



Region 8 Emergency Preparedness Newsletter

Volume IX No. 2 April 2019 Quarterly Newsletter

Welcome to the EPA Region 8 Preparedness Newsletter.

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[EPA Response](#)

State Painting LLC
West Valley City, Utah



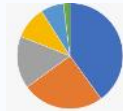
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State Painting—EPA OSC Response

State Painting is an inoperative industrial painting company, based in West Valley City, Utah, that had a contract to scour municipal water tanks using a blast media. As part of this work, the spent blast media was transported to a mixed residential/agricultural property and spread across the property. This material was being blown into nearby residential properties and potentially being washed into an adjacent wetland. There were also several hundred abandoned drums and other containers holding hazardous substances on the property.



The State of Utah Department of Environmental Quality (UDEQ) collected samples and performed several site inspections. The UDEQ sample results indicated that the spent blast material contained total chromium as well as hexavalent chromium. The state was unable to facilitate remediation of the property and contacted EPA's Emergency Response Program for assistance.

In May of 2018, EPA dispatched an On-Scene Coordinator (OSC) to the site and initiated response activities. EPA also deployed a field crew to identify the nature and extent of hazardous substances on the property and determined the necessary logistics and resources for the response.



Air Monitor

EPA then worked with the property owner to remove or relocate vehicles, equipment and other materials found in the areas to be excavated. The EPA team excavated and removed the material nearest to a daycare facility and began similar work in the back of the property. Water and fencing was used to suppress the dust generated during this excavation. Real-time dust monitors were deployed to ensure the effectiveness of the dust suppression. After removing spent blast material, EPA performed confirmation samples to verify the remaining soil was not contaminated.

Throughout this cleanup, EPA performed continuous air monitoring while removing spent blast media to ensure protection of the public and workers at the site.

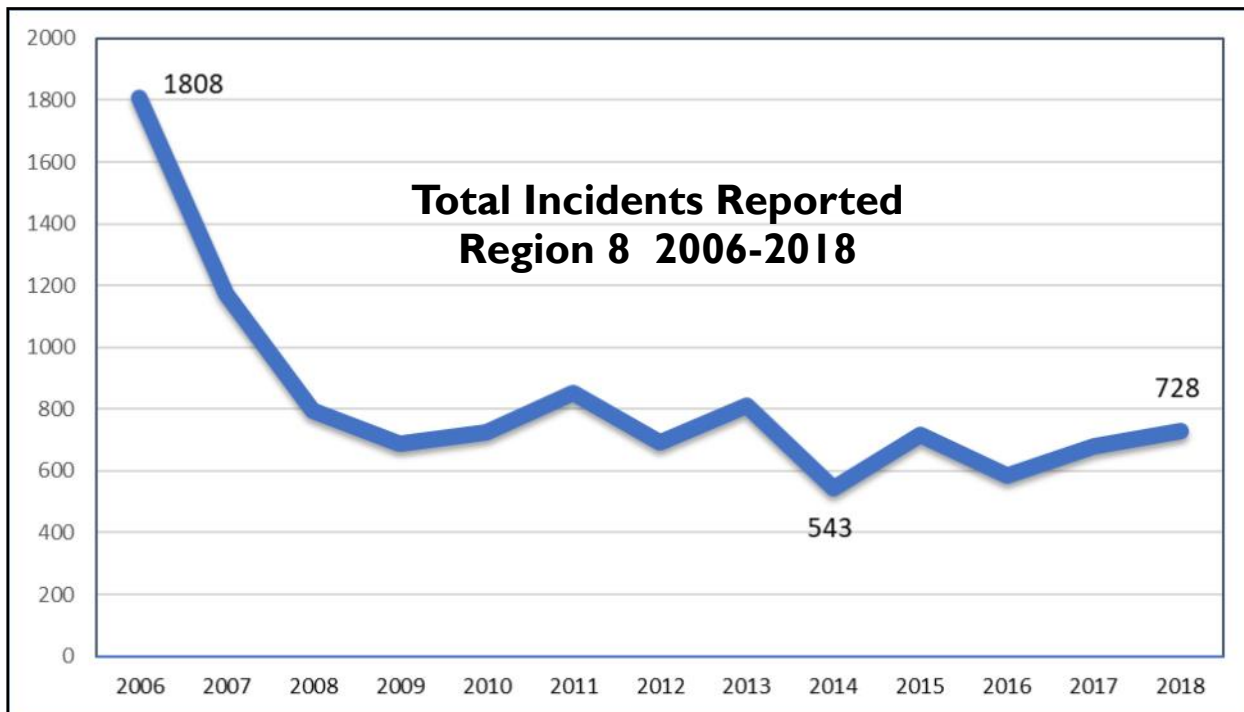
The EPA team restored the property by building retaining walls, re-sloping areas for drainage, re-installing fences, adding erosion control measures, and seeding areas disturbed by the excavation.



