 800 MHz portable radios programed with the NC VIPER Radio System template.

History Note: Authority G.S. 166A-66; 166A-67; 166A-68;
Eff. April 1, 2023.

14B NCAC 03 .0410 PROCEDURES FOR AUDITING CONTRACT RESPONSE TEAMS AND SPECIALTY RESCUE TEAMS

(a) Teams shall be audited by NCEM no less than every three years to ensure compliance with program requirements. Teams shall provide the following for review by NCEM personnel within five days upon request:

- (1) administrative records such as internal team plans and procedures, training records, personnel records, equipment maintenance records, and any fiscal records pertaining to the Contract Response or Specialty Rescue Team;
- (2) equipment cache to include ensuring all required equipment is present, operational, and in a deployment ready condition; and
- (3) access to functional exercises that demonstrate the ability of the resource to muster, deploy, and function.

(b) Within 30 days of the audit, NCEM personnel shall complete, file, and email to the Sponsoring Agency an audit report documenting the audit team's findings.

History Note: Authority G.S. 166A-66; 166A-67;
Eff. April 1, 2023.

CHAPTER 03 – EMERGENCY MANAGEMENT

SECTION .0500 - NORTH CAROLINA HAZARDOUS MATERIAL REGIONAL RESPONSE PROGRAM

14B NCAC 03 .0501 PURPOSE

(a) The purpose of this section is to prescribe requirements pertaining to the North Carolina Department of Public Safety's Division of Emergency Management administered North Carolina Hazardous Materials Regional Response Team Program.

(b) This section applies to all persons or entities of the North Carolina Hazardous Materials Regional Response Team Program made parties pursuant to G.S. 166A-22.

History Note: Authority G.S. 166A-22;
Eff. March 1, 2024.

14B NCAC 03 .0502 ABBREVIATIONS AND DEFINITIONS

As used in this section, the following abbreviations and terms mean:

- (1) "Activation" means the status of a program resource placed at the direction, control, and funding of NCEM as part of the NC RRT Program.
- (2) "All-hazards Disaster Response Model" means a response methodology where program resources provide all capability to respond to any threat or hazard that is impacting the state or is forecasted to impact the State as determined by the NCEM Director.
- (3) "Authority Having Jurisdiction" (AHJ) means those local, State, tribal or federal entities having a duty to act over a specific aspect of hazardous materials in a specific geographic area.
- (4) "County to County Mutual Aid" means public safety resource sharing under the conditions of the NC Statewide Mutual Aid Agreement or another similar agreement between political subdivisions.
- (5) "Federal Emergency Management Agency" (FEMA) is an agency of the United States Department of Homeland Security with the responsibility to coordinate the federal response to a Presidentially-

declared disaster that has occurred in the United States and that overwhelms the resources of local and State authorities.

- (6) "FEMA Public Assistance Program" means a federal reimbursement grant program that provides federal funding to help communities respond to and recover from disasters.
- (7) "Functionally equivalent" means an item or group of items that can be used in the same basic manner as another item or items to perform a task to the same standard.
- (8) "Incident Commander" (IC) means the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.
- (9) "Local Emergency Management Coordinator" (LEMC) means the County Emergency Management Coordinator as defined in G.S. 166A-19.15 who is responsible for all local disaster preparedness, response, and recovery activities in a specific geographic area. county.
- (10) "North Carolina Hazardous Materials Regional Response Team Technical Advisory Committee" (NC RRT TAC) means an advisory committee established in Article 2 of Chapter 166A of the North Carolina General Statutes to advise the Secretary of the North Carolina Department of Public Safety and the North Carolina Division of Emergency Management on the management of hazardous materials emergencies.
- (11) "North Carolina Division of Emergency Management" (NCEM) means a division of the North Carolina Department of Public Safety established in G.S. 143B-1000 with the responsibility to coordinate the mitigation, planning, preparedness, response, and recovery to a disaster or emergency that has or is forecasted to occur in the State as determined by the NCEM Director.
- (12) "North Carolina Emergency Management Operations Chief" (NCEM OSC) means the Assistant Director of Operations for the North Carolina Division of Emergency Management.
- (13) "North Carolina Emergency Management Director" (NCEM Director) means the Director of the North Carolina Division of Emergency Management.
- (14) "National Incident Management System" (NIMS) means a federal policy that provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, to reduce the loss of life or property and harm to the environment.
- (15) "On-duty" means when a person is functioning, paid or unpaid, as an agent of their Sponsoring Agency or of the NC Division of Emergency Management as part of the NC RRT Program.
- (16) "Program agreements" means contracts, memoranda of agreements, or memoranda of understanding between NCEM and regional response teams for the purposes of establishing and maintaining the NC RRT Program.
- (17) "Program costs" means training, equipment, personnel, or administrative expenses incurred by a Sponsoring Agency during activities of the NC RRT Program.
- (18) "Program personnel" means human resources from a regional response team with an active program agreement with the Division of Emergency Management for hazardous materials response or human resources employed on a full-time or part-time basis by the Division of Emergency Management with a responsibility for hazardous materials response.
- (19) "Program resource" means personnel or equipment from a regional response team that is participating in the NC RRT Program with an active program agreement with the North Carolina Division of Emergency Management for hazardous materials response.
- (20) "Qualifying event" means an incident that system personnel have been charged, arrested, pleads no contest, pleads guilty, or is convicted of a crime that would require notification to the Sponsoring Agency.
- (21) "Qualified personnel" means an individual that meets the training and medical monitoring requirements established by 29 CFR 1910.120(a)(3) which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.120>; National Fire Protection Association Standard 470 as it relates to Hazardous Materials Technicians which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found for ninety dollars (\$90.00) at: [https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards)

