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Region 8 Emergency Preparedness

Volume VI No. 2 Quarterly Newsletter 2016

Welcome to the EPA Region 8 Preparedness Newsletter. Feel free to page through the entire newsletter or click on the links to the stories you want to read first.



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EPA leads coordinated response to local mercury spill in Grand Forks, ND

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RRT Meeting to be Held in Denver in May

The meeting will include working sessions and attendee participation



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LEPC Interview

A conversation with Weld County Colorado LEPC Chair, Roy Rudisill



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North Dakota Mercury Spill

EPA Leads Coordinated Response To Mercury Spill in North Dakota

On June 4, 2015, an emergency call reported children playing with a jar of mercury that spilled onto a sidewalk in Grand Forks, ND. The spill occurred adjacent to storm drains less than a half block from a local elementary school. The Grand Forks Fire Department discovered that the mercury had been tracked through area homes and possibly into the school. Grand Forks requested EPA assistance and an EPA On-Scene Coordinator (OSC) was mobilized.

Once the OSC arrived, the first steps were to remove visible mercury and determine the levels of mercury vapor. Fire department personnel recovered approximately three pounds of elemental mercury in a jar at one of the homes, and a family with four children was evacuated. The Grand Forks Health Department worked with school authorities to notify parents and neighbors.

After the mercury was removed, the OSC conducted an assessment, and reduced the list of potentially contaminated properties to a few residences. Air monitoring in one of the homes measured at 7,500 ng/m³, much higher than the action level of 300ng/m³. Six children and an infant were sent to the hospital for checkups. The OSC coordinated with the Centers for Disease Control to review the children's lab results and consult with county health officials.

The cleanup involved up to 10 lbs. of elemental mercury. The kitchen floor, a dozen rugs, and 38 bags of miscellaneous household items were removed and disposed. Two 55-gallon drums of contaminated soil and several cubic yards of sod were also removed. Another home required heating and ventilating for several days to reduce mercury vapors to acceptable levels.



Mercury, also known as quicksilver, is a naturally occurring metal that is toxic to living organisms. Metallic or elemental mercury — an odorless, shiny, silver-white liquid — is commonly used in thermometers, barometers and fluorescent light bulbs. Metallic mercury is extremely dangerous with a few drops generating enough fumes to contaminate the air in a room. Furthermore, skin contact with the metal results in the absorption of mercury into the blood stream and potential health problems.

More information is at <https://www.epa.gov/mercury>.

Proposed Changes to the Risk Management Program (RMP) Rule

The U.S. Environmental Protection Agency is proposing to amend the Accidental Release Prevention Requirements of Risk Management Programs (RMP) under the Clean Air Act, Section 112(r)(7). The proposed revisions aim to modernize chemical safety and security regulations, guidance, and policies as required under Executive Order 13650. The [Notice of Proposed Rulemaking](#) includes the following elements:

Third Party Audits – This provision would require a facility that has an RMP reportable accident to use an independent third party to conduct its next scheduled audit. The proposal contains criteria for auditor competence and independence.



Incident Investigations and Root Cause Analysis – The proposal would require an incident investigation after any incident that resulted in or could have resulted in a catastrophic release. The facility would identify the root cause of (i.e., the fundamental reason for) the incident and submit a report.

Safer Technology Alternatives Analysis – Program 3 facilities in three industry categories (paper manufacturing, coal and petroleum products manufacturing, and chemical manufacturing) would be required to evaluate safer technology and alternatives when conducting the process hazard assessment already required by the current RMP rule.

Local Coordination – The proposal would increase communication with Local Emergency Planning Committees (LEPCs) by requiring annual coordination by facilities with LEPCs to clarify response needs, emergency plans, roles, and responsibilities.

Emergency Response Exercises – The proposal would require responding facilities to conduct annual tabletop emergency response exercises with a field exercise every five years. All facilities would perform annual notification exercises.

