



# REGION 8 PREPAREDNESS



Volume IV No. I Quarterly Newsletter 2014

## Colorado's Epic Flood EPA Called to Respond



A September 9th heavy rain brought little concern to Boulder residents. The local news that evening featured college students playing in swollen Boulder Creek. No one anticipated then that sustained rainfall, as much as 18 inches over the next five days, would result in a 500-year flooding event that would claim the lives of four local residents, knock out bridges, destroy numerous homes and fill them with silt, bury cars under newly created gravel bars and ravage the countryside.

Two Colorado counties, Boulder and Larimer, while spending tremendous resources dealing with saving lives and property, also had to reckon with less obvious, more insidious flood-related issues—potential leaks resulting from

thousands of drums and containers of unknown chemicals, cars with tanks full of gas, refrigerators full of Freon, and propane tanks dislodged into the raging waters. Both counties asked for assistance in dealing with these orphan containers, household white goods, and for pulling cars from the streambeds.

EPA's initial involvement, assigned by FEMA, was to assess the damage. On-Scene Coordinators Martin McComb and Craig Myers got helicopter views of the two-county area, and observed oil storage tank spills and broad devastation.

Region 8 mobilized into Incident Command (IC) status with On-Scene Coordinator (OSC) Steven Way named as Operations Section Chief. A total of nine OSCs were active in the Regional response area with a Boulder County Division, a Plains and Mountain Division for Larimer County, a Recon Group, and an Oil Patch Group.

In the two-county area, crews recovered 35 cars, 135 propane tanks, 210 refrigerators and freezers, 47 batteries, 9,186 containers of household hazardous waste, and many other miscellaneous items.

Mr. Jeff Zayach, Director of Boulder County Public Health, stated, "You all did an absolutely superb job from start to finish! You were reachable, responsive, found ways to address barriers, responded incredibly

quickly - even when challenged with a (government) shutdown. You did a great job communicating with key people, and I have heard nothing but very positive feedback! Now that's the way to leave EPA's



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## Colorado's Epic Flood (cont.)

reputation in superior standing in a local community, and it would have been exceedingly difficult to do this without you – nice work everyone.”

Two former cleanup sites in the Lefthand Creek Watershed were also affected due to the historic flooding. Elysian Park Tailings, a site capped under a Brownfields grant in Jamestown, had part of the remedy destroyed releasing heavy metals into James Creek. OSC Paul Peronard initiated an emergency response to address the erosion of mine tailings by re-grading the banks to minimize run-off and to armor the banks with riprap to prevent further erosion. Further upstream, a mine removal site, Streamside Tailings, was also endangered by the run-off.



The original 2005 remedy was weakened by the storm but held, preventing some 50,000 cubic tons of tailings laden with heavy-metals from washing downstream into the town.

Emergency Response and Preparedness Program Director David Ostrander, Regional IC Coordinator for the response, said, “A number of small mountain and plains communities were devastated by the flooding. EPA Region 8 provided cleanup services where the local and county governments were overwhelmed. Staff worked tirelessly for long hours over many weeks to help out these communities.”

## New EPCRA Guide for Oil & Gas Facilities

The Emergency Planning and Community Right-to-Know Act (EPCRA) has a number of reporting requirements that apply to oil and gas operations. To help the industry meet these requirements, Region 8 has prepared a guide which is now available.

The guide discusses emergency planning and release notification (Sections 302 and 304) as well as emergency and hazardous chemical inventory requirements (Sections 311 and 312). Examples of the applicability of EPCRA and understanding threshold planning quantities (TPQs) are also provided in the guide.

To obtain copies of the guide, please contact Preparedness Unit Chief, Kathie Atencio at (303) 312-6803 or by e-mail at [atencio.kathie@epa.gov](mailto:atencio.kathie@epa.gov).

