





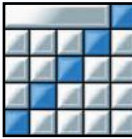





# Region 8 Emergency Preparedness Newsletter

Volume VIII No. 11 April 2018 Quarterly Newsletter

**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.

<p><a href="#">RMP Clean Air Act</a> <i>Settlement Announced</i></p> 	<p><a href="#">Chemical Plant Explosion</a> <i>Cresson Texas</i></p> 
<p><a href="#">Chemical Safety Board Sued</a></p> 	<p><a href="#">EPCRA and LEPC FAQs</a> <i>Frequently Asked Questions</i></p> 
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<p><a href="#">F.A.R.M. ACT</a> <i>Included in Appropriations Bill</i></p>	<p><a href="#">Training and Workshops</a> <i>Regional and National</i></p>
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[Region 8 EPA](#)

*Contacts and Information*

## RMP Clean Air Act Settlement

The U.S. Environmental Protection Agency (EPA) announced a Clean Air Act settlement with the U.S. Department of Justice in which Kinder Morgan Altamont and Colorado Interstate Gas have agreed to pay a \$179,099 penalty and improve the maintenance of process equipment that will reduce the risk of an accidental release of hazardous chemicals at natural gas processing facilities in Altamont, Utah and Sinclair, Wyoming.



"Risk management plans protect the public by making sure that facilities collect and share safety information and have measures in place to prevent and respond to any accidental releases of chemicals," said Suzanne Bohan, director of EPA's enforcement program in Denver. "EPA appreciates Kinder Morgan's efforts to address these deficiencies."

The settlement, lodged as a consent decree in the District of Utah, resulted from EPA inspections at the Kinder Morgan Altamont and Colorado Interstate Gas facilities which revealed violations of the Clean Air Act's Risk Management Program regulations. The violations included deficiencies associated with safety information, hazard analysis, mechanical integrity, and incident investigations. Under the consent decree, the companies will also have an industry expert conduct mechanical integrity audits

In addition to the \$179,099 penalty, the consent decree requires expenditure of at least \$387,500 on an environmental project that requires the companies to install a system flare, not otherwise required by permits or law, at the Rabbit Gulch gas compressor station in Duchesne County, Utah. *This flare will reduce emissions of volatile organic compounds (VOCs) into the atmosphere by an estimated 3.7 tons/year and methane by an estimated 9 tons/year.* VOCs can contribute local and regional air quality pollution, including ozone formation. Duchesne County is in an area that has experienced violations of the federal Clean Air Act standard for ozone.

The Kinder Morgan Altamont and Colorado Interstate Gas gas processing facilities are subject to Clean Air Act risk management regulations because they process large quantities of hazardous substances. Section 112(r) of the Act requires facilities holding more than a threshold quantity of a regulated substance to develop a risk management program and submit a plan to EPA.



Risk management plans address the proper design and maintenance of equipment such as pipes and vessels, emergency preparedness, and the ability to minimize releases that may occur. They also provide valuable information to local fire, police, and emergency response personnel to prepare for and respond to chemical emergencies. Making these plans available to the public also fosters communication and awareness to improve accident prevention and emergency response practices at the local level.

For more information on the Clean Air Act and risk management requirements: <https://www.epa.gov/rmp/risk-management-plan-rmp-rule-overview>

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## Chemical Safety Board Sued Over Accident Report Rules

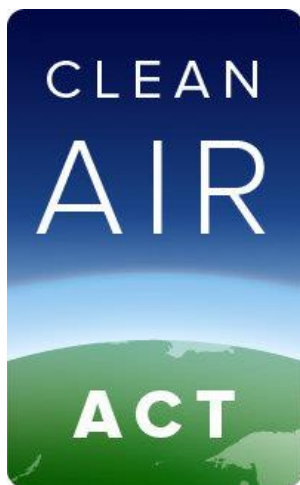
Environmentalists have sued the U.S. Chemical Safety and Hazard Investigation Board (CSB), alleging the agency has failed to publish regulations for accidental chemical-release reporting as required by the Clean Air Act (CAA). In a complaint filed last month in D.C. federal court, Air Alliance Houston, Public Employees for Environmental Responsibility (PEER) and other environmental groups say that the CAA requires the Chemical Safety Board to establish requirements for reporting accidents. While having acknowledged the mandate, the suit says, the CSB has not taken final action since the enactment of the 1990 Clean Air Act Amendments.