Information Sharing to LEPCs – The proposal would add new disclosure requirements for facilities to LEPCs. LEPCs would receive Incident Investigation Reports, a summary of inherently safer technology adopted according to a Safer Technology Alternatives Analysis, and emergency response exercise reports. The public would receive chemical hazard information, summaries of emergency response exercises, and LEPC contact information.

Increasing Access to Existing Public Information – The proposal seeks input on increasing the public's access to existing public information to assist participation in accident preparedness planning, including chemical hazard information, summaries of emergency response exercises, and LEPC contact information.

The proposal reflects commitments made in the Report for the President regarding modernizing the RMP requirements to address chemical facility safety. Comments are due on May 13, 2016.

[Frequently Asked Questions](#) is a good source of more information.



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Colorado Governor John Hickenlooper Supports Bonita Peak Mining District NPL Listing

On February 29, 2016, EPA received a letter from Colorado Governor John Hickenlooper affirming the State of Colorado's support for adding the Bonita Peak Mining District in San Juan County, Colorado, to the National Priorities List (NPL). The NPL is a list of high-priority sites that have releases of hazardous substances, pollutants, or contaminants that warrant remedial evaluation and response.

The agency's policy is to determine the State's position on sites the agency is considering placing on the NPL, and on February 19, 2016, EPA sent a letter to Gov. John Hickenlooper seeking the State's concurrence on adding the Bonita Peak Mining District to the NPL.

With the concurrence of the State, EPA will now move forward with its deliberations regarding proposing the site to the NPL. Should the Bonita Peak Mining District be proposed for NPL listing, it would occur through a Notice of Rulemaking where relevant documentation is published in the Federal Register. This is followed by a 60-day public comment period. After evaluating and responding to comments, EPA will make a final determination about whether to add the site on the NPL.

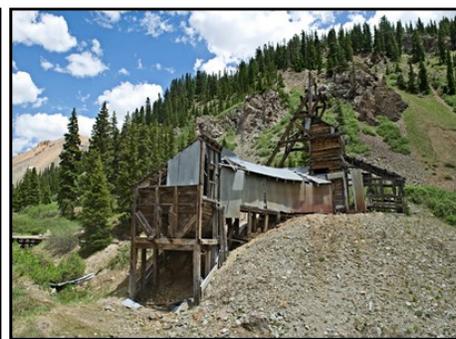
NPL and Superfund Cleanup Process

The NPL is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation.

The NPL is a list of the most serious sites identified for long-term cleanup. When EPA proposes to add a site to the NPL, the Agency publishes a public notice about its intention in the Federal Register and issues a public notice through the local media, so interested members of the community can comment on the proposal. EPA then responds to comments received. If, after the formal comment period, the site still qualifies for cleanup under Superfund, it is formally listed on the NPL. When listed, the Agency publishes a notice in the Federal Register and responds formally to comments received. In addition, EPA may issue a fact sheet or flyer to notify the community impacted by the site.

Once a site is on the NPL, a lengthy cleanup process may begin. Several steps are involved with planning for the clean up. These include Investigation and Feasibility, a Record of Decision, the Remedial Design and Remedial Action, Construction Completion and Post Construction Completion as well as Site Reuse and Redevelopment. The site could also be removed from the NPL list.

More information can be found at the [EPA Superfund website](#).



Settlement Will Lead to New EPA Spill Prevention Rules

As part of a settlement with a coalition of environmental groups, EPA has agreed to initiate rulemaking to better address industrial waste spills. In July 2015, the coalition sued EPA alleging a failure to prevent hazardous substance spills from industrial facilities, including above ground storage tanks.

The settlement, detailed in a consent decree, requires EPA to begin a rulemaking process immediately and to finalize spill prevention rules within three and a half years. EPA must create new regulations that establish procedures, methods, equipment and other requirements to prevent hazardous substance discharges.

One aspect of these new rules will be to implement uniform federal safeguards for above-ground storage tanks, including improved secondary containment. EPA's current Spill Prevention, Control and Countermeasure (SPCC) rules help facilities prevent a discharge of oil into navigable waters or onto adjoining shorelines, while the new rules may go further.