### An Emergency Planning and Community Right-to-Know Act (EPCRA) Guide for Oil and Gas Operations



## Delegation of RMP Program to North Dakota



Under Section 112(r) of the Clean Air Act, facilities that produce, handle, distribute or store certain chemicals are required to develop a Risk Management (RM) Program and prepare a Risk Management Plan (RMP) and to submit their RMPs to the EPA for approval.

On January 29, 2014, EPA delegated the Risk Management Program for facilities in the state of North Dakota to the North Dakota Department of Agriculture (NDDA). NDDA developed an agricultural program that set storage and siting standards for agricultural anhydrous ammonia (AN) facilities and gave the NDDA inspection and enforcement authority for these statutes. The North Dakota legislature recently expanded NDDA's authority and funding to allow the NDDA to add the RM Program to the existing program for these facilities. NDDA will now conduct outreach,

compliance assistance, and inspections for more than 300 AN facilities within the state boundaries.

On September 13, 2012, NDDA submitted a request to receive partial delegation of authority to implement and enforce the RM Program in North Dakota. EPA reviewed the State's program information, and after receiving additional information from the State, determined the request for delegation was complete on June 3, 2013, and published the proposed rule in the *Federal Register* on November 5, 2013. EPA received no comments on the proposed rule, and published the final rule in the *Federal Register* on December 30, 2013 (<https://www.federalregister.gov/articles/2013/12/30/2013-31269/approval-of-request-for-delegation-of-authority-for-prevention-of-accidental-release-north-dakota>), with an effective date of the delegation on January 29, 2014.

For more information on the North Dakota delegation, or information on how states may apply for and receive delegation, please contact [Brent Truskowski](#), Acting RMP Coordinator, at 303-312-6235.

## Executive Order 13650—Improving Chemical Facility Safety and Security

In response to the April 17, 2013, explosion at a fertilizer plant in West, Texas, that killed 15 emergency responders, President Obama signed Executive Order 13650. The order, signed on August 1, 2013, titled **Improving Chemical Facility Safety and Security**, directs the Federal government to: (1) improve operational coordination with state and local partners; improve Federal agency coordination and information sharing; (2) modernize polices, regulations and standards; and, (3) work with stakeholders to identify best operating practices. An Executive Order Working Group was established with the goal to address these issues and includes representatives from the Departments of Homeland Security (DHS), Agriculture (USDA), Justice (DOJ), Labor (DOL) and Transportation (DOT), as well as the Environmental Protection Agency (EPA).



A series of informational gathering sessions were held around the country over the few past months and the public had an opportunity to provide input and listen it the sessions in person and by telephone. An update on the progress made to implement the executive order can be found at [https://www.osha.gov/chemicalexecutiveorder/EO\\_ProgressUpdate.pdf](https://www.osha.gov/chemicalexecutiveorder/EO_ProgressUpdate.pdf). Stay tuned for the next steps from the Agencies involved in the Working Group.

## ***PREP Exercise Set for May in Casper, Wyoming***

EPA Region 8 is working with Spectra Energy to develop a full-scale oil spill response exercise at their terminal in Casper, Wyoming. This exercise is being conducted in conjunction with the National Preparedness for Response Exercise Program (PREP) and will be EPA-led. The exercise is intended to engage local emergency planners, first responders, oil spill clean-up contractors, and industry partners in an area-wide response to a worst-case discharge from an oil storage facility that could impact Casper Creek and the North Platte River dozens of miles downstream of the involved facility. The exercise is planned for May of 2014.



The National Preparedness for Response Exercise Program was developed to establish a workable exercise program which meets the intent of section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), amending section 311(j) of the Clean Water Act (CWA), by adding a new subsection for spill response preparedness (33 USC 1321(j)(7)). The PREP was developed to provide a mechanism for compliance with the exercise requirements, while being economically feasible for the government and oil industry to adopt and sustain. The PREP is a unified federal effort and satisfies the exercise requirements of the United States Coast Guard, the Environmental Protection Agency, the Research and Special Programs Administration, the Office of Pipeline Safety, and the Minerals Management Service. Completion of the PREP exercises will satisfy all OPA 90 mandated federal oil pollution response exercise requirements.