standards/detail?code=470; and 29 CFR 1910.134 which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134>.

- (22) "Resource typing" means a document defining and categorizing, by capability, the program resources requested, deployed, and used in incidents.
- (23) "Responsible Party" means the entity whose actions or inactions caused a hazardous materials incident as determined by the authority having jurisdiction requiring program resources to respond and incur costs.
- (24) "Sensitive information" means any information, to include but not limited to audio recordings, images, and video recordings, obtained during an activation that has not been released to the public by the AHJ.
- (25) "Sponsoring Agency" means a local or tribal unit of government or a corporation with an active response agreement with a local unit of government, that organizes and coordinates a regional response team in the NC RRT Program.
- (26) "State Emergency Operations Plan" (SEOP) means a document maintained under the authority of G.S. 166A-19.12(2) that details how the State of North Carolina will respond to a disaster or emergency requiring State assistance utilizing an established comprehensive, all-hazards approach All-Hazards Disaster Response Model.
- (27) "State Mission Assignment" (State Mission) means a NCEM approved request for assistance to deploy program resources at the request of a local unit of government.

History Note: Authority G.S. 166A-22; 166A-23; 166A-25; 166A-26; 166A-27;
Eff. March 1, 2024.

14B NCAC 03 .0503 DISPATCH OF A REGIONAL RESPONSE TEAM

- (a) Program resources shall employ the All-Hazards Response Model.
- (b) NCEM shall maintain direction and control of any deployed program resources that have been deployed through action of NCEM until a time that they have been demobilized or the program resource is needed by the Sponsoring Agency.
- (c) Any resource of the NC RRT Program remains a local resource and may deploy within their county under their local authorities or agreements, notwithstanding any action by the State.
Participation in the NC RRT Program shall not limit or supersede their local authorities, responsibilities, or agreements when the program resource is deploying under those authorities or agreements.
- (d) Program resources shall be deployed by the State using a State Mission Assignment.
- (e) The IC, LEMC, an NCEM official, Secretary of Public Safety, and the Governor shall have the authority to request program resources. The IC may be from local law enforcement agencies, fire departments, rescue squads, and any other local, state, or federal authority having jurisdiction.

History Note: Authority G.S. 166A-22; 166A-23;
Eff. March 1, 2024.

14B NCAC 03 .0504 ON-SITE OPERATIONS OF A PROGRAM RESOURCE

All NC RRT Program resources shall operate in accordance with the following standards of response:

- (1) FEMA NIMS standards which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf;
- (2) following all direction from NCEM personnel acting pursuant to G.S. 166A-19.12(1) when deploying as a program resource;
- (3) when responding in support of law enforcement operations, program resources shall coordinate activities with the law enforcement authorities to ensure their actions support any potential criminal investigation; and
- (4) program resources shall not release any sensitive information to the public or media during operations without the consent of the local, State, or federal authority having jurisdiction consistent with Chapter 132 of the North Carolina General Statutes.

History Note: Authority G.S. 166A-22;

Eff. March 1, 2024.

14B NCAC 03 .0505 STANDARDS FOR ADMINISTRATION OF A REGIONAL RESPONSE TEAM, INCLUDING PROCEDURES FOR REIMBURSEMENT OF RESPONSE COSTS

(a) Program resources shall maintain the following personnel records and have them available for audit by NCEM personnel:

- (1) Responder medical history; and
- (2) Emergency contact information.

(b) Program personnel shall be in an on-duty status as an emergency management worker as defined in G.S. 166A-19.60(e).

(c) Program resources shall maintain a current team roster.

(d) Program resources shall maintain all program personnel training, certification, and credentials as outlined in Rule .0509 in this Section.

(e) Program resources shall maintain all inventory and maintenance records for deployable equipment.

