



Region 8 Emergency Preparedness Newsletter

Volume VIII No. IV October 2018 Quarterly Newsletter

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Andrew Wheeler

EPA's Acting Administrator

On July 5, 2018, President Donald J. Trump announced the appointment of Andrew Wheeler as the new Acting Administrator of the Environmental Protection Agency. Mr. Wheeler had previously been the EPA Deputy Administrator.



Mr. Wheeler has dedicated his career to advancing sound environmental policies. He began his career as a Special Assistant in EPA's Pollution Prevention and Toxics office. He was a Principal in the Energy and Environment Practice Group at FaegreBD Consulting, as well as Counsel at Faegre Baker Daniels law firm. He also served as Co-chair of the Energy and Natural Resources Industry team across the entire firm. In addition, he spent several years working on U.S. Senate committees related to the environment, clean air, climate change, wetlands and nuclear activity.



Touring Region 8

Acting Administrator Wheeler recently completed a tour of Montana and Colorado where he visited various Superfund sites, public lands, tribal leaders, and met with EPA staff in Region 8.

He began his visit touring the Butte and Anaconda Superfund sites in Montana (making Wheeler the first EPA Administrator to visit both sites in 28 years). He met with the Confederated

Salish and Kootenai Tribes (CSKT) and Blackfeet Tribal leaders, again the first EPA Administrator to meet with these tribes. He visited the Rocky Mountain Arsenal National Wildlife Refuge and the Rocky Flats National Wildlife Refuge to commemorate the progress made at both sites. Finally, he visited EPA's Region 8 office in Denver meeting with EPA staff and union leadership.



"This historic visit reflects EPA's commitment to listen to and work with all states, tribes, and stakeholders, regardless of their zip code," said EPA Acting Administrator Andrew Wheeler. "We are making tremendous progress in the Superfund program thanks to the efforts of EPA staff, concerned citizens, and the regulated community, and these productive dialogues will only improve those efforts going forward".

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Husky Refinery Explosion in Superior, Wisconsin

The U.S. Chemical Safety Board (CSB) released a factual update to its ongoing investigation of the April 26, 2018, explosion and subsequent fires at the Husky Superior Refinery in Superior, Wisconsin. The initial explosion occurred in the refinery's Fluid Catalytic Cracking Unit (FCCU) at approximately 10:00 am while the refinery was shutting down the FCCU for periodic maintenance and inspection.

To date the CSB has determined the following:

- The explosion took place during a planned maintenance shutdown of the refinery FCCU.
- The incident occurred during a scheduled break time and many workers previously in the unit before the explosion had moved either into blast resistant buildings or away from the process unit.
- One piece of debris from the explosion flew about 200 feet and struck a large, nearby, aboveground storage tank containing about 50,000 barrels of asphalt. The side of the tank was punctured, resulting in the release of over 15,000 barrels of hot asphalt into the refinery.
- Approximately two hours after the release, the asphalt ignited, resulting in a large fire.
- As a result of the explosion, thirty-six people sought medical attention, including eleven refinery and contract workers who sustained OSHA recordable injuries. In addition, a large portion of Superior, Wisconsin was evacuated.

In addition to the report, the CSB also released an [animation of the events](#) leading up to the explosion of the FCCU. (Link is best accessed via Firefox or Google Chrome). Alternatively, you can access the video from the Chemical Safety Board videos page: <https://www.csb.gov/videos/>



Tier II FAQs

Thresholds for retail gas station with aboveground *and* underground tanks

If a retail gas station stores gasoline or diesel fuel in both aboveground and underground tanks, what EPCRA thresholds do they apply to determine if they have to report gasoline or diesel fuel on their Tier II form? If they have to report, do they report all the gasoline and diesel fuel at the facility?