The PREP represents the minimum guidelines for ensuring adequate response preparedness. If personnel within an organization believe additional exercises or an expansion of the scope of the PREP exercises are warranted to ensure enhanced preparedness, they are highly encouraged to conduct these exercises.

The PREP exercises should be viewed as an opportunity for continuous improvement of the response plans and the response system. Plan holders are responsible for addressing any issues that arise from evaluation of the exercises, and for making changes to the response plans necessary to ensure the highest level of preparedness.

Plan holders are required to meet the pollution response exercise requirements mandated by the federal agency with regulatory oversight for the specific type of industry involved. While the PREP satisfies these requirements, is a voluntary program. Plan holders are not required to follow the PREP guidelines and, if they choose not to, may develop their own exercise program that complies with the regulatory exercise requirements.

The PREP is applicable to all industry response plan holders who elect to follow these guidelines. Area Contingency Plan holders are required to follow the PREP guidelines. Industry plan holders electing not to adopt the PREP as their exercise program will be responsible for developing and documenting an exercise program that satisfies the appropriate federal oversight agency.

For more information on the Spectra exercise, please contact Melissa Payan, U.S. EPA Region 8 Oil Program Coordinator at 303-312-6511 or [payan.melissa@epa.gov](mailto:payan.melissa@epa.gov).



## 40-Hour Hazardous Waste Operations and Emergency Response (HAZWOPER) Training



The Hazardous Waste Operations and Emergency Response (HAZWOPER) Standard applies to five distinct groups of employers and their employees. This includes any employees who are exposed or potentially exposed to hazardous substances - including hazardous waste - and who are engaged in one of the following operations as specified by [1910.120\(a\)\(1\)\(i-v\)](#) and [1926.65\(a\)\(1\)\(i-v\)](#):

- Clean-up operations that are conducted at uncontrolled hazardous waste sites;
- Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act;
- Voluntary clean-up operations at uncontrolled hazardous waste sites;
- Operations involving hazardous wastes that are conducted at Treatment, Storage and Disposal Facilities regulated by 40 CFR 264 & 265; or
- Emergency response operations for releases of hazardous substances regardless of the location of the hazard.

An opportunity to host a free 40-hour HAZWOPER course is being offered for an agency in EPA Region 8 (CO, MT, ND, SD, UT, WY). If an agency would like to host the class they need only to be able to enroll at least 20 students and have a facility that meets the requirements of the course. This course is free and open to any Federal, state, local, or tribal employee. Satisfactory completion earns each participant a 40-hour HAZWOPER certificate. For more information, please contact Mark Wullstein at (303) 312-6152 or [wullstein.mark@epa.gov](mailto:wullstein.mark@epa.gov).

## Training & Exercises



Region 8 is in the process of creating an annual 2014 Training and Exercise Plan (TEP) to address our current priorities and methodologies in training and exercise (T&E) activities. A schedule listing regional trainings and exercises is developed for each year showing the type of T&E, location, time, sponsor, participants and regional priorities being addressed. Our 2014 TEP will be presented in the next quarterly newsletter.

We are always open to assist and participate in exercises that relate to or have a component of our Emergency Support Function 10 responsibilities including: chemical, biological, radiological, nuclear or explosive events, as well as oil and other hazardous materials incidents.

Please contact Luke Chavez, Exercise Coordinator, at 303-312-6512 or [chavez.luke@epa.gov](mailto:chavez.luke@epa.gov) if you have any questions regarding EPA Region 8 T&E or have an exercise with which you would like our assistance or participation.

## EPCRA Tier II Reports Due March 1

Facilities are required to annually submit Tier II reports under Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) if they have chemicals at or above certain amounts for which they must maintain MSDSs/SDSs. Tier II reports are due to their SERCs, LEPCs, TERCs and local fire departments by March 1 of each year.

