U.S. EPA

REGION VIII PREPAREDNESS

PARatus

Volume II No. 4 Quarterly Newsletter 2012

Need Support for Exercises?

..... FREE EXPERTISE .....

Do you need to conduct a tabletop or field training exercise during the next year?

- State Emergency Response Commission
- Local Emergency Planning Committee
- Tribal Emergency Response Commission
- Industry

For your next emergency or spill training event…

EPA can help plan, design, conduct, and evaluate your exercise so you can strengthen your response capabilities.

With some advance notice, EPA's Emergency Response OSCs (On-Scene Coordinators) and Preparedness experts are available to assist with your local or regional training, at no additional cost to you. Schedule your training event today!

Call Luke Chavez, Exercise Coordinator, at: 303-312-6512

..... FREE EXPERTISE .....

Contents:

Partner Corner

More localized info? Check out these sites.

- Montana
- Wyoming
- North Dakota
- South Dakota
- Utah
- Colorado
- Denver

Something to Consider?

As a reminder to something you already know, chemical companies may escape oversight under federal EPA or OSHA regulations and/or state and local Right-to-Know and disaster prevention regulations, by making use of railcars for on-site storage instead of using their own on-site fixed chemical storage containers. When railcars are hooked up to chemical plant processes for direct use, their "unloading and loading" is considered by some companies to be still part of "transportation", and thus regulated by U.S. DOT regulations (49 CFR) (these preempt the usually more stringent requirements of local, state and federal regulations on fixed facilities).

There is a regulatory loophole, into which hazmat railcars can be driven: a chemical company can lease a siding (stretch of track) from a railroad and leave hazmat railcars there indefinitely, even loading and unloading from them. These arrangements are called "leased sidings", or "storage in transit" or "storage incidental to transportation." Chemical companies can lease some track from railroads and call the resulting railcar storage "storage in transit." This type of storage can occur anywhere - including downtown rail yards.

Unless there is a citizen complaint from having seen rail tank cars parked for months, these tank cars are usually not considered in the preparedness process. Nevertheless, it is something to keep in mind when assessing vulnerabilities.

Training & Exercises

Region 8 Training and Exercises

Region 8 creates a Training and Exercise Plan (TEP) annually discussing our latest priorities and methodologies in addressing those regional training and exercise (T&E) priorities. A schedule listing our regional trainings and exercises is developed for each year showing the type of T&E, location, time, sponsor, participants and regional priorities being addressed (see attached T&E Schedule). We are always looking to assist and participate in exercises with regard to our responsibilities - chemical, biological, radiological, nuclear or explosive (CBRNE) events as well as other hazardous materials incidents.

Please contact Luke Chavez (chavez.luke@epa.gov, 320-312-6512) - Exercise Coordinator if you have any questions regarding EPA Region 8 T&E or have an exercise that we may assist you in. 2012 Planning and Exercise Schedule

Colorado ethanol plant to pay $5,850 penalty for Risk Management Program violations

Clean Air Act requirements designed to prevent accidental releases of toxic chemicals

Yuma Ethanol, LLC has agreed to pay a $5,850 civil penalty and correct violations relating to the storage and use of toxic and flammable substances at its ethanol plant in Yuma, Colorado. An EPA inspection of the plant in October 2011 found the company had violated Risk Management Program regulations under the Clean Air Act. By agreeing to the settlement announced today, the company has certified that the facility is now in compliance with these regulations. "These requirements ensure that facilities have up-to-date procedures in place to prevent and respond to releases of toxic chemicals used on-site," said Mike Gaydosh, EPA's Enforcement Director in Denver. "Failure to comply with these requirements can leave the public and environment at risk from accidental releases."

Under the Clean Air Act, the Yuma Ethanol facility was required to maintain a risk management plan because it exceeded the 10,000-pound storage threshold for anhydrous ammonia, an extremely hazardous chemical, and natural gasoline, a flammable substance used to denature ethanol. Yuma Ethanol was storing approximately 97,000 pounds of anhydrous ammonia at the time of the EPA inspection. This enforcement action will benefit the community, which includes minority and low-income areas. Minority populations comprise nearly half of the residents within a five-mile radius of the facility and 45 percent are below poverty level. Approximately 35 percent of the area's population is Hispanic.

EPA enforces the Risk Management Program regulations of the Clean Air Act with the goal of preventing accidental chemical releases and minimizing the impact of releases or other accidents that may occur. The establishment of effective risk management plans helps companies, industries and municipalities operate responsibly, assists emergency responders by providing vital information necessary to address accidents and other incidents, protects the environment by preventing and minimizing damage from accidental releases, and keeps communities safer.