Any retail gas station that has at least 10,000 pounds of gasoline or diesel fuel stored in tanks that are not entirely underground must report the total gasoline or diesel fuel at the facility on their Tier II form, including any that is stored entirely underground. Similarly, any retail gas station that has at least 75,000 gallons of gasoline or 100,000 gallons of diesel fuel stored entirely underground must report on the total gasoline or diesel fuel at the facility, including any that is not stored entirely underground. In other words, whether the facility triggers the threshold for underground storage or for aboveground storage, they report on the total gasoline or diesel fuel at that facility.

Agricultural use exemption and fuels

*Does the agricultural use exemption, Section 311(e)(5), apply to **fuels used by harvesting services** to transport crops from the farm to the market or the food processor? Does the agricultural use exemption apply to the fuel used by the farmer to transport crops from the farm to the market or the food processor?*

The exemption for routine agricultural use under Sections 311 and 312 is designed to eliminate the reporting of fertilizers, pesticides, and other chemical substances when applied, administered, or otherwise used as part of routine agricultural activities (October 15, 1987, [52 FR 38344 Opens a New Window.](#)). In other words, the agricultural exemption is intended primarily to cover hazardous chemicals **used or stored at the farm facility**. The term “agricultural” is a broad term encompassing a wide range of growing operations, farms, nurseries and other horticultural operations ([52 FR 38344 Opens a New Window](#)). Harvesting service is not considered to be part of the growing operation. Therefore, the fuel used by the harvesting service must be reported under sections 311 and 312 if it exceeds the reporting threshold. However, fuel used by the farmer and which is located at the farm itself would be exempt.

Do states require additional Tier II information?

Some states **do** want additional Tier II information; [contact your state Tier II administrator](#) for specific details. Tier2 Submit includes fields for the additional information requested or required by states. These state-required fields display as soon as you enter the facility’s street address, including the state, on the Facilities record. Most of these fields will be on the State Fields tabs in the Facilities and Chemicals in Inventory modules, but some are found on other tabs. All required fields, either federal or state-specific, are marked with red asterisks.

Tier II submission fees

There are no **federal** fees associated with the submission of a Tier II form. However, owners and operators of facilities subject to 40 CFR Part 370 are encouraged to check with their state agencies, as some states support state or local EPCRA programs through state-specific fees for Tier II submissions.

Contact center for questions about Tier2 Submit

If you have questions about Tier2 Submit, contact the RMP Reporting Center via email (RMPRC@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.

The City of Aurora, Colorado



Aurora is an urban municipality in Colorado that spans three counties: Arapahoe, Adams, and Douglas Counties. The city has over 300,000 residents and covers 150 square miles.

Historically, there has always been a strong military presence in the area, with Buckley Air Force Base currently employing over 12,000 people. Other large employers include the University of Colorado medical schools and The Children's Hospital. Aurora is known for its rapid growth during the 1970s and 1980s and, unfortunately, for the third worst mass shooting in the country at the Aurora Theatre in 2012.



Aurora has its own LEPC which is chaired by Patricia Mason, Senior Program Specialist of the Emergency Management Office. Working to gain traction within the business community, local facilities host the bi-monthly LEPC meetings. Meetings have been held at the Aurora Water Treatment Center, Helena Agri-Enterprises, the Buckley Air Force Base, and Fire Station #3 to demonstrate their

Decon capabilities. In

addition, the LEPC brings in guest speakers. The Aurora City Municipal Center acts as the home for the LEPC. .



One key mission of the LEPC is to help organizations create and exercise emergency plans based on the risks in the community. They also want to ensure first responders know what risks may be present ...before they enter a building during an emergency. Another mission is to better connect the city planning process with hazards in the community.

As the chair of the LEPC, Patricia has learned to be persistent in communicating upcoming meetings and to ensure those who attend understand it is their LEPC. As the city expands, the LEPC would like to bring city planning in as a partner as well as citizens and businesses



In September, the Aurora LEPC hosted a chemical workshop that included an analysis of dangers and risks in the community, followed by a panel of local first responders explaining what would happen during an actual chemical emergency.



