









Region 8 Emergency Preparedness Newsletter

Volume IX No. I January 2019 Quarterly Newsletter

Welcome to the EPA Region 8 Preparedness Newsletter.

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Norris Labs, Montana

Norris Lab, in Norris, Montana, is located along the banks of Hot Springs Creek just upstream from the Madison River. The lab performed assays and chemical analyses for the mining industry until recently when the Occupational Safety and Health Administration closed it after an inspection.

Hundreds of improperly stored and abandoned containers held highly volatile compounds. Contaminated soil around the facility and a storm drain led directly to the creek.



The Norris Volunteer Fire Department placed a “Do Not Respond” order on the property and the Madison County Office of Emergency Management shared concerns about the state of the facility. The Montana Department of Environmental Quality (MtDEQ) worked with the property owner to explore clean-up options but the financially-constrained owner led MtDEQ to request EPA’s assistance in cleaning up the site.



EPA Actions

EPA Region 8 deployed a Response Team to the site, led by Craig Myers and Martin McComb, who met with the property owner, MtDEQ, Madison County Office of Emergency Management and the Norris Volunteer Fire Department to coordinate response activities. EPA cleared debris at the facility to establish access and create safe working zones. EPA then inventoried containers of hazardous substances to facilitate their eventual disposal.

Hazardous chemicals in the lab were moved to a nearby workshop for temporary storage and eventually packaged into drums for transport and disposal. The chemicals were then removed and shipped from the site.



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Norris Labs, Montana, Continued

The EPA, MTDEQ and Madison County entered into Unified Command and, with the assistance of the Missoula County Bomb Squad, made a plan to detonate the containers that presented an explosive risk. Care was taken to preserve historic buildings that were on the site.



The plan involved collecting the chemicals, placing them in a trailer designed to withstand an inadvertent explosion and transporting them to a location two miles outside of town for detonation. Two holes were excavated at the detonation site to support controlled detonations and a precautionary blast berm between the lab and several nearby structures was built. The Madison County Sheriff evacuated nearby residents and businesses as needed and the Montana Department of

Transportation periodically closed nearby roads.

Most of the unstable and highly explosive reagent containers were moved and detonated as planned. However, some of the most explosive reagents posed too great a risk to move. Those were detonated directly at the original lab site in a constructed detonation impoundment.

As of July 17, 2018, the Unified Command team rendered the site safe of the highly volatile and explosive chemicals found in the lab and around the property.



Preserved Historic Dance Hall Building

For more information check out [this EPA website](#).

Tier II FAQs

Is there a time period that constitutes "present at the facility?"

A facility owner/operator makes a specialty chemical by producing a chemical reaction intermediate and then injecting chlorine into the reaction vessel to start the final reaction for the final product. The facility runs these batches 3-4 times a year. The reaction intermediate is over 10,000 pounds for about a half a day. The facility is required to have a Safety Data Sheet (SDS) for the intermediate. Since the substance is not on site for 24 hours, must it be reported on Tier II?

Since the facility owner/operator is required to prepare and have available an SDS for the reaction intermediate, the substance is subject to Tier II reporting. For the substance to be reportable, it must be present at the facility above the threshold planning quantity - 10,000 lbs. Since no time period is specified for "present at the facility," it is implied that if the substance is present at any one time during the year above the threshold, it is reportable. Therefore, since the reaction intermediate is present at the facility over 10,000 lbs at one time, the substance is reportable under Section 312 and must be included on Tier II. Also, the facility owner/operator may want to indicate in some way what three days the intermediate will be present to simplify planning for the facility.

Are there Tier II deadline extensions?

EPCRA §312 requires covered facilities to submit a Tier II form to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department on March 1st of every year. Can a facility obtain an extension from EPA to submit this form after the March 1st deadline?

EPCRA §312(a)(2) states that facilities must submit a Tier I/Tier II form by the March 1st with respect to the previous calendar year. Since this is a statutory provision, EPA cannot grant extensions to the deadline.

Does ammonia in ammonium hydroxide count toward the EHS threshold?