For more information on the Clean Air Act and risk management requirements:

http://www.epa.gov/oem/content/rmp/

Kinder Morgan to pay penalty and improve accident prevention and preparedness at natural gas plants in Casper and Douglas, Wyoming

Natural gas processor will pay $316K penalty, improve risk management and maintenance

(September 20, 2012) The U.S. Environmental Protection Agency today announced two Clean Air Act settlements with Kinder Morgan Upstream LLC in which the company has agreed to pay a total of $316,000 in penalties for violating Risk Management Plan provisions at natural gas plants in Casper and Douglas, Wyoming. In addition, the company has agreed to establish new operating procedures, improve equipment maintenance, and perform integrity tests on pressure vessels to reduce the possibility of an accidental release of hazardous chemicals at both facilities.

"Companies that use chemicals and substances which pose a potential danger are responsible for having a robust risk management program in place," said Mike Gaydosh, director of EPA's enforcement program in Denver. "Failure to do so places the environment, employees, and nearby communities at risk."

Under the Clean Air Act, facilities that contain hazardous and flammable substances above specified thresholds must develop and submit a risk management plan to assist with emergency preparedness, chemical release prevention, and minimization of releases that occur. EPA inspectors found that the Kinder Morgan facilities had not adequately implemented those regulations.

For more information on the Clean Air Act and risk management requirements: http://www.epa.gov/oem/content/rmp/

EPA Releases Toxic Release Inventory (TRI Preliminary) Dataset for Reporting Year 2011

The following is an update from EPA's Superfund, TRI, EPCRA, RMP & Oil Information Center:

EPA released the Reporting Year 2011 (RY11) TRI preliminary dataset that contains the most current TRI data available and reflects toxic chemical releases and pollution prevention activities that occurred at TRI facilities during the 2011 calendar year. Users of the RY11 TRI preliminary dataset should be aware that some of the RY11 TRI data that have already been submitted to EPA may change if data quality errors are detected and specific facilities submit revised RY11 TRI reports. In addition, EPA will update the dataset periodically to reflect the processing of additional TRI facility submissions.

The TRI preliminary dataset is accessible through downloadable data files, as well as through tools such as Envirofacts and TRI Explorer. The downloadable data files are provided in three groups: basic data files, basic plus data files, and dioxin and dioxin-like compounds. Basic data files provide access to facility information and release quantities at a particular facility. Basic plus data files offer more exhaustive categorical breakdowns of both on-site and off-site waste management and release activities. Dioxin and dioxin-like compounds information is available through toxic equivalent (TEQ) files. TEQs allow the public to understand the toxicity of releases and waste management activities at facilities that report to the TRI Program.

EPA has developed questions and answers that provide more detailed information about the TRI preliminary dataset. The Agency encourages data users to read the questions and answers to understand the limitations of using and analyzing the data before the dataset is complete. The preliminary dataset, questions and answers about the dataset, and additional information are available at the following URL:

www.epa.gov/tri/tridata/preliminarydataset

For questions regarding the 2011 TRI preliminary dataset, please contact the Superfund, TRI, EPCRA, RMP & Oil Information Center at:

(800) 424-9346 -- Toll Free
(800) 553-7672 -- Toll Free TDD

To speak with an Information Specialist, please call between 10:00 AM and 5:00 PM (eastern time), Monday through Friday.

Emergency Response

Environmental Cleanup of the Whitefish Coming to a Close

With the close of calendar year 2012, the end also nears for five years of environmental cleanup in the small town of Whitefish in northwest Montana. Sometime next summer the Whitefish River, stretching for more than a mile through town, will once again be free of a characteristic oil sheen that propagated whenever river sediments were disturbed. By early next spring, or possibly late this fall, the Whitefish River will be unrestricted for boating, swimming and other recreational-related activities including a popular mountain bike path that was closed during the river cleanup.

EPA's On-Scene Coordinator (OSC), David Romero, noted that dredging operations to remove contaminated sediments from the river bottom were completed in late September and, if weather permits, he hopes that the river bed will be backfilled with 1-inch river rock by December. Should weather shut down operations or other delays occur, work will then be targeted to finish in 2013 when spring high water levels recede.