South Dakota Chemical and Oil Safety Workshops

For a week in late August, representatives from the South Dakota Department of Natural Resources, EPA, Occupational Safety and Health Administration (OSHA), and Department of Homeland Security (DHS) travelled across South Dakota, providing eight workshops on chemical and oil safety and compliance. Reaching nearly 350 industry and emergency preparedness professionals, the workshops provided a direct conduit to state and federal regulators, as well as useful information on how to keep communities, families, and workers safe.

Each day, a three-hour morning workshop on chemical safety and compliance would cover spill reporting, the Emergency Planning and Community Right to Know Act, Risk Management Plans, OSHA regulations, and DHS's Chemical Facility Anti-Terrorism Standard. Then, an afternoon workshop on oil safety and compliance would cover EPA's Spill Prevention Control and Countermeasure regulations, Facility Response Plans, and EPA's spill response authority and activities across the region. Most individuals chose to attend both workshops, gaining valuable information on both chemical and oil risks and preparedness strategies.



North Dakota HazChem Conference

The ND Department of Emergency Services (NDDDES) and the ND State Emergency Response Commission (SERC) along with ND Firefighters Association, ND Dept. of Health Emergency Medical Systems, State Fire Marshal's Office, ND Highway Patrol and ND Pipeline Association announces the 2018 North Dakota Hazardous Materials Conference. The target audience includes emergency managers and emergency responders, law enforcement, fire, emergency medical personnel, public health, and public works. State agencies with a role in hazardous materials reporting and supporting incident response/recovery are also invited to participate. Important invitees include LEPC members, private Industry, Tier II and Toxic Release Inventory (TRI) facility owner/operators, and Environmental Consulting Firms.

[CLICK HERE to view the 2018 HazMat Conference agenda.](#)

Western SERCs 2019 Conference

The Fourth Annual Western State Emergency Response Commissions (SERCs) conference will be held in Clark County, Nevada next January 29th and 30th. Registration is through Eventbrite at <https://www.eventbrite.com/e/western-states-serc-collaborative-meeting-tickets-47277967674>. This is an opportunity for SERC members to share ideas and problem solve with their peers and federal partners.

Fall Region 8 RRT Meeting

The Fall 2018 Regional Response Team meeting will be held this October 16 and 17th. The meeting will be held at the US Fish & Wildlife Service Offices, 134 Union Blvd., Lakewood, Colorado. Please note the address and adjust your travel plans accordingly to account for the new location. For more information, contact Tina Artemis at Artemis.Tina@epa.gov or Todd Peterson at Todd.M.Peterson@uscg.mil

Cloverdale Foods Company Resolves Clean Air Act Violations

Company to pay penalty and invest in training and equipment to enhance local preparedness and response

The U.S. Environmental Protection Agency (EPA) announced a Clean Air Act settlement in which North Dakota-based Cloverdale Foods Company (Cloverdale Foods) has agreed to pay a \$72,530 penalty. The company has also agreed to improve the maintenance of process equipment to reduce the possibility of an accidental release of hazardous chemicals at its meat-processing in Mandan, North Dakota. As part of the settlement, Cloverdale Foods has corrected all deficiencies EPA identified in the facility's Risk Management Program and has agreed to complete two supplemental environmental projects to enhance community safety.

"This agreement will improve the safety of those who live in and visit the Mandan community for years to come," said EPA Region 8 Enforcement Director Suzanne Bohan. "Cloverdale Foods has not only taken the necessary steps to improve the management of ammonia at their facility, they are also providing training and equipment that will help local fire and emergency personnel more effectively respond to accidents and emergencies across the community."

In addition to the penalty, Cloverdale Foods will spend at least \$114,387 on supplemental environmental projects not otherwise required by permits or law. These projects include conducting specialized hazardous material response training for emergency response professionals in Morton County, with a focus on addressing ammonia releases, and providing new equipment to the Mandan Fire Department to enhance emergency and spill response capabilities. This equipment includes self-contained breathing units and masks, specialized coats, pants and gloves, and gas-detection monitors.

