



Paratus

EPA Region 8 Emergency Preparedness Newsletter

Volume XI No. 4 November 2021 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.

[OSC Response-Apple Valley Rollover](#)



[PFAS](#)



[Meeting Announcements and Enforcement Actions](#)

[Wildfire Guidance For Storage Tanks](#)



[EPA's Climate Adaptation Plan](#)

[CISA Announcements](#)



CISA
CYBER+INFRASTRUCTURE

[PHMSA](#)



[LEPC Conferences](#)



[TRI 35th Anniversary](#)



[Chemical Emergency Preparedness and Prevention Documents](#)



[Next Page](#)

OSC Response-Apple Valley Rollover

At approximately 12:01 pm on April 27, 2021, a tanker truck carrying 8,500 gallons of gasoline was involved in a rollover accident on Highway 36 (near Mile Marker 18) northwest of Lyons, Boulder County, Colorado. The highway is the primary route into Estes Park and Rocky Mountain National Park from the Denver metro area and the adjacent North Saint Vrain Creek is renowned for fishing and recreational opportunities. The tanker spilled an estimated 1,560 – 2,360 gallons of gasoline at the site. The spilled fuel traveled west along a drainage ditch and



into a culvert that discharges to the North Saint Vrain Creek. There are multiple water wells, irrigation ditches, residences, and public parks along the creek. A fish kill was also observed in North St. Vrain Creek downstream of the spill site. Residents along the river expressed concerns about impacts to water wells, fish, and wildlife.

Multiple local, state, and federal agencies immediately responded to the rollover incident.

Boulder County Hazardous Material Teams and the Colorado State Patrol Hazardous Material Team secured the release from the tanker truck. A load of dirt was placed above the culvert to reduce the discharge of gasoline into the creek. Fire crews deployed booms in the creek downstream of the release.

Residents were initially instructed to prepare to evacuate and, later, to shelter in place while the emergency response was underway. Gasoline is highly volatile and can readily ignite with an errant spark or lightning strike. A heavy thunderstorm with rain and lightning that evening caused responders to clear the scene briefly for fear of ignition. Response operations stood down for approximately one hour until the lightning passed. However, it continued to heavily rain most of the night.

Crews worked overnight on April 27 to off-load fuel remaining in the damaged tanker into a replacement tanker truck. Gasoline and gasoline-impacted stormwater pooled above the blocked culvert. Response crews secured the stormwater with earthen berms and collected the gasoline-contaminated water with multiple vacuum trucks to prevent discharge into the creek. The response contractors collected an estimated 1,578 gallons of gasoline the night of the incident. Response crews stored the collected gasoline and stormwater in a frac tank temporarily.



OSC Response-Apple Valley Rollover

EPA's START contractor collected water samples from the North Saint Vrain and Saint Vrain Creek. Gasoline odors and dead fish were observed three to four miles downstream. In consultation with the Lyons Town Administrator, EPA selected sampling points downstream of the discharge based on their accessibility (i.e., safely accessible at night, not rocky, steep, or dangerous terrain) and potential for public exposure. The water samples were analyzed and the results indicated that the benzene, toluene, ethyl benzene and xylene (BTEX) concentrations were all below EPA's drinking water standards. The concentration of gasoline-range organics (GRO) near the discharge point was slightly above the detection limit during the first sampling event but was not detected further downstream.

EPA's START Contractor also collected water samples on April 28 at the same locations. Again, the results were below EPA's drinking water standards, and concentrations were lower than on April 27. This data suggested that the pulse of gasoline initially discharged to the creek was dissipating.

On April 28th, Emergency response contractors, hired by the insurance company, mobilized equipment to the incident and began excavation of gasoline-contaminated soils. The Colorado State Patrol Hazardous Materials Team and EPA On Scene Coordinators (OSC) Joyel Dhieux and Valeriy Bizyayev remained on-site during the clean-up to oversee the removal. From April 28 - June 30, 2021, response contractors excavated contaminated soils; backfilled and regraded the drainage; cleaned the culvert and adjacent riprap; and maintained containment boom in the North Saint Vrain Creek. The Lyons Fire Protection District provided fire support during the clean-up. Contaminated soils were transferred off-site for disposal and response contractors began restoration of the impacted properties, with most reclamation work completed by June 30, 2021.



The Colorado Department of Public Health and Environment and the Colorado Department of Transportation are overseeing the installation of multiple monitoring wells and the collection of soil and groundwater samples. Based on the results of their investigation, additional monitoring or remediation may be necessary. Residents and recreationists have voiced concerns about the long-term impacts of the spill on the benthic macroinvertebrate community and the fish population. Colorado Parks and Wildlife and the local non-profit, Left Hand Watershed Center, will continue to assess and monitor the spill's impact on the biological community.