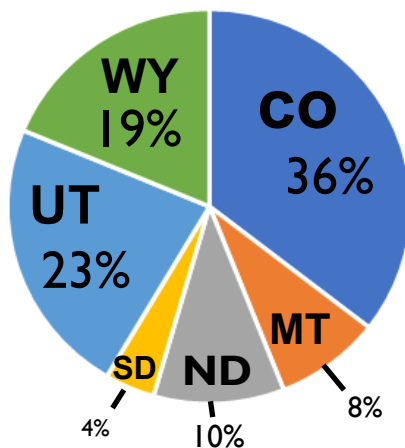
For more information, the OSC contact is Martin McComb at mccomb.martin@epa.gov.

Spill Reporting for Region 8 2006-2018

The National Response Center (NRC) is the sole national point of contact for reporting all oil, chemical, radiological, and biological discharges into the environment. In addition to gathering and distributing spill data and serving as the communications and operations center for the National Response Team (NRT), the NRC makes notifications regarding incidents meeting established trigger criteria. Region 8 has recently gathered the information from reportable spills within the region dating from 2006-2018 into a graphical report. Below are a few graphics from the consolidated data for the region. The full report is available [here](#).

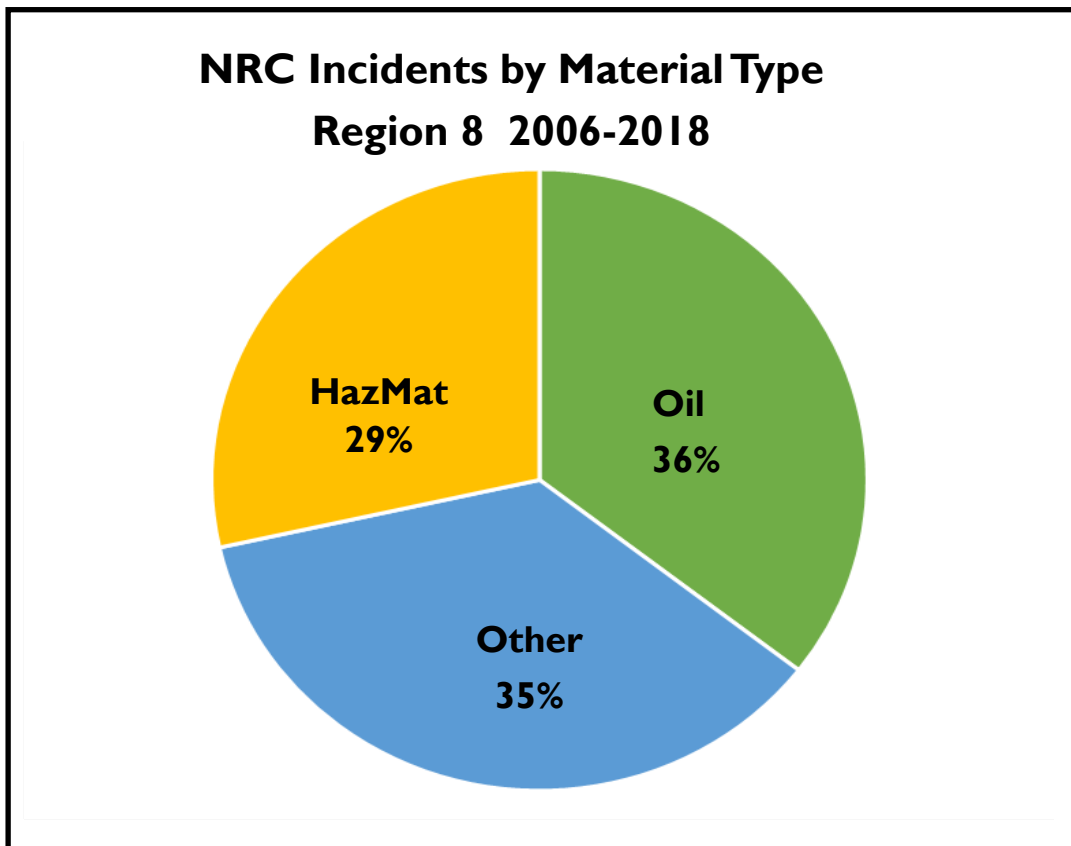
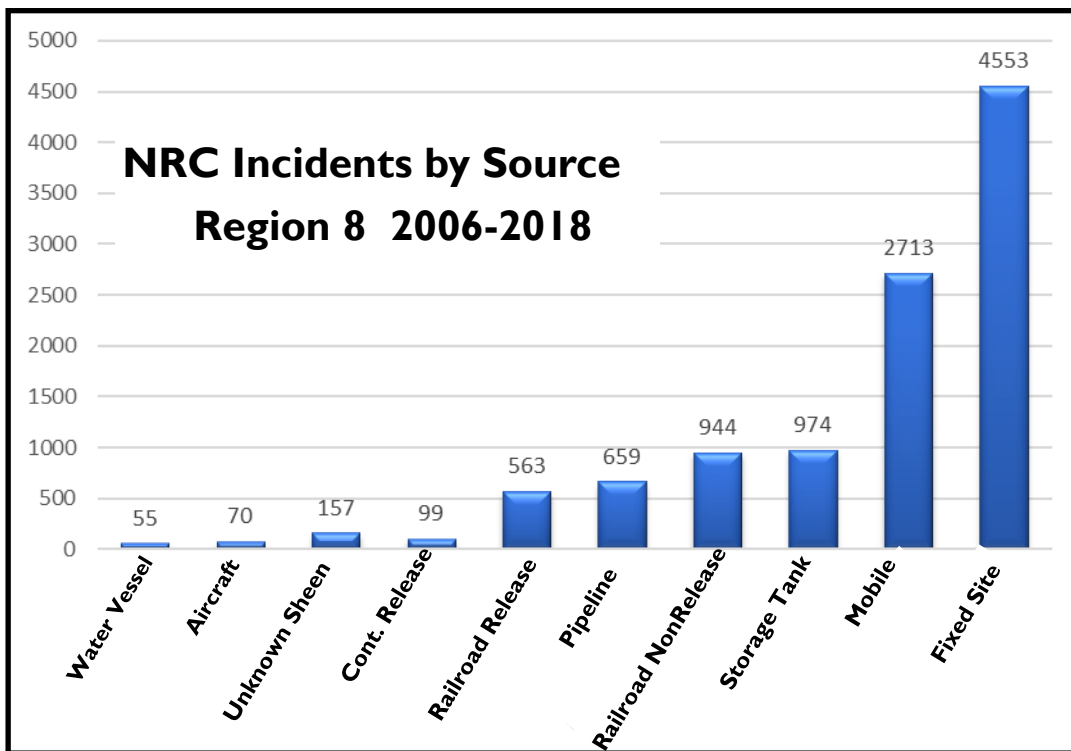