PEER said in a statement that the lawsuit seeks to force the CSB to establish guidelines for the disclosure of air pollutants accidentally emitted by any industry within the agency's jurisdiction. The CSB is charged with investigating chemical fires, explosions, leaks and other accidents. The group says the need for such a rule was highlighted this summer when Arkema Inc.'s liquid organic peroxide manufacturing plant caught fire in the wake of historic flooding from Hurricane Harvey. PEER lawyer Adam Carlesco said in a statement:

*America's sole industrial safety monitor is currently flying blind and placing the health of the public at risk. Congress has clearly required, and the CSB has acknowledged, that a rule must be promulgated to inform the public as to what chemicals industries have spewed into the atmosphere following an accident. Our lawsuit would finally implement this unambiguous yet long-neglected mandate.*

According to the lawsuit, the CSB in 2009 published an advance notice of proposed rule-making for chemical release reporting but took no further action. In addition, the complaint says the Office of Inspector General of the U.S. Department of Homeland Security, the U.S. Government Accountability Office and the Office of Inspector General of the U.S. Environmental Protection Agency have separately noted the CSB's lack of air pollution reporting guidelines for accidents. At least two lawsuits have been filed against Arkema over the releases from its facility. One was filed by first responders that alleged no one told them about the dangers associated with the chemicals released during the fires and explosions. A separate [class action](#) alleged that the company "could have prevented or avoided the accident with better precautionary measures."



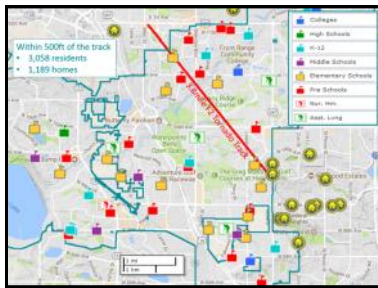
The Plaintiffs are represented by Paula Dinerstein of Public Employees for Environmental Responsibility. The case is Air Alliance Houston et al. v. U.S. Chemical Safety and Hazard Investigation Board, (case number 1:17-cv-02608) in the U.S. District Court for the District of Columbia.

Source: Law360.com

# All-Hazards Risk Assessment using MARPLOT

When disaster strikes, it's important to know what locations and infrastructure may be at risk and what resources are available. For times such as this, [MARPLOT](#)<sup>®</sup>, can help mitigate disaster. With the ability to customize maps and their features, MARPLOT appeals to users like Greg Moser, an emergency management coordinator for Westminster, Colorado who uses mapping tools to do all-hazards community risk assessment.

Developed jointly by the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) as part of the [CAMEO](#) software suite, MARPLOT allows users to select a variety of basemaps as the background image, add their own objects to maps, and customize their map further



MARPLOT screenshot, tornado

with annotations and online Web Mapping Service (WMS) layers. The CAMEO suite application is free.

Using MARPLOT, Moser can map key infrastructures — water treatment facilities, power and natural gas lines, radio towers, major roads — and compare these sites against the locations of previous hazards faced by his community (flooding, hail, tornadoes, fires, and earthquakes). Seeing these resources and hazards mapped together, Moser and his team can then determine if their community's most important (or sensitive) resources may be at risk from a natural disaster in the future. For

example, Moser has mapped flooding and dam failure inundation areas from all of the major dams in his area. Viewing these areas allows his team to assess what resources and sensitive populations might be at risk in the case of extreme rainfall.

The process of using a mapping program not only gave Moser new insights into GIS, but also into his community. "I learned a lot more about my community by building my own maps," he said. "I now have a canned database of over 100 layers that let me look at my community and its relationship to all hazards through various filters."