Ammonia (CAS number 7664-41-7) is an EPCRA extremely hazardous substance (EHS) listed in Appendix A to Part 355. However, ammonium hydroxide, which is made by combining ammonia and water, is not listed and has a separate CAS number (CAS number 1336-21-6). For the purpose of Part 370, must the amount of ammonia in ammonium hydroxide be counted (and aggregated) towards the 500 pound EHS threshold? For example, if a facility has 9000 pounds of ammonium hydroxide (19 percent) on site at a given time, while the 10,000 pound threshold for ammonium hydroxide is not exceeded, the amount of ammonia present in the solution (1710 pounds) would exceed the EHS's threshold of 500 pounds. Does this facility have to include ammonia in its 311 and 312 reports?

The EHS list in Part 355 is defined by reference to the CAS registry number. The CAS registry considers ammonia and ammonium hydroxide as distinct chemicals, each having a registry number. Therefore, ammonia completely dissolved in aqueous solution to form ammonium hydroxide is not an extremely hazardous substance for the purposes of EPCRA 311 and 312 reporting. The facility would report only if the amount of ammonium hydroxide exceeds 10,000 lbs.

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More Tier II FAQs

Change of ownership and responsibility for Tier II reporting

A facility changed ownership during the third quarter of the 2018 calendar year. Which owner/operator is responsible for the submission of Section 312 Tier II form for the calendar year 2018?

Both owners and operators have responsibility for reporting under Section 312. While it is not required under Sections 311 and 312, it would further the purposes of EPCRA if owners and operators informed the State Emergency Response Commission (SERC) about the change in ownership of a facility. Specifically, 40 CFR §355.20 requires that the owner or operator of a facility subject to Sections 302 and 303 inform the Local Emergency Planning Committee (LEPC) within 30 days of any change that occurred that is relevant to emergency planning. Also, the SERC should be consulted to determine if two separate reports, one for each period of ownership, are preferred to be filed, or if one combined report capturing all information for the entire year is more desirable.

Parties may wish to address who will report and the provisions of necessary records in the purchase agreement. Of course, a person who is liable for reporting cannot shed his liability through any private arrangement such as a purchase agreement.

Consumer product exemption and batteries

Sections 311 and 312 apply to owners or operators of any facility that is required to prepare or have available a safety data sheet (SDS) for an OSHA defined hazardous chemical present at the facility at any one time in amounts equal to or greater than established thresholds. Facility owners or operators must file SDSs and Tier inventory forms for each hazardous chemical which meets the reporting criteria. A facility purchases non-industrial batteries in the same form as those packaged for use by the general public. Must the facility consider the batteries when calculating whether Sections 311/312 thresholds have been triggered?

No. Section 311(e)(3) exempts "any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use for the general public." Because the public is generally familiar with the hazards posed by such materials, the disclosure of such substances is unnecessary for right-to-know purposes. The exemption extends to any substance packaged in the same form or concentration as a consumer product whether or not it is used for the same purpose as the consumer product (October 15, 1987, [52 FR 383440](#)).

Reminder: March 1st, 2019 Deadline

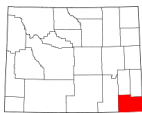
EPCRA §312(a)(2) states that facilities must submit a Tier I/Tier II form by the **March 1st** with respect to the previous calendar year.

Contact center for questions about Tier2 Submit

If you have questions about Tier2 Submit, contact the RMP Reporting Center via email (RMPPRC@epacdx.net) or phone (703-227-7650) on weekdays from 8 AM – 4:30 PM Eastern. In addition, there is a Tier2 Submit [PowerPoint tutorial](#) available.

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Laramie County Wyoming LEPC



Laramie County lies in the southeastern corner of Wyoming; it borders Nebraska on the east and Colorado on the south. It is the most populous county in Wyoming. Don't be confused: the **city** of Laramie, Wyoming, is in the neighboring Albany **County**.

The Laramie County LEPC meetings occur quarterly at the Cheyenne/Laramie County Emergency Management Agency (EMA) building. The EMA staff usually manages the details of the LEPC meetings along with Chair Jeanine West. The EMA building also serves as the Emergency Operation Center (EOC). Therefore, according to Ms. West, "If Laramie County experiences a large-scale event, the responding agencies are already familiar with the EOC location and functionality."