**NRC Incidents by State
2006-2018**

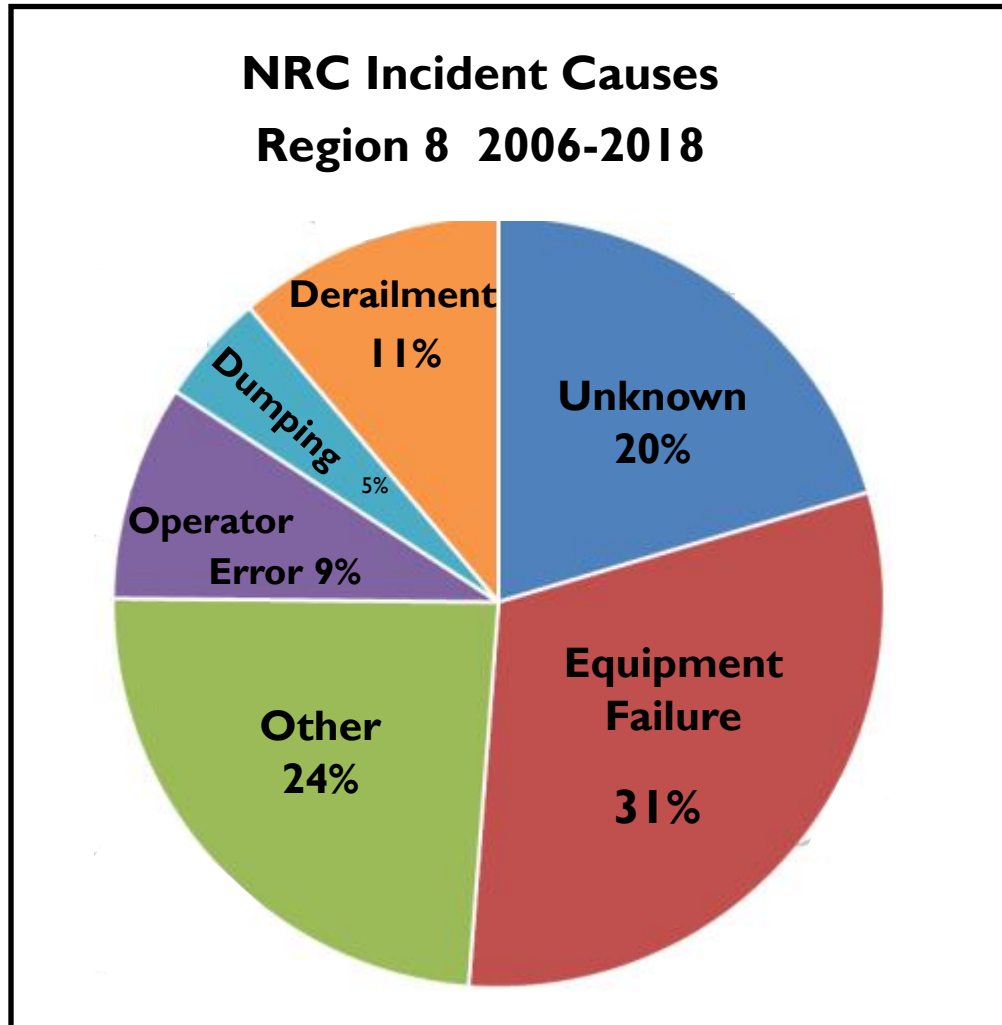


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Spill Reporting for Region 8 (Continued)



Spill Reporting for Region 8 (Continued)



Roberts County LEPC



Roberts County is in the very northeast corner of South Dakota. It borders Minnesota on the east and North Dakota on the north. Roberts is primarily a rural county with a population of just over 10,000 residents. The terrain consists of rolling hills largely devoted to agriculture. The county encompasses the 'Traverse Gap' which is an old river valley that crosses the Northern Continental Divide resulting in some flood waters actually crossing between the northern and southern drainage basins.



We spoke with Jim Pearson, Director of Emergency Management, concerning key elements of the Roberts County LEPC.

The Roberts County LEPC meets quarterly and is comprised of law enforcement and fire fighters, rescue squad personnel, emergency management, highway department members, a national weather service representative and the Sisseton Courier newspaper. A few private citizens and a facility round out the roster. The meetings are held at different locations throughout the county so arranging the meeting details involves a cooperative effort between the president, vice president and emergency management.



Jim Pearson, Director

An important role for the LEPC is making sure the Tier II reports are submitted on time (and accurately) and ensuring the local fire departments have the reports needed during a response. Another key role for the LEPC is communications

for responding agencies as well as for first responders with Memorandums of Understanding (MOUs) for Roberts County. The biggest challenge the LEPC faces is funding; they have only a small budget for meetings and training.



Valley View Vineyard, Sisseton, SD

A major interstate (I – 29) runs north and south through the county which has its share of hazmat responses. Many of the LEPC meeting discussions revolve around response times, effective communications and hazmat containment. Additional topics discussed at the meetings consist of effective radio communications, as well as updating mutual aid agreements and MOUs among responding fire and rescue departments. In the future, Pearson hopes to add more full scale exercises to keep LEPC members engaged and active in the LEPC.



Each year, LEPC members participate in the "National Night Out", an outdoor event hosted by first responders and emergency management. The setting fosters questions posed by community members, encouraging the public to interact with law enforcement under non-threatening circumstances. This gives county residents some awareness of the LEPC and helps in recruiting the private sector to the LEPC.



Pearson says, "We have a diverse and dedicated group of subject matter experts within the LEPC that makes for an enjoyable learning experience. We share something new at almost every meeting." Due to some of the difficult and tragic situations the LEPC members have faced, they have become a closely knit organization.