Pam Nixon, a spokesperson for People Concerned About Chemical Safety—a community organization based in West Virginia and part of the coalition of environmental groups—reported, “In 2014, communities in the Kanawha Valley experienced our nation's most significant hazardous chemical spill in recent memory, when over 10,000 gallons of a chemical used to process coal leaked into Charleston's drinking water supply. The contamination deprived nearly 300,000 citizens access to clean tap water for a week.” Pam Nixon continued: “Uniform federal safeguards for above-ground storage tanks and secondary containment will better protect not only public drinking water systems, but also the groundwater for households using private wells.”

West Fertilizer Company Fire and Explosion Analysis from the Chemical Safety Board

Much has been said about the fatal West, Texas ammonia nitrate explosion on April 17, 2013. The deadly fire and explosion occurred when about thirty tons of fertilizer grade ammonium nitrate exploded after being heated by a fire at the storage and distribution facility. President Obama signed Executive Order 13650 to create more communication between federal agencies and help prevent similar accidents. In January, the Chemical Safety Board released its findings with a video “Dangerously Close: Explosion in West, Texas.” The [final video](#) is impressive, as is the lengthy [Investigation Report](#).



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EPA Administrator Visits Region 8

Comments from Gina McCarthy, EPA Administrator

EPA Administrator Gina McCarthy visited Region 8 offices in Denver on March 8, 2016 and shared some of her insights and thoughts on the EPA. Her emphasis was about the EPA's mission to protect



public health, which is just about the best job anyone can have. She noted that the EPA members need to speak up when we see something that concerns us. She

emphasized we don't have to always know the answers; we need to raise awareness and work with others to remedy the situation.



McCarthy also stated that the EPA is going to continue to move forward at a whirlwind pace. We have to achieve major improvements in climate change **every** decade; we can't sit back after recent progress. We have to balance the work we do with the states with the oversight we are commissioned to perform. And, like every governmental body, we have to do this with shrinking funding and resources.

RRT Meeting May 11th and 12th

The Regional Response Team (RRT) is part of the National Response System through which local and state emergency responders and planners can get assistance and/or provide input to other governmental and industrial entities on items related to oil or hazardous substance releases. The RRT is made of 14 federal agencies, co-chaired by EPA and the US Coast Guard, and the six Region 8 states and some tribes. The state SERC Chairs are often the state representatives to the RRT or the Chairs appoint someone to represent the SERC. The next RRT meeting will be held May 11-12, 2016, in Denver at the EPA headquarters building at 1595 Wynkoop Street.

Please let your SERC chairman know if you have something you would like discussed at the RRT meeting. If you have questions about the R8 RRT, please contact one of the Coordinators: Gina



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BNSF Railway Agrees to Resolve Oil Spill Incidents, Improve Prevention and Response Capacity

Company to pay \$600K for alleged violations

Denver – February 25, 2016 The U.S. Environmental Protection Agency and the U.S. Department of Justice have reached an agreement with the BNSF Railway Company (BNSF), resolving alleged violations of the Clean Water Act and the Oil Pollution Act at several locations in the states of Colorado, North Dakota, South Dakota and Wyoming. The agreement, filed as a stipulated settlement in the U.S. District Court of Colorado, resolves four oil and diesel spills to waters of the United States from BNSF locomotives as well as inadequate plans at the company's rail yards in Denver, Colorado; Guernsey, Wyoming; Grand Forks, North Dakota; and Minot, North Dakota. As part of the agreement, the Fort Worth, Texas-based company will pay a civil penalty of \$600,000.