OSC Dhieux commented “Colorado State Patrol, Boulder County Haz Mat, and the Lyons Fire Protection District are the real heroes in this emergency response. They mobilized quickly to secure the release and protect the public.”

Regional Response Team VIII Fall Meeting

The Regional Response Team (RRT) VIII meeting was held virtually October 20 and 21st. The RRT is a multi-agency coordination group concerned with preparedness and response to oil and hazardous materials spills on land in Montana, North Dakota, South Dakota, Wyoming, Utah and Colorado. The agenda for this meeting included an overview on Chemical Countermeasures, a project roll out on updating Sub Area Contingency Plans, the next Preparedness for Response Exercise Program (PREP) exercise currently planned to be held in North Dakota next late summer as well two current case studies of recent responses.

More information is available at the [RRT VIII website](#).

NASTTPO

Due to the current Coronavirus situation, NASTTPO will be providing a series of no cost webinars until they can safely resume yearly and mid-year conferences. Be sure to check the [NASTTPO](#) website for updates on upcoming activities.

RMP Enforcement Actions

Seeley Oil Company, LLC. has entered into an Expedited Settlement Agreement for violations of the Risk Management Plan (RMP) rule at their Pleasant View, Colorado facility.

Seeley Oil Company, LLC / CAA 112(r)(7) Consent Agreement & Final Order:

[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/178F82B85E5F7CD78525871F006DFB14/\\$File/CAA-08-2021-0004%20Expedited%20Settlement%20Agreement%20Full.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/178F82B85E5F7CD78525871F006DFB14/$File/CAA-08-2021-0004%20Expedited%20Settlement%20Agreement%20Full.pdf)

Farmers Union Cooperative Association of Ferney has entered in to an Expedited Settlement Agreement for violations of the Risk Management Plan (RMP) rule at their Ferney, South Dakota.

Farmers Union Cooperative / CAA 112(r)(7) Consent Agreement & Final Order:

[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/816B76FDD32A37CA8525873D00756F71/\\$File/CAA-08-2021-0005%20ESA%20fin.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/816B76FDD32A37CA8525873D00756F71/$File/CAA-08-2021-0005%20ESA%20fin.pdf)

EPA's Climate Adaption Plan

In 2021, EPA released its new [US EPA's Climate Adaptation Plan: October 2021 \(pdf\)](#) (October 2021, 231-R-210-01) in response to Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad*. EPA's Climate Adaptation Action Plan accelerates and focuses attention on five priority actions the Agency will take over the next four years to increase human and ecosystem resilience as the climate changes and disruptive impacts increase:

1. Integrate climate adaptation into EPA programs, policies, rulemaking processes, and enforcement activities.
2. Consult and partner with Tribes, states, territories, local governments, environmental justice organizations, community groups, businesses, and other federal agencies to strengthen adaptive capacity and increase the resilience of the nation, with a particular focus on advancing environmental justice.
3. Implement measures to protect the Agency's workforce, facilities, critical infrastructure, supply chains, and procurement processes from the risks posed by climate change.
4. Measure and evaluate performance.
5. Identify and address climate adaptation science needs.



You can view the EPA Climate Adaptation Website at: [EPA.gov/Climate-Adaptation](https://www.epa.gov/climate-adaptation)

PHMSA Proposed Rulemaking

The Pipeline and Hazardous Materials Safety Administration (PHMSA), in coordination with the Federal Railroad Administration (FRA), proposes to amend the Hazardous Materials Regulations to suspend authorization of liquefied natural gas (LNG) transportation in rail tank cars pursuant to a final rule published in July 2020, pending the earlier of either completion of a separate rulemaking under RIN 2137-AF54 evaluating potential modifications to requirements governing rail tank car transportation of LNG, or June 30, 2024.



U.S. Department
of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

For more information, the federal register notice be found [here](#).

TRI/ EPCRA 35th Anniversary

On October 17, 1986, Congress passed the [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#) to help communities plan for and respond to chemical accidents, and to help them make more informed decisions that impact human health and the environment.



Among other mandates, EPCRA required, state, local, and tribal governments to form groups to share responsibility for: developing and implementing emergency response plans; and providing residents with information on the presence and releases of hazardous chemicals reported by facilities in each community. EPCRA also created the [Toxics Release Inventory \(TRI\) Program](#), which requires certain industrial and federal facilities to submit data annually to EPA about their management of toxic chemicals. The TRI is a publicly available source of information, and one of EPA's most current datasets.