The reporting thresholds for chemicals are listed in 40 CFR Part 370 (<http://www.ecfr.gov/cgi-bin/text-id?SID=89b5ca3afca8d67960019aaf9176a77e&node=40:29.0.1.1.12&rgn=div5>). For Extremely Hazardous Substances (EHSs) designated under EPCRA Section 302, the threshold is 500 pounds or the threshold planning quantity (TPQ) whichever is lower. EHSs and their respective TPQs are listed in 40 CFR Part 355, Appendix A and B. For other hazardous substances for which facilities are required to have MSDSs/SDSs, the reporting threshold is 10,000 pounds. For additional information please see the U.S. EPA Office of Emergency Management website <http://www.epa.gov/emergencies/> and the *List of Lists* [http://www2.epa.gov/sites/production/files/2013-08/documents/list\\_of\\_lists.pdf](http://www2.epa.gov/sites/production/files/2013-08/documents/list_of_lists.pdf).

Gasoline and diesel fuel have special reporting thresholds that are applicable only for retail gas stations. For gasoline (all grades combined) stored completely underground, the threshold is 75,000 gallons. For diesel fuel stored completely underground, the threshold is 100,000 gallons.



There have been a number of changes to Tier II reporting requirements for the 2013 reporting year, for which reports are due March 1, 2014. These changes include

- Adding a new "Manned/Unmanned Facility" checkbox
- Adding the "Dun and Bradstreet Number (Parent Company)" field
- Adding a "Confidential" checkbox for chemical storage locations
- Adding a "Maximum Number of Occupants" field
- Using new code values for Maximum and Average Daily Amounts
- Switching to using full descriptive phrases for container types, pressure and temperature
- New definitions of physical and health hazards

The above list does not encompass all the changes for to Tier II reports. Of note is a revision to the requirement for declaring that certain information is covered by trade secrets. For more information and instructions on completing the Trade Secret Substantiation form, please see <http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/epcra-trade-secret-forms-and-instructions>. Be sure to talk to your environmental compliance specialist or regulatory agency if you are not sure of the changes to the requirements.

## Upcoming Events for the Emergency Planning Community

- ▶▶ **National Emergency Management Associate Conference:** March 9-14, 2014 in Alexandria, Virginia
- ▶▶ **National Radiological Emergency Preparedness Conference:** April 7-10, 2014 in Salt Lake City, Utah
- ▶▶ **National Association of SARA Title III Officials Annual Training Workshop and HMEP Grants Assistance Meeting:** April 22-25, 2014, New Orleans, Louisiana

## Crude Oil Train Derailments and Fires

Shortly after 2:00 p.m. on Monday, December 30, 2013, a mile-long train carrying crude oil collided with a freight train that had just derailed near the Town of Casselton, North Dakota. Over 400,000 gallons of crude oil were spilled and a resulting explosion and fire put the 2,400 residents of Casselton on alert to shelter-in-place or evacuate. The following article by Luke Geiver, Managing Editor of *The Bakken Magazine* (<http://thebakken.com/>) published on January 8, 2014, provides further information on the collision and response.



“North Dakota’s Senators Heidi Heitkamp and John Hoeven, along with Governor Jack Dalrymple have met with representatives from the Burlington Northern and Santa Fe railroad to discuss railway safety following the late December train derailment of a grain train that collided with a crude oil train near Casselton, North Dakota.

The derailment of the grain train caused a collision with an oil train carrying Bakken crude, resulting in a massive crude-infused explosion and fire that drew national media attention. A National Transportation Safety Board (NTSB) team was immediately dispatched to the crash site and began an investigation.