(f) Program resource records must be available for review by NCEM officials.

(g) Within 45 days of demobilization from a state mission, system resources shall submit documentation receipts, expense reports, and supporting documentation of actual costs to NCEM for reimbursement consistent with the FEMA Public Assistance Program and Policy Guide which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and is available at no cost at: https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf.

History Note: Authority G.S. 166A-19.60; 166A-22; 166A-23; 42 U.S.C. 5121 et seq; 44 CFR Part 206; Eff. March 1, 2024.

14B NCAC 03 .0506 RECOVERING THE COSTS OF A REGIONAL RESPONSE TEAM

NCEM shall seek reimbursement from the responsible party for system response costs.

- (1) The authority having jurisdiction shall determine who the responsible party is for all State Missions. Determination as the responsible party shall not be a determination of contributory negligence or other potential liabilities of any third parties for some aspect of the incident.
- (2) NCEM shall bill responsible parties' response costs to include personnel and equipment costs payable to NCEM for reimbursement consistent with FEMA Public Assistance Program and Policy Guide which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and is available at no cost at: https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf.
- (3) Responsible parties shall remit payment to NCEM within 30 days of receipt of the invoice via certified mail.

History Note: Authority G.S. 166A-22; 166A-27; Eff. March 1, 2024.

14B NCAC 03 .0507 PROCEDURES FOR BIDDING AND CONTRACTING FOR REGIONAL RESPONSE TEAM

(a) Eligibility for participation as a Sponsoring Agency as a regional response team:

- (1) be a local unit of government, tribal government, with an active response agreement with a local or tribal unit of government;
- (2) maintain participation in the statewide mutual aid agreement; and
- (3) ensure all personnel possess the qualifications as outlined in Rule .0509 of this Section.

(b) Regional response teams – Within 18 months of a new contract period, NCEM shall distribute a bid announcement to all program resources and local emergency management coordinators for interested parties to return a letter of interest. NCEM shall distribute a bid package to all interested parties that shall be returned to NCEM.

- (1) Regional response teams shall be limited to seven regionally based teams. Each team will be assigned a primary response region in the state.
- (2) The bidding agency agencies shall be in that specified response region.

- (3) The NCEM Director or designee shall establish a review committee. This committee will open all completed sealed bid packages and evaluate them based on the criteria outlined in Rule .0508 of this Section at a date to be set by the NCEM Director or designee.
- (4) The committee shall develop a bid package review summary that includes their recommendations for selections that will be sent to the NCEM Operations Chief for concurrence before being reviewed and approved by the NCEM Director.
- (5) Agencies that are successful in the bid process will be notified and program agreements shall be drafted and executed.
- (6) NCEM shall draft, execute, and maintain a program agreement with the Sponsoring Agency for the program resource to maintain participation in the program.
 - (A) NCEM shall execute and maintain a program agreement with the Sponsoring Agency that outlines the scope of work that the team shall follow to enable reimbursement of eligible training, equipment, administrative, and personnel costs associated with maintaining and deploying a regional response team. The program agreement shall be limited to the four-year contract period with an optional one-year extension.
 - (B) Funds reimbursed through this agreement shall go directly to cover program costs and be utilized by the Sponsoring Agency for the purposes of this program.
 - (C) The Sponsoring Agency shall maintain all records of any program spending and shall not comingle funds or use program funding for any other purpose other than for the purposes of this program.

History Note: Authority G.S. 166A-22; 166A-23;
Eff. March 1, 2024.

14B NCAC 03 .0508 CRITERIA FOR EVALUATING BIDS FOR CONTRACT RESPONSE TEAM

(a) Bidding agency shall:

- (1) submit an offer via courier, United States Mail, or hand delivered to the NCEM State Emergency Operations Center by an authorized representative of a local unit of government, tribal government, or corporation that maintains an active response agreement with a local or tribal unit of government;
- (2) provide a plan for the bidding entity to deploy the required personnel;
- (3) provide a plan for the bidding entity to maintain the required number of personnel trained per Rule .0509 of this Section; and
- (4) ensure all participating members possess the qualifications outlined in Rule 0509 of this Section.

(b) Bids shall be evaluated on:

- (1) geographic location of team base;
- (2) ability to maintain the required number of trained personnel to ensure response readiness;
- (3) ability to maintain and care for any program-provided equipment;
- (4) availability of local equipment to support response activities;
- (5) availability to maintain dedicated administrative staff to ensure management of administrative duties, training, and logistical requirements;
- (6) experience responding to hazardous materials incidents as a technician-level entry capability;
- (7) consistent with federal procurement rules as outlined in 2 CFR Part 200 which is adopted and incorporated by reference with subsequent changes or amendments pursuant to 150B-21.6 and can be found at no cost at: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>; and
- (8) consistent with State procurement rules as outlined in 01 NCAC 05 which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20-%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract>.