The Office of Pollution Prevention and Toxics, within the Office of Chemical Safety and Pollution Prevention, manages the TRI Program. The Office of Emergency Management, within the Office of Land and Emergency Management, manages the non-TRI portions of EPCRA. States, tribes, and communities, working with facilities, can use the information collected under EPCRA to improve chemical safety and protect public health and the environment. One example of stakeholders working together to reduce pollution is highlighted in this [success story](#) in which a community group used TRI data as the basis for three Good Neighbor Agreements with facilities in Minneapolis, Minnesota.

PFAS Strategic Roadmap: EPA's Commitments to Action

On October 18, 2021, EPA Administrator Michael S. Regan announced the agency's PFAS Strategic Roadmap—laying out a whole-of-agency approach to addressing PFAS.

The roadmap sets timelines by which EPA plans to take specific actions and commits to bolder new policies to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Roadmap each represent important and meaningful steps to safeguard communities from PFAS contamination. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions.

Read an overview of the PFAS Strategic Roadmap and learn more about key actions below, or read the complete [PFAS Strategic Roadmap \(pdf\)](#).

Wildfire Guidance for Storage Tanks

EPA developed this guide as a resource for underground storage tank (UST) and oil aboveground storage tank (AST) owners and operators in the event of a wildfire. This guide may help UST and oil AST owners and operators prepare for and respond to the catastrophic effects and environmental harm that may occur as a result of partial or fully burned UST systems or oil ASTs and associated piping and appurtenances. Information in this guide may help owners and operators return their facilities to service as soon as possible. State, local, and tribal UST and oil AST program implementers may also find this guide useful.

This guide consolidates federal, state, non-governmental, and UST and oil AST industry resources. However, many communities develop their own strategies and resources to reduce the effects of wildfire on their citizens, businesses, and environment. Although this guide addresses USTs and oil ASTs affected by wildfire, some elements of it apply to other natural disasters as well.

A central feature of the guide is listings of actions to help UST and oil AST owners and operators prepare should wildfires approach their facilities, as well as steps to recover from potential impacts to their facilities.

To view the guide, click on this link: [Wildfire Guide: Preparation and Recovery for Underground and Aboveground Storage Tank Systems](#).

EPA Covid Resources

EPA Resources for State, Local, and Tribal Governments

EPA is updating its coronavirus website to include new resources for state, local, and tribal agencies and intergovernmental associations. These resources will help EPA and its partners continue to provide the environmental protection the nation depends on without interruption during the coronavirus public health emergency.

[EPA's Coronavirus \(COVID-19\) Resources for State, Local, and Tribal Agencies and Associations](#) contains important information on grants, enforcement and compliance programs, water infrastructure, and a host of other issues important to effective environmental program delivery. The webpage will be updated regularly with new information.

EPA is also continuing to update resources on its website and add to the [list of surface disinfectant products](#) that are effective against SARS-CoV-2. To contact EPA about any Coronavirus (COVID-19) issue, you may do so here:

<https://www.epa.gov/coronavirus/forms/contact-us-about-coronavirus-covid-19>.

[Next Page](#)

[Return to Top](#)

CISA Updates

Reporting Cyber Incidents

In light of the flurry of cyberattacks that our nation and chemical facilities have faced this year, CISA released a new webpage and fact sheet,

[Chemical Facility Anti-Terrorism Standards](#)

[\(CFATS\): Reporting Cyber Incidents](#), to help high-risk CFATS facilities know how and when to report significant cyber incidents under [Risk-Based Performance Standard \(RBPS\) 8 – Cyber](#) and [RBPS 15 – Reporting of Significant Security Incidents](#)



**CYBERSECURITY
& INFRASTRUCTURE
SECURITY AGENCY**



Chemical Security Seminars, December 2021

CISA will be hosting the 2021 Chemical Security Seminars virtually on December 1, 8, and 15, from 11 am to 3 pm ET (8 am to noon PT) in lieu of the in-person Chemical Security Summit in 2021. A link to registration and a draft agenda can be viewed on the [Chemical Security Seminars webpage](#).

Priority Telecommunications Services

The ability to communicate is crucial to the continuity of operations when facing adverse situations. The Cybersecurity and Infrastructure Security Agency (CISA) offers three priority telecommunications services that enable essential personnel to communicate when networks are degraded or congested.

These Priority Telecommunications Services (PTS) include:

- Government Emergency Telecommunications Service (GETS) for wireline voice communications
- Wireless Priority Service (WPS) for wireless voice communications
- Telecommunications Service Priority (TSP) for repair and installation of organizations' critical voice and data circuits.

For more information, consult the [Priority Telecommunications Services](#) website for details or contact Cathy Orcutt at 202-941-4633 or cathy.orcutt@associates.cisa.dhs.gov. Cathy hosts monthly PTS overview and update webinars on the second Thursday of each month excluding holidays.