The Cloverdale Foods facility is subject to Clean Air Act risk management regulations because it processes large quantities of anhydrous ammonia, a hazardous substance that is highly corrosive to the skin, eyes, and lungs. Section 112(r) of the Act requires facilities holding more than 10,000 pounds of ammonia 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>

Contact information:

Richard Mylott (mylott.richard@epa.gov)

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Proposed Rulemaking on Clean Water Act

Hazardous Substances Spill Prevention

Rule Summary : On *June 15, 2018*, EPA's Administrator signed a proposed action to establish no additional regulatory requirements under the Clean Water Act (CWA) section 311(j)(1)(C) authority for CWA hazardous substances (HS) discharge prevention. Based on an analysis of the frequency and impacts of reported CWA HS discharges and the existing framework of regulatory requirements, EPA is not proposing additional regulatory requirements at this time.

This proposed action was intended to comply with the Consent Decree and to provide an opportunity for public notice and comment on EPA's proposed approach to satisfy the CWA requirements. Comments closed August 24, 2018. [Proposed Rule \(83 FR 29499\)](#)

Rule History: CWA Section 311(j)(1)(C) directs the President to issue regulations establishing procedures, methods, and equipment; and other requirements for equipment to prevent discharges of oil and HS from vessels and from onshore facilities and offshore facilities, and to contain such discharges. The President has delegated the authority to regulate non-transportation-related onshore facilities and offshore facilities landward of the coastline, under Section 311(j)(1)(C) of the CWA to EPA.

On *July 21, 2015*, EPA was sued for failing to comply with the alleged duty to issue regulations to prevent and contain CWA hazardous substance discharges. On *February 16, 2016*, the U. S. District Court for the Southern District of New York entered a Consent Decree that required EPA to sign a notice of proposed rulemaking pertaining to the issuance of hazardous substance regulations. The Consent Decree also requires EPA to take final action after notice and comment on said notice.

RMP Update

On August 17, 2018, the U.S. Court of Appeals for the D.C. Circuit Court issued its decision vacating a June 2017 EPA rule that delayed the effective date of the January 2017 Risk Management Program regulatory requirements (known as the RMP Amendments rule). The amendments modified accident prevention program elements, emergency preparedness requirements, and provisions related to information sharing to the public and local emergency planners/ responders.

On September 21, 2018, the U.S. Court of Appeals for the D.C. Circuit Court issued its mandate for the vacatur of the RMP Delay rule, which **makes the 2017 RMP Amendments rule now effective**. The 2017 rule contains a schedule of compliance dates for many of the major provisions. Some provisions of the rule require current compliance while others require compliance in the future. EPA has provided more RMP Amendments compliance information at <https://www.epa.gov/rmp/risk-management-plan-rmp-amendments-compliance-information>

The purpose of the delay rule was to provide time to consider petitions for reconsideration of the RMP Amendments rule and to propose a rule to revise or rescind these amendments. EPA published the RMP Reconsideration rule on May 30, 2018 (83 FR 24850) with an extended comment period that ended on August 23, 2018. EPA is now reviewing the public comments and is working towards a final rule that may revise or rescind some provisions of the RMP Amendments rule and adjust compliance dates.

EPA will provide additional information on the impacts of this court decision as soon as it is available on its webpage: <https://www.epa.gov/rmp/risk-management-plan-rmp-delay-rule-vacatur>

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F.A.R.M. Act Amendments to CERCLA

- ◆ On August 1st, 2018, Environmental Protection Agency (EPA) published a final rule revising regulations promulgated under CERCLA/EPCRA.
- ◆ EPA is removing regulatory provisions associated with the administrative reporting exemption that was applied to air releases of hazardous substances from animal waste at farms.
- ◆ These revisions implement the vacatur of the CERCLA and EPCRA administrative reporting exemption regulations ordered by the United States Court of Appeals for the District of Columbia Circuit on April 11th, 2017, with a final mandate issued on May 2nd, 2018.
- ◆ This rule also incorporates CERCLA revisions enacted by the Fair Agricultural Reporting Method (FARM) Act, signed into law by the President on March 23rd, 2018, which exempts reporting of air emissions from animal waste under CERCLA.