"Today's agreement reflects BNSF's responsibility for past spills as well as a comprehensive effort to improve spill prevention and response capacity at the company's rail facilities in Colorado, North Dakota, South Dakota and Wyoming," said Suzanne Bohan, EPA's assistant regional administrator for enforcement programs in Denver. "By addressing these compliance issues, BNSF's rail yards are now better prepared to safely manage large volumes of oil and fuel and respond effectively to spills that threaten nearby waters and communities. The beneficiaries of these actions are aquatic life, natural habitats, and the people who rely on the South Platte River, the North Platte River, the Red River of the North, and the Souris River for drinking water, agriculture, and recreation."

Today's agreement also resolves oil and diesel spills from BNSF locomotive engines at four locations in EPA Region 8 dating to 2010. These include Mobridge, South Dakota; Thermopolis, Wyoming; Williston, North Dakota; and Minot, North Dakota.

An EPA investigation of BNSF facilities also revealed inadequate Facility Response Plans at the company's rail yards in Colorado and Wyoming. These critical preparedness plans, required under the Oil Pollution Act, ensure that operators have the on-site capacity and expertise to respond to worst-case oil spill scenarios and mitigate impacts to surface waters. They are typically required for facilities that store 1 million gallons or more of oil on site.



As part of an assessment of overall facility preparedness, EPA conducted an unannounced exercise at BNSF's Denver Yard in July 2014 to determine whether the facility was prepared to respond to a hypothetical spill of 2,100 gallons of diesel fuel to the South Platte River. In the exercise, as well as a subsequent exercise in October 2014, BNSF was unable to demonstrate that it could properly deploy a boom in the South Platte River to respond to such a spill.

In addition, EPA found inadequate Spill Prevention Control and Countermeasure (SPCC) plans at BNSF rail yards in Colorado, Wyoming, and North Dakota. These plans require specific measures, including accurate diagrams of facilities, descriptions of inspection and testing procedures, and adequate descriptions of infrastructure in place to prevent and contain oil spills on site.



BNSF has since remedied these deficiencies by remediating the spill locations, submitting complete plans, making investments in spill response capacity and equipment, and installing secondary containment and other infrastructure at the affected rail yards. BNSF owns and operates one of the largest railroad networks in North America, with approximately 32,500 route miles of track (excluding multiple main tracks, yard tracks, and sidings) in 28 states.

For more information, visit: <http://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

Contact: Donna Inman at inman.donnak@epa.gov

EPA EPCRA Section 311 and 312

What facilities must report?

Any facility required under Occupational Safety and Health Administration (OSHA) regulations to maintain SDSs for hazardous chemicals stored or used in the work place. Facilities with chemicals in quantities that equal or exceed the following thresholds must report:

- For **Extremely Hazardous Substances (EHSs)** **either** 500 pounds or the Threshold Planning Quantity (TPQ), **whichever is lower**. EHSs are identified in 40 CFR part 355 [Appendix A](#) and [Appendix B](#).
- For gasoline (all grades combined) at a retail gas station, the threshold level is 75,000 **gallons** (or approximately 283,900 liters), if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.
- For diesel fuel (all grades combined) at a retail gas station, the threshold level is 100,000 **gallons** (or approximately 378,500 liters), if the tank(s) was stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.
- **For all other hazardous chemicals: 10,000 pounds.**

What are facilities required to do?

- If the facility is storing or using quantities of hazardous chemicals over the threshold quantities mentioned above, under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 311, the facility must submit the same SDSs they maintain for OSHA to their **SERC, LEPC, and local fire department**. Alternatively, facilities may choose to submit a detailed list of the same chemicals instead. This is a one-time submittal; facilities have three months after becoming subject to the OSHA regulations to submit their information.
- Facilities that need to submit SDSs or chemical lists under Section 311, also need to submit an annual inventory report for the same chemicals (EPCRA Section 312). This inventory report must also be submitted to the **SERC, LEPC and local fire department** by March 1 of each year.
- Each state has differing reporting locations, requirements, and practices. It is important to [check your particular state](#).