Jeanine West

The LEPC's diverse roster consists of both private and public sectors. The membership includes law enforcement, emergency management, oil & gas, the National Weather Service, fire fighters, education, and the military.

Laramie County houses numerous first responding agencies. Coordinating and fostering the relationships between them creates better response and mitigation during an incident. West states that communication among the agencies tops her priorities for the LEPC.

Not unique among LEPCs, funding presents an issue for the Laramie LEPC. EMA has a small budget for meetings and no funding to bring in any type of training specialists or materials. In the past, some companies have provided funding but that has also become limited.



With two major interstates, two major railroads, and a refinery within the county, transport and handling of hazardous materials dominates LEPC discussions. Part of the LEPC's success stems from allowing all parties to be heard and have a 'seat at the table'. Ms. West reiterates, "This creates more discussion. Getting to know supporting agencies prior to emergencies is important when coordinating response and recovery efforts."



In the future, Ms. West hopes to continue the exercises, planning, and coordinating efforts with LEPC members. However, with chemicals as one of the major hazards within Laramie County, she would like to see more agencies participate.

Ms. West clearly enjoys her work with the LEPC. "One of the major joys of the LEPC is working with a variety of professionals that may not be communicating outside of the LEPC. The LEPC allows discussion of capabilities and deficiencies of the community, enhancing a better understanding of where we can help each other out when an incident occurs. Laramie County is a fairly small community where neighbors helping neighbors is a very real and important aspect of living here."



Risk Management Program (RMP)

The Environmental Protection Agency (EPA) announced that the amendments to the Risk Management Program under the Clean Air Act put forward in a final rule published in the Federal Register on January 13, 2017 are in effect. On December 3, 2018, EPA published a final rule that will incorporate the RMP Amendments into the Code of Federal Regulations (40 CFR Part 68). Final Rule: [Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act \(83 FR 62268\)](#). More information is available at [RMP Amendments Compliance Information](#). EPA will provide additional information on RMP regulations as soon as it is available.

RMP e*Submit Webinars

The EPA anticipates there may be a large number of RMP e*Submit resubmissions this year. The EPA plans to hold four RMP e*Submit webinars to familiarize people with the software. The webinars will be held February 5th, February 20th, March 12th, and April 30th.

You can find them listed here: <https://www.epa.gov/rmp/rmpesubmit-webinars> and there is a button on the main RMP webpage advising people that these will be held: <https://www.epa.gov/rmp>.

Emergency Release Notification Regulations

On November 14, 2018, the Environmental Protection Agency (EPA) published a proposed rule to amend the emergency release notification regulations under the Emergency Planning and Community Right-to-Know Act (EPCRA). The purpose of the amendment is to propose a reporting exemption for air emissions from animal waste at farms. This proposed rule would maintain **consistency between the emergency release notification requirements of EPCRA and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)** in accordance with the statutory text, framework, and legislative history of EPCRA. Click for [more information](#).

Plains All American Pipeline Exercise

In early November, EPA Region 8's Emergency Response and Preparedness Program (ERP) participated in a functional exercise with the Plains All American Pipeline (PAA) company and several other stakeholders along the US/Canadian border. The exercise was a simulated oil spill from PAA's Wascana Mainline which runs from Saskatchewan into the US through Montana. The primary objective was to exercise PAA's ability to coordinate an oil spill response across the Canadian/US border.

For more information contact Luke Chavez (Chavez.Luke@epa.gov) or Craig Giggelman (Giggelman.craig@epa.gov).

CAMEO Planning

This past November, EPA and the National Oceanic and Atmospheric Administration (NOAA) held their annual meeting to discuss the joint Computer Aided Management of Emergency Operations (CAMEO) software suite updates and changes.

CAMEO is comprised of five components, all of which are free and are a joint project between EPA and NOAA:

CAMEO Chemicals provides critical response information and physical properties about thousands of hazardous chemicals. The program also estimates how chemicals could react if they were mixed together.

ALOHA estimates threat zones for chemical spills, including toxic gas clouds, fires, and explosions.

CAMEOfm allows you to manage emergency planning and response data about chemicals in your community, including facilities, chemical inventories, contact information, transportation routes, past incidents, special locations of interest, and response resources.