Read the final rule: Vacatur Response: [CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substance from Animal Waste at Farms; FARM Act Amendments to CERCLA Release Notification Requirements](#)

Click for [more information](#):

Mid-Missouri sub Area Contingency Plan (sACP) Update

Over 60 key members and stakeholders of the Mid-Missouri Drainage Area met to update the 2015 sub Area Contingency Plan on August 22, 2018 in New Town, North Dakota. Members of this team included Federal, State, Local and Tribal officials as well as representatives of energy industries.

The purpose: of the meeting was to update the 2015 Plan to reflect the current area, issues, stakeholders, plans and resources needed to adequately address an oil worst-case discharge or substantial threat and to mitigate or prevent such a discharge from a vessel operating in or near the area.

Several objectives were set for the meeting:

- Establish stakeholders (agencies/groups) to be involved in updating the plan
- Determine what needs to be updated and added to the 2015 plan
- Determine each stakeholder/team responsible for each section to be updated
- Agree upon a timeline and milestones leading to final sACP product.

More information can be obtained by contacting Shun-Ping Chau, EPA On-Scene Coordinator, at Chau.shun-Ping@epa.gov.

LEPC Meetings Around Region 8

*Aurora City LEPC tour of the
Decon Unit from Aurora Station
12 Fire Department*



*Jefferson County LEPC
planning meeting in
Montana City, Montana*



*Goshen County, Wyoming,
LEPC meeting with a
presentation by the All
American Pipeline Company*

Broussard to take detail assignment in DC

Rebecca Broussard has accepted a six month detail with EPA Headquarters in Washington D.C. She joined Region 8's Preparedness Unit in late 2014 and quickly became an instrumental force throughout the region's six states. Rebecca is known especially for her CAMEO demonstrations, her organization of chemical workshops and her unrelenting spirit in organizing original events like the Western SERC conferences. Fortunately for Region 8, Rebecca is going to continue her work with preparedness in the RMP sector of the EPA.



CAMEO 2.7.1 Now Available

What's changed?

- Added the Occupational Safety and Health Administration (OSHA) Process Safety Management levels in regulatory section of chemical datasheets.
- Modified Advanced Search to include new OSHA Process Safety Management data.
- Updated data, including new Hazmat Table (49 CFR 172.101) values, new DuPont Tychem suit fabric information, and updated chemical reactivity information.
- Moved links for the National Institute for Occupational Safety and Health (NIOSH) Pocket Guides and the International Chemical Safety Cards above the National Fire Protection Association (NFPA) diamond information on the chemical datasheets.
- Added Advanced Search to mobile app. (Already available in other CAMEO Chemicals formats.) Search includes more field choices, additional search operators, and the ability to search multiple fields at one time.
- Added option to import MyChemicals text files to mobile app. (Already available in other CAMEO Chemicals formats.)
- Added new view history feature to mobile app. (This is only available in the CAMEO Chemicals app format.) Use this menu item to quickly return to any datasheet that you viewed during the session.
- Added support for multi-tasking for the mobile app on iOS tablets. (This was already available on the Android version of the app.)
- Improved mobile app menu.
- Revised privacy policies for all formats.
- Updated helps.
- Made additional minor changes and bug fixes.

The latest versions of the CAMEO software suite programs are ALOHA 5.4.7, CAMEO Chemicals 2.7.1, CAMEO fm 3.4.2, MARPLOT 5.1.1, and Tier2 Submit 2017 "rev 2".

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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

Colorado

Mr. Greg Stasinios, Co-Chair
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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.

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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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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