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PHMSA High Hazard Trains Rule

Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

On February 28, 2019, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), in coordination with the Federal Railroad Administration (FRA), published a final rule on high-hazard trains. This rule requires railroads to develop and submit Comprehensive Oil Spill Response Plans (COSRPs) for route segments traveled by High Hazard Flammable Trains (HHFTs). The Plan must be consistent with the National Contingency Plan (NCP) and the corresponding Area Contingency Plan. PHMSA may consult with the EPA or appropriate On-Scene Coordinator to ensure the COSRP meets the requirements of the NCP 40 CFR part 300.

The rule applies to HHFTs that are transporting petroleum oil in a block of 20 or more loaded tank cars and trains that have a total of 35 loaded petroleum oil tank cars.

This final rule includes a section (§ 174.312) which requires rail carriers that operate HHFTs to provide notifications to each applicable SERC, TERC, or appropriate delegated agency (for further distribution to appropriate local authorities) *upon request*. The information required to be submitted includes:

- o A reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county, within the State, or through each tribal jurisdiction;
- o The routes over which the HHFTs will operate;
- o A description of the hazardous material being transported, and all applicable emergency response information required by subparts C and G of 49 CFR part 172;
- o At least one point of contact at the railroad (including name, title, phone number, and address) with knowledge of the railroad's transportation of affected trains; and
- o If a route is subject to the COSRPs, the notification must include a description of the response zones (including counties and States) and contact information for the Qualified Individual and alternate.
- o Railroads may provide the required notifications electronically, or in hard copy, and must update the notifications for changes in volume greater than 25%.
- o The HHFT notification requirement ensures that SERCs, TERCs, or other appropriate State agencies will routinely receive and share non-sensitive information from rail carriers, regarding the movement of HHFTs in their jurisdictions, that can aid local emergency responders and law enforcement in emergency preparedness and community awareness.

For more information: see the [PHMSA Newsroom](#) press release dated February 14th, 2019 and to read the final rule, see [Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains \(FAST Act\)](#)

EPCRA FAQs

Applicability of EPCRA §§302 and 304 to EHSs produced on-site

If an extremely hazardous substance (EHS) is not stored on-site but is produced in a process such as incineration, is it exempt from both threshold planning quantity calculation and release reporting if the release is covered by a Clean Air Act permit?

If the hazardous substance is produced on-site in a process such as incineration, it is considered present at the facility and subject to Section 302 reporting requirements provided, of course, that the amount on site exceeds the threshold planning quantity at any one time. However, if the release is federally permitted under Section 101(10) of CERCLA, which includes permitted emissions into the air under the Clean Air Act, then the release need not be reported under Section 304.

Are on-site contractors responsible for EHSs brought on-site?

For Section 302 purposes, if a contractor brings an extremely hazardous substance (EHS) on-site to a facility over the threshold planning quantity, is the owner/operator of the facility or the contractor required to make the notification to the LEPC?

- or -

For Section 304 purposes, if a contractor bursts a tank at a facility and causes a release of reportable quantity (RQ) of an EHS, should the contractor or the owner/operator of the facility notify the community emergency coordinator?

For both Sections 302 and 304, a contractor could be considered an operator of the facility or of a portion of the facility depending on if he/she has enough authority. The definition of operator is not defined by statute or in the regulations. If the contractor is considered an "operator," he or she could be held liable for not making the required notifications under Sections 302 or 304. If no notification is made under sections 302 and 304, owner and operator will be held liable.

LEPC request of notification for exempt chemicals

Under Section 312, if a local emergency planning committee (LEPC) requests a Tier II from a facility owner/operator for a substance which is exempt (either under EPCRA, Section 311(e), or the OSHA Hazardous Communication Standard, 29 CFR 1910.1200(b)), are they required to comply with the request? If the LEPC requests Tier II information for the substance using their authority under Section 303(d)(3) would the facility owner/operator be required to submit the requested information?

Under Section 312, since the substance is exempt, the facility would not need to include information on the substance in their Tier I/II report. Therefore, if the LEPC requests Tier II information from the facility under Section 312(e) on the exempted substance, the facility is not required to comply with the request.

However, if the facility is subject to emergency planning under Section 302 of EPCRA, then the LEPC would have the authority (Section 303(d)(3)) to request any information necessary for developing and implementing the emergency plan. Such information may include Tier II information if the information is necessary for Section 303 planning purposes.