EPA estimates that BNSF, during the length of the project, will have removed more than 400 rail cars or approximately 25,000 cubic yards of impacted sediments and debris from the Whitefish. All of the railroad's work was without major incident, and BNSF made accommodations for City events such as the Glacier Challenge, the Duck Race and other events as well.

When asked about the importance of the work to the community, Mayor John Muhlfield commented that the BNSF cleanup was "extremely valuable" and added that the river is an essential part of Whitefish. "The end of this project will free up resources to even more
integrate the river with our community," the Mayor said.

Oil producing sheen in and along the river was the result of historic discharges up until and including the 1960s (primarily diesel and heavy bunker oils) that discharged into the river from the Burlington Northern Santa Fe (BNSF) fueling and repair facility located on the north edge of downtown.

Railroads have long been central to Whitefish. The Great Northern Railroad laid their first tracks there in 1891 and a rail yard was constructed in 1903, two years before the town was officially incorporated. At the turn of the century, BNSF constructed a 78-acre locomotive fueling and repair facility at the Whitefish rail yard and performed maintenance and repairs at these shops until 1958, at which time major repair activities were transferred to other BNSF facilities. The roundhouse shops were removed in 1981, and only minor maintenance is presently performed at the rail yard.

Burlington Northern built a French-drain type system to collect seepage from the rail yard in 1973 and began recovering free petroleum product from shallow groundwater via an interception trench located southeast of their roundhouse, in between wastewater lagoons and the Whitefish River. Years of investigations followed by BNSF, EPA, the Montana Department of Environmental Quality and the city of Whitefish. Studies revealed free product trapped in the sediments of the Whitefish River channel bed. (continued on next page)

Emergency Response (Cont.)

Sediment samples near the facility contained high levels of petroleum hydrocarbons that decreased with distance downstream from the BNSF facility, though impacts to the Lower Reach were still frequent and noticeable.

In 2007, a complaint of oil in the River from a Whitefish resident initiated EPA's involvement and, an EPA Regional OSC was dispatched to the scene. EPA's investigation discovered petroleum free product in river sediments near the rail facility and downstream in late 2007 and 2008. In the summer of 2009, the Agency issued an administrative order under the authority of the Clean Water Act (CWA 311(c)) as amended by the Oil Pollution Act (OPA) which required BNSF to clean up visible sheen contamination in the Whitefish River. Removal of contaminated sediment from the river began in late fall 2009 and is ongoing. EPA's oversight presence was funded by the US Coast Guard, who also actively participated and assisted with oversight during the first year.

The project was divided into four deliverables: the Upper Reach, Lower Reach, Trench Recovery System (to ensure BNSF's French- drain was functioning as intended) and on-site identification of potential subterranean discharges into the river. The Upper Reach of the Whitefish, above the 2nd Street Bridge, lasted from September 2009 to January 2011 and focused on the removal of petroleum-containing sediments adjacent to the BNSF facility. Methods employed involved the use of Coffer and Porter Dams and bypass piping. Here BNSF drained sections of the river to remove petroleum-containing sediments and in some areas dug 6 to 8-feet in depth to remove petroleum impacted sediments.

The final phase (Lower Reach) of the removal began in late July 2011 and continues to present. The removal technique employed for this final phase of the project differed from the one used in the Upper Reach. In the final phase, BNSF used a floating hydraulic dredge that vacuumed the sediment from the river bottom without draining sections of the river. BNSF selected this technique to be less impactful and to minimize disturbance to the riverbank as the work moved into the Lower Reach of the Whitefish toward more populated areas along the river.

Weekly updates are provided on the http://epaosc.org/site/site_profile.aspx?site_id=5479 website, along with dredge map updates monitoring cleanup progress.

Preparedness Unit Mission Statement:

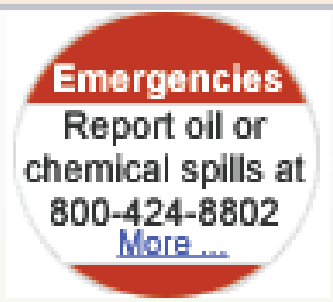
We will increase EPA Region 8 preparedness through:

- 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

Risk Management Program (RMP)

Bradley Miller–Coordinator 303-312-6483 / miller.bradley@epa.gov

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

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 (phone) RMPRC@epacdx.net (e-mail)

Chemical Emergency Preparedness & Prevention Office (CEPPO)
http://www.epa.gov/emergencies/index.htm

Compliance and Enforcement: http://www.epa.gov/compliance/index.html

Compliance Assistance: http://www.epa.gov/compliance/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/index.htm.

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.