Agricultural use exemption and fuels

- The exemption for routine agricultural use under Sections 311 and 312 is designed to eliminate the reporting of fertilizers, pesticides, and other chemical substances when applied, administered, or otherwise used as part of routine agricultural activities (October 15, 1987, 52 FR 38344). In other words, the agricultural exemption is intended primarily to cover hazardous chemicals used or stored at the farm facility. The term "agricultural" is a broad term encompassing a wide range of growing operations, farms, nurseries, and other horticultural operations (52 FR 38344).
- Harvesting service is not considered to be part of the growing operation. Therefore, the fuel used by the harvesting service must be reported under sections 311 and 312 if it exceeds the reporting threshold. However, fuel used by the farmer and which is located at the farm itself would be exempt.

Western States SERC Conference



On February 3rd and 4th, 2016, EPA held the inaugural Western States SERC Conference with over 45 attendees. The conference was held in San Diego, California with attendees representing Region 8, 9, and 10 states. Additional attendees represented national industry training groups such as TRANSCAER, the International Institute of Ammonia Refrigeration (IIAR), the Ammonia Safety Training Institute (ASTI), and railroads. Also in attendance were the national associations of the National Association of State Title III Public Officials (NASTTPO), EPA HQ and other federal agencies (OSHA, DOT FRA, DOT PHMSA, DHS).

Agenda highlights included federal updates, state presentations, panel discussions on ammonia and rail safety, and State Emergency Response Commission (SERC) roundtables, where SERC members discussed their structure and priorities, chemical inventory reporting systems, engagement with tribes and local agencies, and resources and training needs, and then reported out to the larger group on follow up items and ways federal partners can assist.

The next conference will be held January 31st and February 1st, 2017, in Denver. Additionally, quarterly webinars will be held to continue the conversation with the states on various topics of interest. The next webinar is scheduled for April 13 and LEPC members are invited to attend. Email Lori Reed for call in information. Reed.Lori@epa.gov



Training

Chemical Emergency Preparedness Training Course Las Vegas May 16-19

The course is designed as a train-the-trainer version so that those attending would be prepared to teach this course locally. The course is being held at: U.S. EPA ERT - West, 4220 S. Maryland Pkwy., Bldg. D, Las Vegas, NV 89119. The training is free but travel costs are not included. Class size will be limited to 30 participants.

Hazwoper Casper Wyoming June 20-24, 2017

Hazwoper Refresher Course Boulder Colorado May 17, 2016

More information and registration for these courses is available at [Trainex](#).

South Dakota Chemical Facility Safety Workshops July 18-22, 2016

[Click here for description and to register for Sioux Falls July 18, 2016](#)

[Click here for description and to register for Huron July 19, 2016](#)

[Click here for description and to register for Aberdeen July 20, 2016](#)

[Click here for description and to register for Pierre July 21, 2016](#)

[Click here for description and to register for Rapid City on July 22, 2016](#)

Exercises

EPA is currently conducting exercises to test downstream notifications in Region 8. This is a functional exercise aimed at observing/evaluating federal and state protocols for notifying downstream users and other affected parties of a hazmat or oil discharge or release. Findings will be shared at the upcoming RRT meeting in May being held in Denver. For more information, contact Luke Chavez at Chavez.Luke@epa.com.

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Speaking with LEPCs A Conversation with Roy Rudisill, Weld County, Colorado

Roy Rudisill, Director of Office of Emergency Management (OEM) in Weld County is the Weld County LEPC Chair and recently shared some of his insights for a successful LEPC.



Weld County is home to over 30 growing cities, charming towns, thriving businesses and thousands of acres of prime agricultural land. As Colorado's third largest county, Weld County covers almost 4,000 square miles in the northern part of the state. Agriculture and oil and gas are important industries for the county.



The LEPC membership consists of first responders including law enforcement, fire districts and EMS. However, there are also a large number of members from industry and other organizations in the county including the University of Northern Colorado, County Health Department, National Guard, Colorado Oil and Gas Commission, and several Tier II facilities.