History Note: Authority G.S. 166A-22; 166A-23;
Eff. March 1, 2024.

14B NCAC 03 .0509 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR REGIONAL RESPONSE TEAM REQUIREMENTS FOR ALL PROGRAM PERSONNEL:

(a) Requirements for all system personnel

- (1) Qualified personnel shall be no less than 18 years of age;
- (2) Qualified personnel shall be an employee of a Sponsoring Agency or an employee of the North Carolina Division of Emergency Management. By participating in this program, program personnel remain employees of their Sponsoring Agency and at no time become State employees entitled to State benefits unless they are an employee of NCEM;
- (3) Qualified personnel shall maintain no less than 48 hours of hazardous material training annually consistent with 29 CFR 1910.120(e);
- (4) Qualified personnel shall possess the qualifications of character and general fitness requisite for a public servant and be of good moral character and entitled to the high regard and confidence of the public, as evidenced by not having been convicted by a local, state, federal, or military court of:
 - (A) a felony;
 - (B) a crime or unlawful act defined as a Class 1A, Class 1, or Class 2 misdemeanor within the five-years prior or four or more crimes or unlawful acts as defined as a Class 1A, Class 1, or Class 2 misdemeanor regardless of the date of conviction;
 - (C) not having been convicted of an offense that would prohibit the possession of a firearm or ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with subsequent amendments and editions under G.S. 150B-21.6 can be found at no cost <https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf>;
 - (D) being truthful in providing information to the appointing agency;
 - (E) not having pending or outstanding charges that, if convicted, would exclude eligibility under this Rule.
- (5) make the following notifications:
 - (A) within seven days of the qualifying event, notify the Sponsoring Agency in writing of all criminal or traffic offenses for which the individual is charged or arrested;
 - (B) within seven days of the qualifying event, notify the Sponsoring Agency in writing of all criminal offenses for which the individual pleads no contest, pleads guilty, or convicted;
 - (C) within seven days of criminal summons pursuant to the provisions of Article 17 of Chapter 15A of the G.S., shall notify the Sponsoring Agency that he or she has been served by a judicial official;
 - (D) within seven days of the date the case was disposed of in court, the Sponsoring Agency, provided they have knowledge of program personnel's arrests or criminal charges and final dispositions, shall also notify the NCEM of arrests or criminal charges and final disposition of the criminal charges against program personnel; and
 - (E) within seven days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the Sponsoring Agency, provided they have the knowledge of the order, shall also notify NCEM of these orders.

(b) Requirements for all system equipment:

- (1) equipment shall be made available for inspections and inventory by NCEM personnel;
- (2) program resources shall maintain any state-owned equipment per manufacturer's recommendations and immediately notify NCEM of any damage to state owned and issued equipment; and
- (3) upon separation, all parties to a program agreement shall return all state property within 30 days to NCEM.

(c) Regional Response Team Personnel and Training Requirements:

- (1) Regional Response Teams shall maintain at all times a minimum of 28 qualified personnel;
- (2) Regional Response Teams shall maintain any additional support personnel as required for a technician-level entry team. These personnel must additionally meet the requirements of 29 CFR 1910.120, which is adopted and incorporated by reference with subsequent changes or amendments under G.S. 150B-21.6 as outlined in the latest published standard by the EPA and can be found at: <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XVII/part-1910/subpart-H/section-1910.120> at no cost, to operate on a hazardous materials incident scene but are not required to be qualified to make entry into a hazardous or potentially hazardous environments;
- (3) NCEM shall be responsible to provide any additional technical specialists required to support Regional Response Team operations;

- (4) Regional Response Teams shall respond with qualified personnel who are capable of providing a regional response to hazardous materials incidents requiring technician-level entry capability as that term is and as defined in G.S. 166A-21; and
 - (5) Regional Response Teams shall limit its hazardous materials response team activity to that within the safety and training levels specified by 29 CFR 1910.120.
- (d) Regional Response Team Equipment Requirements:
- (1) Regional response teams shall maintain a functionally equivalent cache of equipment required in the FEMA Resource Typing Document for a Type II Hazardous Materials Response Team, which is adopted and incorporated by reference with subsequent changes or amendments under G.S. 150B-21.6 as outlined in the latest published standard by FEMA and can be found at: <https://rtlt.preptoolkit.fema.gov/Public/Resource/View/4-508-1248?q=hazardous%20materials> at no cost.
 - (2) Equipment shall be maintained in a state of readiness and with a means to transport all required equipment.

History Note: Authority G.S. 166A-21; 166A- 22; 166A-23;
Eff. March 1, 2024.