The State needs to work with the NTSB, industry and leaders to get to the root cause of the derailment,” Hoeven said following the meeting with BNSF, the railway company that operates the line near Casselton. “We also need to rigorously review ways that shipping petroleum products by rail can be improved for safety. For instance, it will be important to identify which products can be shipped in which railcars for maximum safety until newer cars come online,” he said, adding that, “At the same time, we must advance long-overdue rules for building new tankers with enhanced safety features as soon as possible.”

Dalrymple spoke with BNSF Chairman Matt Rose on the operational protocols used for trains passing one another through populated areas while carrying hazardous materials. Heitkamp stated before her visit with BNSF that she would press the railway company to do everything possible to clean up the spill site.

On January 2, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert to notify the general public, emergency responders and shippers and carriers that Bakken crude may be more flammable than traditional heavy crude oil. ([http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/1\\_2\\_14%20Rail\\_Safety\\_Alert.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/1_2_14%20Rail_Safety_Alert.pdf)) The same day, the Association of American Railroads (AAR) issued a statement on the PHMSA’s statement. “We are pleased that PHMSA today called for heightened vigilance and attention to the proper labeling of crude oil moving in tank cars. It’s critical that railroad employees and community emergency personnel know how to handle or respond in the event of an accident,” AAR said.

In November, the AAR issued a call for the retrofit or phase out of railcars that move flammable liquids. (<http://thebakken.com/articles/465/railroad-association-urges-flammable-tank-car-changes>)

The NTSB team left North Dakota to finish its investigation of the train derailment. Robert Sumwalt, NTSB Vice-chairman, delivered a media briefing before the team left its field investigation. “We are in the process of developing a detailed timeline of the accident sequence,” he said. To date, the NTSB knows the following: the grain train was traveling at 28 mph when it derailed at a switch point on the rail; no anomalies were found on the railroad signals placed alongside the tracks; event recorders from the crash may not be retrievable; a broken axle from one of the trains has been found and will be examined further based on the axle’s identification numbers that could match either train; the crash happened less than one minute after the derailment; Approximately 18 railcars derailed; there is no oil on the ground following BNSF’s fast, efficient clean-up efforts; shipping records indicate that the railcar and the crude oil was properly classified.

The NTSB is now reviewing interviews with field staff and railcar teams involved with the crash. A report regarding the crash will be released to the public when the investigation is completed.”

Luke Geiver, *The Bakken Magazine*, 1/8/14



### Preparedness Unit Mission Statement:

We will increase EPA Region 8 preparedness through:

- Planning, Training, Exercising, 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, RMP, etc.
- Working with facilities to reduce accidents and spills through education, inspections and enforcement. **To view our programs, or contact a member of our team:**

[\(Click here for Org Chart\)](#)

#### Acronym List

IMT	Incident Management Team
OPA	Oil Pollution Act
RRT	Regional Response Team
RSC	Response Support Corps
SPCC	Spill Prevention, Control, and Countermeasures



1 (800) 424-8802



**National  
Response  
Center**

[www.nrc.uscg.mil](http://www.nrc.uscg.mil)

### Need More info on the Risk Management Program (RMP)?

**Brent Truskowski, Acting RMP Coordinator: (303) 312-6235**

**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 [RMPPRC@epacdx.net](mailto:RMPPRC@epacdx.net)

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

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

**Compliance Assistance:** <http://www.epa.gov/oeaerth/assistance/index.html>



Call our hotline, the Superfund, TRI, EPCRA, RMP, and Oil Information Center (800) 424-9346 or (703) 412-9810 TDD (800) 553-7672 or (703) 412-3323 Mon-Thurs 10:00 am to 3:00 pm ET (except Federal Holidays) or see

[www.epa.gov/superfund/contacts/infocenter/](http://www.epa.gov/superfund/contacts/infocenter/)

You can also call or write to:

U.S. EPA Region 8  
1595 Wynkoop Street (8EPR-ER)  
Denver, CO 80202-1129  
800-227-8917  
CO, MT, ND, SD, UT, and WY

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

*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.*