Colorado LEPC Conference

On September 7-10, 2021, the Colorado LEPC Conference was held at the Beaver Run Resort in Breckenridge. The four day agenda included an extensive collection of presentations on basic LEPC practices, LEPC Coordinated Hazard Analysis Plans, Chemical Safety Workshops discussion provided by the Colorado Emergency Preparedness Partnership (CEPP). Discussions from local agencies including the Colorado State Patrol, the Colorado Oil and Gas Conservation Commission and the Colorado Department of Natural Resources also rounded out the agenda.

Federal agencies were still able to be present at the conference via Zoom and CISA presented on CFATS Cyber Risks, national EPA updates were provided from EPA Headquarters, EPA Region 8 held a session on the use of our regional data viewer called The Emergency Response Application (TERA) as well as gave a case study on responses the region has assisted with in Colorado over the year.

South Dakota Chemical Industry Safety Workshops

On July 27-30, 2021, the South Dakota Department of Agriculture and Natural Resources (SD DANR) and EPA Region 8 presented at four chemical industry safety and compliance workshops across South Dakota, reaching over 175 industry and local emergency planning personnel. While EPA was unable to attend in person, SD DANR was able to hold in-person workshops at Sioux Falls, Aberdeen, Chamberlain, and Rapid City.

Topics presented included spill reporting, the Emergency Planning and Community Right to Know Act Tier II Reporting, Risk Management Program, Toxics Release Inventory, inspection requirements and expectations from EPA ECAD group, EPA spill authorities, tank regulations, South Dakota waste management among others.



EPA Updates and Training

RMP Reconsideration Rule

The RMP Reconsideration Rule has been in effect since December 2019 but are you aware of upcoming deadlines? Consult the chart below for those provisions either already in effect or coming up. More details can be found at the [RMP website](#).

What	Due Date
Public Meetings	Within 90 days of any qualifying accident that occurs after March 15, 2021.
Comply with new emergency coordination requirements	Already in effect as of September 21, 2018.
Comply with remaining minor accident prevention provisions	Already in effect as of September 21, 2018.
Develop Emergency Response Programs	Within 3 years of owner/operator determining facility is subject to RMP provisions.
Develop exercise plans and schedules	December 2023

Chemical Emergency Preparedness and Prevention Documents

EPCRA Requirements: <http://www.epa.gov/epcra>

NRT Hazardous Materials Emergency Planning Guidance:
[https://www.nrt.org/Main/Resources.aspx?ResourceType=Hazards%20\(Oil,%20Chemical,%20Radiological,%20etc\)&ResourceSection=2](https://www.nrt.org/Main/Resources.aspx?ResourceType=Hazards%20(Oil,%20Chemical,%20Radiological,%20etc)&ResourceSection=2)

Actions to Improve Chemical Facility Safety and Security – A Shared Commitment:
<https://www.osha.gov/chemicalexecutiveorder/index.html>

EPCRA On-Line Training: <https://www.epa.gov/epcra/epcra-non-section-313-online-training-states-tribes-lepcs-local-planners-and-responders>

EPCRA Fact Sheets: <https://www.epa.gov/epcra/epcra-fact-sheets>

EPCRA Regional Contacts: <https://www.epa.gov/epcra/epcra-regional-contacts>

EPCRA, RMP & Oil Information Center: <https://www.epa.gov/epcra/forms/contact-us-about-emergency-planning-and-community-right-know-act-epcra>

TIER2 Submit: <https://www.epa.gov/epcra/tier2-submit-software>

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
Phone: 720-852-6694
mike.willis@state.co.us

North Dakota

Mr. Cody Schulz, Chair
Phone: 701-328-8100
nddes@nd.gov

Montana

Ms. Delila Bruno, Co-Chair
Phone: 406-324-4777
dbruno@mt.gov

Mr. John Rasmann, Co-Chair
Phone: 406-444-5328
jrasmann2@mt.gov

South Dakota

Mr. Dustin Willett, Chair
Phone: 800-433-2288
Contact: Kelsey.Newling@state.sd.us

Utah

Ms. Kim Shelley, Co-Chair
Phone: 801-536-4404
kshelley@utah.gov

Mr. Jess Anderson Co-Chair
Phone: 801-965-4062
jessanderson@utah.gov

Wyoming

Mr. Dale Heggem, Chair
Phone: 307-777-7321
dale.heggem@wyo.gov

RMP Region 8 Reading Room: (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>

[Lists of Lists](#) (Updated August 2020)

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.



U.S. EPA Region 8
1595 Wynkoop Street (8SEM-EM)
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

[Return to Top](#)