Moser's risk assessment will become part of his Hazard Mitigation Plan, required under the Hazard Mitigation Act of 2000 for cities to be eligible for FEMA mitigation grant funds. He found MARPLOT to be an indispensable tool in his office. Even with strong GIS support, he still uses MARPLOT because he can routinely create and tailor GIS products. He also imports publicly available federal and state information directly into the program, where he can further modify and customize the map layers. Because this software is free, using MARPLOT to build maps for his community and its hazards is much more cost effective than paying a consultant or even the city's own GIS staff.

Other users have found [dozens of ways to use MARPLOT](#) to keep their communities safe, such as providing aerial ambulances with the direction and distance to local hospitals; mapping evacuation routes and collection sites for hazmat containers displaced by the hurricanes and tornadoes; using custom-generated grids for search and rescue operations; and even mapping areas of brush removal in preparation for harsh wildfire seasons.

For more information on how the City of Westminster, Colorado uses MARPLOT for emergency management, [watch this video](#) from a Community Risk Scoring Workshop.



# NASTTPO Meeting



The National Association of SARA Title III Program Officials (NASTTPO) will hold their annual spring meeting on April 16th-20th in Oklahoma City, Oklahoma. NASTTPO is comprised of State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), federal agencies and private industry. Topics include Public/Private Partnerships, OK Pipeline Response Initiative, Tribal/LEPC Partnerships, HMEP and EPA Updates, and a tour of the NOAA Sever Storm Laboratory. For more information and an agenda, [click here](#) and [register here](#).

## F.A.R.M. and Animal Feed Operations

On March 23, 2018, the Consolidated Appropriations Act, 2018 (Omnibus Bill), was signed into law. Title XI of the Omnibus Bill, called the “Fair Agricultural Reporting Method Act” or “FARM Act” exempts the reporting of “air emissions from animal waste at a farm” under **CERCLA**. When the D.C. Circuit Court of Appeals issues its mandate vacating the 2008 final rule (expected as soon as May 1, 2018), farms will remain exempt from the CERCLA reporting requirements as a result of the Omnibus Bill.

### Does EPA interpret EPCRA Section 304 to require farms to report releases from animal waste?

EPA interprets the statute to exclude farms that use substances in “routine agricultural operations” from reporting under EPCRA section 304. As written, EPCRA section 304 requires all facilities “at which a hazardous chemical is produced, used or stored” to report releases of reportable quantities of any EPCRA Extremely Hazardous Substance and of any CERCLA hazardous substance. Congress, however, created an exception relevant to farms. As indicated above, EPCRA reporting turns on whether a facility produces, uses, or stores a hazardous chemical. The term “hazardous chemical,” as defined in EPCRA sections 329(5) and 311(e), does not include “any substance to the extent it is used in routine agricultural operations.” Therefore, if a farm only uses substances in “routine agricultural operations”, the farm would not be a facility that produces, uses or stores “hazardous chemicals,” and would therefore not be within the universe of facilities which are subject to EPCRA section 304 release reporting. Because such farms fall outside of EPCRA section 304, they are not required to report any releases of EPCRA extremely hazardous substances or CERCLA hazardous substances, including any releases from animals or animal waste.



# LEPC Meetings in Region 8



Crestone Peak Mobile Emergency Unit



Weld County Colorado LEPC



Colorado Springs City LEPC



Boulder City and County LEPC performing a Threat and Hazard Identification Risk Assessment



## LEPC Events



Baca County Colorado LEPC held a Public Health Assessment exercise during their March LEPC meeting. The exercise included a survey questionnaire of the LEPC members followed by a discussion and analysis led by public health professionals.

Karen Ashcraft, key member of Pueblo Emergency Management, and LEPC administrator, is retiring after over 30 years with the county. Her presence, organization and personality will be missed.



## Fort Carson Tire Fire

On Monday March 19th, 2018 EPA received a call from State authorities about a wild lands grass fire on the Fort Carson Army Base, near Colorado Springs. The fire had ignited a fence constructed of compressed tires located on adjacent private property. At the request of the State, County, and Local authorities, EPA deployed an On Scene Coordinator, Superfund Technical Assessment and Response Team, and contractors to the site that same day.