America's Water Infrastructure Act of 2018 (AWIA)

On October 23, 2018, America's Water Infrastructure Act (AWIA) was signed into law. The law requires community (drinking) water systems serving more than 3,300 people to develop or update **risk assessments** and **emergency response plans** (ERPs). The law includes components that the risk assessments and ERPs must address, and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP.

EPA's Water Security Division is currently working to develop the tools, resources and procedures that water systems need to comply with Section 1433 of the AWIA. This site will be updated with new information as that work progresses.

For more information concerning America's Water Infrastructure Act, please visit <https://www.congress.gov/bill/115th-congress/senate-bill/3021/text> . For the Federal Register, [link here](#).

Amendments to Emergency Planning and Community Right to Know (EPCRA)

Under Section 304:

State Emergency Response Commissions (SERCs) and Tribal Emergency Response Commissions (TERCs) must notify (state) drinking water primacy agencies of any reportable releases and provide the initial release notification information and the follow up written report. Then, the drinking water primacy agency must “promptly” forward all that information to any community water systems whose source water is affected by the release. There is no clarification for the definition of promptly.

If there is no drinking water primacy agency, the SERC/TERC must directly notify the potentially affected community water systems and provide both the initial notification and written follow up report.

Under Section 311/312

SERCs/TERCs/LEPCs/TEPCs must provide Tier II information to community water systems for locations within their source water protection area upon request.

More information for SERCs, TERCs and LEPCs and the [AWIA EPCRA Fact Sheet](#) is available at the [EPCRA EPA website](#).

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NASTTPO Annual Meeting

Registration is open for the annual National Association of State Title III Program Officials (NASTTPO) meeting to be held May 6-9th in Reno, Nevada.

The agenda will include discussions from federal partners on new regulatory and policy initiatives as well as discussions of private sector, national and international initiatives on preparedness planning including techniques for measuring success. For more information and registration, go to the NASTTPO website (www.nasttpo.com).

Regional Response Team VIII Spring Meeting

The Regional Response Team VIII (RRT VIII) meeting will be held April 24th and 25th at the US Forest Service Region 2 Office (1617 Cole Blvd., Golden, CO 80401). This meeting will be focused on the roles and responsibilities of the RRT. The RRT is a multi-agency coordination group concerned with preparedness and response to oil and hazardous materials spills on land in Montana, North Dakota, South Dakota, Wyoming, Utah and Colorado. More information is available at the [RRT VIII website](#).

Final RMP eSubmit Software Webinar

EPA is offering a webinar that will cover the basics of updating, certifying, and submitting Risk Management Plans (RMPs) through the RMP*eSubmit Software. The webinar will be held April 30, 2019 from 2:00 PM – 3:30 PM EDT. Registration information can be found at this [RMP EPA page](#).

Toxic Release Information (TRI) Reports

EPA published the national report based on 2017 TRI data (the most recent data available). The press release can be found [here](#).

Here are some helpful links for further analysis:

- <https://www.epa.gov/trinationalanalysis>
- <https://www.epa.gov/trinationalanalysis/where-you-live>
- <https://www.epa.gov/toxics-release-inventory-tri-program/tri-researchers>.

SPCC Workshop

EPA Region 8 is hosting two one-day (production and non-production) Spill Prevention & Control Countermeasures (SPCC) workshops. The SPCC production workshop will be held on May 22nd and the SPCC non-production will be May 23rd. Register for the workshop that coincides with your type of facility. Classroom space is limited and is on a first come, first served basis.

Reserve your spot for a [Production Facility](#) or a [Non-production Facility](#). If you have any questions about the workshop, please contact Donna Inman at 303-312-6201 or Inman.DonnK@epa.gov or Randy Brown at 303-312-6048 or brown03.randy@epa.gov.

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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.



To contact a member of our Region 8 EPA Preparedness Unit team, review our programs or view our organization chart, click this [link](#).

Region 8 SERC Contact Information

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ABinning@co.albany.wy.us

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 5:30 p.m., Monday - Friday:(703) 227-7650 or email RMPRC@epacdx.net.

RMP: <https://www.epa.gov/rmp> **EPCRA:** <https://www.epa.gov/epcra>

Emergency Response: <https://www.epa.gov/emergency-response>

SPCC/FRP: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

[Lists of Lists](#)

Questions? Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center at (800) 424-9346 (Monday-Thursday).

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

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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.