The LEPC meets once a quarter, varying the location to alleviate some of the travel required in this large county. To encourage involvement, the LEPC invites facilities to host and provide an overview of their business, safety operations, and preparations for emergencies. They also coordinate tours of the facilities after the meetings. Rudisill feels this has been a great way to keep membership engaged. The meeting agenda always includes items from previous meetings and any hazmat incidents that occurred during the quarter.

Over the last two years, the oil and gas industry has grown quickly in the county. Consequently, spill responses and lessons learned are frequent topics of the LEPC meetings. Several members of the State Patrol Hazmat Team have worked with transport companies on safety issues related to accident prevention. Rudisill attributes open communication about concerns across the county to the LEPC's success. They are currently working on a hazard analysis for each Tier II facility which will further inform response agencies about the risks associated with a reporting facility.



When Rudisill became the Chair of the LEPC, he thought he'd primarily be tracking the 150 Tier II reports received and to make sure the bigger businesses had a good plan. Then he attended the Colorado LEPC conference and discovered there was so much more. Over the years, the one lesson he's learned is to visit and meet with the companies in the LEPC area. "Take the time to ask simple questions about the facility such as how are you communicating with first responders, what's your plan in an emergency and how can we help you? It's amazing what you can find out about a business and how eager they are to be a part of the LEPC. The benefits are so great!" Rudisill loves meeting with new industry partners and learning about their business, what they do, and what ideas they can share with others.



The OEM participates in several events that are related to community outreach. They use these events as opportunities to provide information to citizens about the LEPC. The LEPC has been very active over the years and would be happy to share more information with other LEPCs.



Region 8 Preparedness Unit Mission Statement

We will increase EPA Region 8 preparedness through:

- Planning, training, and developing outreach relations with federal agencies, states, tribes, local organizations, and the regulated community.
- Assisting in the development of EPA Region 8 preparedness planning and response capabilities through the RSC, IMT, RRT, OPA, and RMP.
- Working with facilities to reduce accidents and spills through education, inspections, and enforcement.

Region 8 SERC Contact Information

Colorado

Mr. Greg Stasinios, CEPC Co-Chair
Phone: 303-692-3023
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Mr. Dave Hard, CEPC Co-Chair
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North Dakota

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Montana

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Ms. Delila Bruno, Co-Chair
Phone: 406-324-4777
Email: dbruno@mt.gov

South Dakota

Mr. Bob McGrath, SERC Chair
Phone: 800-433-2288
Email: Trish.Kindt@state.sd.us

Utah

Mr. Chris Martin
Phone: 801-536-4287
Email: cmartin@utah.gov

Mr. Jonathan Whitesides
Office: 801-728-2725
Email: jwhites1@utah.gov

Wyoming

Mr. Don Huber, SERC Chair
Phone: 307-777-4900
Email: kim.lee@wyo.gov

RMP Hotline: 303 312 6345

RMP Reporting Center: The Reporting Center can answer questions about software or installation problems. The RMP Reporting Center is available from 8:00 a.m. to 4:30 p.m., Monday through Friday, for questions on the Risk Management Plan program: (703) 227-7650 or RMPRC@epacdx.net.

Chemical Emergency Preparedness & Prevention Office (CEPPO) <http://www.epa.gov/oem>

Compliance and Enforcement: <http://www2.epa.gov/enforcement>

[Lists of Lists](#)

Questions? Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center at (800) 424-9346 (TDD 800-553-7672) Mon-Thurs 10:00 am to 3:00 pm.

To report an oil or chemical spill, call the National Response Center at (800) 424-8802.

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Denver, CO 80202-1129
800-227-8917



This newsletter provides information on the EPA Risk Management Program, EPCRA, SPCC/FRP (Facility Response Plan) and other issues relating to Accidental Release Prevention Requirements. The information should be used as a reference tool, not as a definitive source of compliance information. Compliance regulations are published in 40 CFR Part 68 for CAA section 112(r) Risk Management Program, 40 CFR Part 355/370 for EPCRA, and 40 CFR Part 112.2 for SPCC/FRP.

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