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EPA Region 8 Emergency Preparedness Newsletter

Volume XII No. 1 First Quarter 2022 Newsletter

Welcome to the EPA Region 8 Preparedness Newsletter.
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OSC Response-Lodge Grass Drum Removal

Removal Actions can often be complex endeavors. The physical location and/or environment, the types of contaminants present, the legal or regulatory challenges can all combine to make a removal action more difficult. Such is the case with the action described below.

EPA's Region 8 Resource Conservation and Recovery Act (RCRA) Program initially became aware of some abandoned 55-gallon drums in the summer of 2018 based upon a referral from the Crow Tribe Environmental staff. The drums were located on a parcel of property in Big Horn County, Montana and located just outside the town of Lodge Grass, on the I-90 Frontage Road, and is within the boundary of the Crow Reservation. The property is on the left descending bank of the Little Bighorn River approximately 19 miles upstream of the water intakes for the Crow Agency and Bureau of Indian Affairs (BIA) Drinking Water Treatment Plants. Lodge Grass, population 428, is located within one mile of the property, and the downstream drinking water treatment plants serve a population of approximately 1,800 people, of which approximately 95% are Native Americans. The site is in a heavily wooded area and is near two abandoned structures with difficult vehicle access. The primitive road nearest to the abandoned drums was blocked by a fallen tree and a wire fence.



The property owner was aware of the drums and said that they were left there with permission. It was the owner's perception that the drums contained used motor oil. On July 10, 2018, EPA RCRA staff conducted a site inspection to assess the condition of the drums and containers at the site. Twenty 55-gallon steel-top drums were identified in a single group, all appearing to contain liquids. The drums and containers were on undeveloped ground near one of the unoccupied residential structures, approximately 500 feet from the banks of the Little Bighorn River. Observations indicated the drums were in various states of deterioration.

Rust was observed on most drums, and an oily film and staining was present on the ground around the drums, indicating a release to the environment.

EPA worked closely with the property owner and Tribal authorities to provide direction and support for the removal, including a second site inspection in May of 2019. After over two years of conversations and negotiations, it became clear that the disposition of the drums would not change without stronger intervention. In July 2020, RCRA referred the Site to EPA's Superfund Response program. EPA corresponded with the property owner on numerous occasions in efforts to receive access to the property between August 2020 to October 2020. No apparent disposal efforts by the property owner had been made by February 2021. EPA issued an order requesting access to the property to perform the waste removal under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The property owner ultimately granted EPA access following the issue of the order.

OSC Response-Lodge Grass Drum Removal

On the morning of February 23, 2021, Region 8 On-Scene Coordinator (OSC) C. Myers joined START (Superfund Technical Assessment and Response Team) and ERRS (Emergency and Rapid Response) contractors to further assess the site. ERRS crews immediately began to assist in moving the fallen timber, fencing and brush overgrowth allowing the OSC and contractors gain vehicle access and to sample and characterize the drums. In addition to the 20 closed top steel drums inventoried in the original RCRA inspections, two small metal containers and a large pile of used tires were documented as being present at the scene. ERRS staff secured the immediate area using caution tape and fence posts. Air monitoring and radiation surveying near the drums indicated no elevated readings above background levels.



Fluid samples were taken from the drums to characterize the waste streams and to ensure proper disposal. On-site sampling, as well as fixed laboratory analysis done later revealed a complex soup of contaminants, ranging from petroleum-based oils and fuels as well as anti-freeze and other coolants, volatile solvents, perfluoro compounds, and halogenated hydrocarbons. Several drums were frozen in the ground, and various means to extract them were employed, including using the excavator-mounted drum hoist. Leaking containers were placed in new overpack drums and bungs were replaced on any drums that had damaged/missing bungs mitigating any further release of drum contents. The

contents of partially full drums were consolidated in other competent drums with similar waste on site or were transferred and bulked into new steel drums. All waste was transported to the Montana Department of Transportation (MDOT) lot to be secured while awaiting final disposal.

Over the next two days, a roll-off dumpster was delivered to the site, and 151 tires were collected and loaded. The dumpster was transported to the City of Billings landfill. Finally, ERRS contractors removed approximately six cubic yards of soil (4.5 inches) from an area measuring approximately 35 feet long by 12 feet wide in the former vicinity of the drums. Contaminated soil was loaded into six lined Clean Pak cubic yard boxes for transport to the MDOT yard.

In April 2021, the hazardous soil and the non-hazardous solids and liquids were transported to a Clear Harbor site in Colorado, and the hazardous non-flammable and flammable liquids were incinerated at a Clear Harbor site in Nebraska.

This action illustrates that not only does an OSC need to be an adept technical resource and project manager, but sometimes they can also be pulled into the role of diplomat and educator in order to successfully compete a project.

New Region 8 Administrator

Kathleen (KC) Becker has been appointed as EPA's Regional Administrator for Region 8. Becker will lead the implementation of the Biden-Harris environmental agenda in Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and with 28 Tribal Nations.

"With her background on critical climate change and environmental justice issues, KC is an excellent choice to lead our Region 8 team. She is experienced in stakeholder engagement and will ensure voices from throughout the region are heard on key issues," said EPA Administrator Michael S. Regan.

"I am so honored to have the opportunity to serve the Biden Administration as EPA Region 8 Administrator. The aggressive and critical agenda that President Biden and Administrator Regan have announced to address climate change, repair aging water infrastructure, and drive down methane emissions requires an 'all hands on deck' approach. I am ready to use my experience to help states, Tribal governments, businesses, and communities in Region 8 implement these important pieces of the Biden agenda," KC Becker said.