The fire was extinguished on March 21st by pulling the burning tires off the wall and away from the hotspots and applying dirt and water. EPA continued to monitor air quality throughout this process for worker and public safety and samples from the burn area were collected for waste characterization and eventual disposal of all impacted soil.



By March 22nd, the fire was basically out although one hotspot was identified and addressed. The fire debris was piled up in preparation for disposal and a dam that was previously installed in a nearby arroyo to control runoff was removed. On March 27th, soil sample results were below EPA's target risk range indicating no additional soil removal was necessary.

# Chemical Explosion and Fire in Texas

On March 15, 2018 there was a fire with multiple explosions at a chemical plant in Cresson, Texas resulting in one death. The explosion and fire took place at the Tri-Chem Industries plant around 9:45 a.m., the Hood County Sheriff's office said in a news release.

Nine emergency-rescue and fire departments responded to the fire in Cresson, about 50 miles southwest of Dallas, but were evacuated from the vicinity because of risk of exposure and another explosion, Cresson Mayor Bob Cornett told The Associated Press.



Fear of collapsing structures, toxic air and continuing fires hampered the rescue effort. The Environmental Protection Agency (EPA) deployed an on-site coordinator to help monitor air emissions.

Hood County Fire Marshal Ray Wilson reported that responders were dismantling portions of the structure at the Tri-Chem plant that didn't explode to reduce the danger of them collapsing.

Tri-Chem Industries is a manufacturer and distributor of specialty chemicals for foods, soaps, and industrial applications, according to the company website.

The Occupational Safety and Health Administration (OSHA) confirmed it has opened an investigation into the incident, Juan Rodriguez, deputy regional director for OSHA's Dallas region, told Bloomberg Environment.

The Texas Commission on Environmental Quality (TCEQ) is assisting first responders and coordinating with Hood County, EPA, and Fort Worth HazMat for response actions needed to address any discharges from the site and air monitoring, Brian McGovern, TCEQ spokesman, told Bloomberg Environment. After the emergency response is over, the TCEQ will help coordinate cleanup and may conduct an investigation to determine compliance with applicable state and federal environmental regulations.



For a video news report of the explosion and fire, go to [NBCDFW](#).

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# EPCRA Emergency Plans

## Emergency Plan Considerations

In preparing an LEPC's Emergency Plan, a good place to start is the [Hazardous Materials Emergency Planning Guide](#).

The extremely hazardous substances (EHS) list and threshold planning quantities (TPQs) are intended to help communities focus on the substances and facilities of most immediate concern for emergency planning and response. However, while the EHS list includes many of the chemicals which may pose an immediate hazard to a community upon release, it does not include all substances

which are hazardous enough to require community emergency response planning. There are tens of thousands of compounds and mixtures in commerce in the United States, and in specific circumstances many of them could be considered toxic or otherwise dangerous.



Similarly, TPQs are not absolute levels above which the extremely hazardous substances are dangerous and below which they pose no threat at all. Rather, they are intended to provide a "first cut" for emergency response planners in communities where these extremely hazardous substances are present. Identifying facilities where extremely hazardous substances are present in quantities greater than the threshold planning quantities will enable the community to assess the potential danger posed by these facilities.

Community emergency response planners are further aided by the [Technical Guidance for Hazardous Analysis](#) to assist local emergency planning committees in evaluating potential chemical hazards and setting priorities for sites. This technical document provides more detailed guidance on identifying and assessing the hazards associated with the accidental release of hazardous substances on a site-specific basis. It addresses considerations such as the conditions of storage or use of the substance (e.g., conditions of temperature or pressure); its physical properties (e.g., physical state - solid, liquid, or gas); volatility; dispersibility; reactivity; location (e.g., distance to affected populations); and quantity.



EPA, FEMA, the States, industry and trade associations, and public interest groups have also developed a booklet, [It's Not Over in October](#), to offer suggestions to local emergency planning committees to help them implement Title III.