MARPLOT shows you all the geospatial information together on a map. You can see whether ALOHA threat zones might impact vulnerable locations of interest (such as hospitals and schools) from CAMEOfm. You can also add you own layers and objects to the map.

Tier2 Submit is a software application for industry to use, and states to manage, to fulfill the required annual chemical inventory reporting.

NOAA plans significant upgrades to several of its systems to improve usability and respond to user feedback. NOAA and EPA will publicize the upcoming changes and represent the program at stakeholder meetings and conferences.

CAMEO Training in Colorado

EPA Region 8 Preparedness Unit is providing a two-day CAMEO course on February 26th and 27th, 2019. The class will cover an overview of the CAMEO Suite followed by in-depth training on ALOHA and MARPLOT including Overlay Manager and Base-map Builder Operations. The course will be held at the National Renewable Energy Lab, in Golden, Colorado. For more information, contact Kathie Atencio at Atencio.Kathie@epa.gov.

Tier2 Submit 2018 Available

Tier2 Submit 2018 is available at the EPA website Tier2 Submit Software. [Download](#) it for free. Tier2 Submit is software provided by the EPA to complete the 2018 Tier II reporting requirements. Some states may have specific software and requirements for reporting and submission of the Tier II inventory form. EPA suggests that facilities check their state for [state specific reporting requirements](#) to be certain.

Submission of the Tier II form is required under Section 312 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The purpose of this form is to provide state, local officials, and the public with specific information on potential chemical hazards. This includes the locations, as well as the amount, of hazardous chemicals present at a facility during the previous calendar year. The newest version of Tier2 Submit™ is for Reporting Year 2018.

Deadline to submit the 2018 Tier II reports is March 1, 2019.

Emergency Planning Conferences

North Dakota HazChem Conference 2018

North Dakota held their annual HazChem Conference this fall in Bismarck, North Dakota. Attendance was over 200 over the 3-day conference. Topics included LEPC roles and responsibilities, reviews of hazardous chemical spills around the state, a Jack Rabbit Project report, and AWR 147 rail car response. The key note presentation by Fire Chief Dan Fuller covered the details of the Magellan Tank Fire in West Fargo.

TrainND hosts Hazardous Materials Disaster Preparedness Symposium

TrainND Northwest hosted its second annual Disaster & Emergency Preparedness Symposium in October at Williston State College. The event brought industries, public emergency response officials, and interested parties together to learn about potential disasters and how to prepare for and respond to them. During the day, presenters focused on various topics including industry-related emergency preparedness, the FBI's role in response to the Boston Bombing, counter terrorism, and the opioid crisis. Vehicles on display during the day for attendees to tour included a medical helicopter, Williams County mobile emergency operations trailer, and other response equipment from ND's Civil Support team and Williams County. A table top exercise concerning a chlorine spill, a community emergency plan and a facility's emergency plan concluded the day.



The **2018 Colorado LEPC Conference** was held in Breckenridge Colorado. The three day conference included LEPC 101/201, Chemical Safety Board case studies, the transport of nuclear materials, legislative and regulatory updates, and an LEPC panel. The conference also held "Ignite Sessions" (20-minute, focused discussions) covering 'Mapping Tools', HMEP Grants, CAMEO, Designed Emergency Response Authority (DERA) and Chemical Safety Workshops.

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

Colorado

Mr. Greg Stasinios, Co-Chair
Phone: 303-692-3023
greg.stasinios@state.co.us

Mr. Mike Willis, Co-Chair
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North Dakota

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South Dakota

Mr. Bob McGrath, Chair
Phone: 800-433-2288
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Mr. Alan Matheson, Co-Chair
Phone: 801-536-4400
amatheson@utah.gov

Mr. Keith Squires, Co-Chair
Phone: 801-965-4461
ksquires@utah.gov

Wyoming

Ms. Aimee Binning
Phone: 307 721-1815
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>

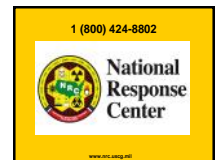
SPCC/FRP: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

[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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1595 Wynkoop Street (8EPR-ER)
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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