# LEPC Membership

## LEPC Membership

Local Emergency Planning Committees (LEPCs) must be representative of different groups and organizations, as described in Section 301(c). It states that, at a minimum, an LEPC must include "...representatives from each of the following groups or organizations: elected State and local officials; law enforcement; civil defense; firefighting; first aid; health; local environmental; hospital; and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subtitle."

### **Does an LEPC have to consist of one individual representative from each group and organization, or can one member of an LEPC represent more than one group or organization listed?**

For an LEPC to properly carry out its duties, such as developing and distributing an emergency plan and responding to public comment, it must consist of representatives from different groups and organizations as described in Section 301(c). One member of an LEPC can be the representative for more than one group or organization, but the LEPC must include representatives from all the groups and organizations listed in the statute. For example, a member of the LEPC could be both the community group representative and the hospital representative, assuming that person is involved in both organizations.



### **Can state and local laws supersede EPCRA?**

Title III (Section 321) of SARA generally provides that nothing in Title III shall preempt or affect any state or local law. However, safety data sheets, if required under a state or local law passed after August 1, 1985, must be identical in content and form to that required under Section 311. Accordingly, while Title III does not supersede state or local laws, EPA has no authority to waive the requirements imposed under Title III. These requirements, including the threshold planning quantities, are intended to be minimum standards.

EPA is working with states that have developed reporting forms and planning structures to determine the most efficient approaches to avoid duplication of effort with existing state or local structures, forms, and requirements.

# Pennington County, South Dakota LEPC

The Pennington County LEPC is an active organization in western South Dakota with almost 50 members from 19 organizations. Dustin Willett, the Emergency Management Director, shared some insights to their success.



The LEPC meets quarterly and throughout the year holds committee meetings, facility tours, training courses, exercises, and public education engagements such as a household hazardous waste collection and Disaster Awareness Day.

Willett identified the three main responsibilities of their LEPC as communicating facility-specific hazardous materials to first responders, improving partnerships with private industry, and elevating awareness of the public regarding hazardous materials.



Dustin Willett

According to Willett, part of the success of the Pennington LEPC meetings can be attributed to serving lunch. “We also make it a point to create a personable, casual, and light-hearted environment. Greeting everyone with a hand shake and smile, along with sharing a laugh, goes a long way in making members feel welcome and comfortable – and seems to keep them coming back. Then again,” he added, “maybe it’s just the food.”

Like many LEPCs, Pennington County struggles with mission creep, recruiting members, and keeping the members engaged in projects between meetings. Allocating funds and finding money for particular projects tend to dominate discussions. Dustin hopes to see greater coordination among *all* community planning efforts, possibly eliminating some of the duplication in HazMat, emergency operations, pre-disaster mitigation, land-use and other plans. He mentioned that organizations tend recognize the value of planning and preparedness from *their* specific perspective; he believes a better result could be accomplished using a more holistic approach to developing, and more importantly, de-conflicting some of these plans.



A Pennington County landmark

Another direction he’d like to see emergency planning take is what he called ‘threat agnostic’. “As we attempt to do the greatest good for the greatest number of people with a finite amount of resources, I feel we should focus more on developing capability building blocks.” A challenge for the LEPC in this effort would be to ensure they stay within their mission (hazardous chemicals being transported, manufactured, stored, or used in the community) while developing capabilities that have application beyond the specific threat of a chemical release.

When asked what he would like to add he stated the role of the LEPC in the community is important and worthwhile, however the work is very rarely described as exciting, fast-paced, or immediately gratifying. LEPC members should realize diligence is necessary to keep members engaged and the organization relevant in the community. He added “LEPCs should not exist in a bubble. Just about every LEPC I have had the opportunity to interact with faces very similar challenges – there is tremendous benefit to networking and sharing best practices amongst the nation-wide LEPC family.”



LEPC provided trash can label

For text of the entire interview, click this [link](#).



## 2018 U.S. EPA Community Involvement Training Program

The Community Involvement Training Program brings together federal, state, local, tribal, community and industry representatives, who plan and implement environmental community involvement activities, and provides training tools and techniques that address public outreach and engagement. Registration will open soon.

Email questions to: [CITprogram@epa.gov](mailto:CITprogram@epa.gov)  
For additional information, please visit the [training website](#).  
July 18-19, 2018 | Kansas City, MO

## South Dakota Chemical and Oil Workshops

The South Dakota Department of Environment and Natural Resources (DENR) is holding workshops in August with representatives from the DENR, U.S. Occupational Safety and Health Administration, Department of Homeland Security, and Environmental Protection Agency. These workshops offer direct lines of communication with federal partners. Workshops will be held in Mitchell, Aberdeen, Pierre and Rapid City during the week of August 27th to 31st.

The morning session of each workshop is focused on chemical safety, including:

- Spill/Release reporting requirements
- Tier II reporting
- Risk Management Program (RMP) regulations
- Chemical Facility Anti-Terrorism Standard (CFATS)
- Toxic Release Inventory (TRI) requirements
- OSHA worker safety topics

[REGISTER HERE](#) for the chemical workshop.

The afternoon sessions will covers oil safety including:

- Spill Prevention Control and Countermeasure (SPCC) requirements
- Facility Response Plan (FRP) requirements
- Oil Inspection procedures
- EPA spill response authority and case study

[REIGSTER HERE](#) for the oil workshop.

Contact [Rebecca Broussard](#) with questions.

## Upcoming RRT Meeting April 18-19

The upcoming Regional Response Team (RRT) meeting will be held in Denver, Colorado. The agenda includes Ludden/Keystone Pipeline spill, California wildfire response, Pueblo Chemical Depot update, Crow Agency vandalism, and RRT agency jurisdictions/coordination.

[Link to Register.](#)

[Continues on the Next Page](#)

# National Response Team Survey

The National Response Team (NRT) is seeking feedback through an online survey regarding the current state and future direction of area contingency planning nationwide. Area Contingency Plans (ACPs) are a *critical* component of our National Response System (NRS).

## **Who should take the survey?**

- ◆ Federal agencies with a nexus to the National Response System
- ◆ EPA and USCG FOSCs
- ◆ NRT and RRT Members
- ◆ Tribal representatives
- ◆ State and local agencies (LEPCs, emergency managers, response personnel)
- ◆ Oil Spill Removal Organizations and environmental consultants
- ◆ Non-profit and voluntary organizations
- ◆ Industry plan holders
- ◆ Generally speaking, all organizations active in area committee functions.

To complete the survey, please log on to the survey [website](#). The survey will be open until April 30th, 2018.

## Ammonia Safety and Training Institute (ASTI) "Ammonia Safety Days" Training

- Aurora, Colorado October 10, 2018
- An 8-hour conference-style presentation designed for industry, firefighters and regulators addressing prevention of, and safe response to, ammonia emergencies.
- Sample topics include hazard analysis, equipment problems leading to emergencies, emergency shutdown, emergency control and containment, safety plans, personnel protection equipment, decontamination, integrating with public safety responders, monitoring systems, public receptors, communications, and safe escape or shelter.
- For more information and registration: <https://ammonia-safety.com/safety-days> or contact [asti@ammonia-safety.com](mailto:asti@ammonia-safety.com).

## Western SERC Conference

On January 30, 2018, EPA hosted a two-day conference which brought together 14 states and industry associations to discuss best practices in health, environmental, and safety performances. Each year, State Emergency Response Commissions (SERCs), Local Emergency Response Committees (LEPCs), industry associations, and tribal governments meet to address emergency preparedness, Emergency Planning Community Right-to-Know Act, and the Clean Air Act Section 112r Risk Management Program. This year's topics included ammonia safety training, military emergency management, tribal emergency management issues, and rail safety. Next year's conference will be hosted by Region 9 in early 2019. For more information, contact David Magdangal at [magdangal.david@epa.gov](mailto:magdangal.david@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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### Wyoming

Mr. Rick Lopez  
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**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](mailto: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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*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.*