KC Becker recently completed four terms in the Colorado legislature, culminating as Speaker of the House. Prior to serving in the Colorado legislature, she served four years on Boulder, Colorado's city council. She worked for nearly seven years as an attorney-advisor in the Solicitor's Office at the US Department of the Interior, practicing administrative and natural resources law. While in the Colorado legislature, Becker led landmark legislation to reform Colorado's oil and gas sector, created a first in the nation Office of Just Transition, and passed nationally-leading legislation requiring the state of Colorado to put forward a plan to meet carbon reduction goals. Becker lives in Boulder with her husband and two sons.



NASTTPO

The National Association of SARA Title III Program Officials (NASTTPO) has announced they currently plan to move forward with hosting an in-person annual workshop scheduled to be held in Covington, Kentucky, April 18-21, 2022. The agenda will highlight new trends in emergency planning, showcase our most active and progressive LEPCS, and provide both regulatory and programmatic updates.

For workshop details, room reservation information, and registration information, please consult the [NASTTPO](#) website for more information.

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Chemical Safety Advisory

In November 2021, a joint safety advisory was issued by EPA, the Occupational Safety and Health Administration (OSHA) and the Cyber and Infrastructure Security Agency (CISA) for chemical warehouses and distribution facilities. These companies must ensure that their chemicals are managed safely, securely and in compliance with EPA, OSHA, and CISA programs to help prevent chemical accidents and security incidents. The Joint Safety Advisory can be viewed on the [webpage](#) and direct link to the [PDF](#).

EPA's Office of Enforcement and Compliance Assistance (OECA) as a part of their National Compliance Initiative also released an enforcement alert for Chemical Accident Risk Reduction titled Risks of Improper Storage of Hazardous Chemicals at Chemical Warehouses and Distribution Facilities, November 2021. This Enforcement alert is on the [website](#) and direct link to the [PDF](#).



PHMSA Hazmat Roundtable

To help guide the complex nature of hazardous materials emergency response, the International Association of Fire Chiefs (IAFC) has convened periodic Roundtable meetings for hazardous materials (hazmat) response technical specialists and subject matter experts. In these Roundtable meetings, participants identify critical issues and suggest plans of action to strengthen hazmat preparedness. In 2019, the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Fire Administration (USFA) partnered with the IAFC to reconvene the Roundtable process with a two-day meeting on February 5 and 6, 2019, at the IAFC Headquarters in Chantilly, Virginia. A number of the major issues identified in that meeting were then further examined by Roundtable member teams in three concurrent assessment efforts in 2021. The three assessment efforts focused on developing possible action options (1) to improve LEPC/TERC performance; (2) to improve risk-based response and preparedness; and (3) to improve hazmat prevention and mitigation programs (the report of these three assessment efforts is located in the appendix of this report). The analysis of hazmat issues initiated in 2019 was continued at the Roundtable meeting held on October 26 and 27, 2021.

To view the entire report, see the [2021 Hazardous Material Emergency Response Roundtable Report](#) link.

Western Regions Conference

EPA Regions 8, 9, and 10 partnered together to host virtual version of our annual Western State Emergency Response Commissions (SERCs) and Tribal Emergency Response Commissions (TERCs) meeting on January 25th and 26th. This annual meeting provides an opportunity for SERC and TERC members to share ideas and problem solve with their peers and federal partners.

Approximately 80 attendees were in attendance representing states from all three regions. Other federal agency representatives including the Pipeline and Hazardous Materials Safety Administration, the Cybersecurity and Infrastructure Security Agency, Occupational Safety and Health Administration, Federal Emergency Management Agency and the National Oceanic and Atmospheric Administration also participated.

Agenda highlights included a discussion on upcoming activities in planning, training and exercises and a panel discussion including topics on Butane hazards associated with the cannabis industry, emergency planning and extreme weather events and environmental justice.

For more information, contact Bre Bockstahler at bockstahler.breann@epa.gov or visit response.epa.gov/WesternSERCs2022.

RMP Guidance Update

EPA's Office of Emergency Management has updated two portions of the RMP Guidance, Chapters 8 (Emergency Response) and 11 (Communication with the Public), to reflect recent regulatory changes and are now posted. The updated chapters can be found here: <https://www.epa.gov/rmp/guidance-facilities-risk-management-programs-rmp#general>.

Potential RMP Regulation Update

Under the current administration, EPA is reviewing the RMP rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis (EO 13990). The Agency is considering improvements to the RMP rule to better address the impacts of climate change on facility safety and protect communities from chemical accidents, especially vulnerable and overburdened communities living near RMP facilities. In June and July 2021, EPA held two virtual public listening sessions, which gave approximately 770 interested people the opportunity to present information, comments or views pertaining to the review of RMP regulation revisions completed since 2017.

EPA is working toward publishing a proposed rule by September 2022, as reflected in the 2021 Fall Regulatory Agenda, which can be found [here](#).

LEPC/TEPC Handbook Now Final

EPA developed this national handbook as a resource for local and tribal emergency planning committees (LEPCs and TEPCs) to strengthen community preparedness for accidental chemical releases. It compiles and expands upon existing guidance materials for the [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#) and its amendments under the [America's Water Infrastructure Act \(AWIA\)](#) of 2018. This resource will be particularly helpful for new members of tribal and local organizations responsible for implementing EPCRA and for communities that may deal with chemical accidents.

This [full handbook](#) is organized into distinct chapters and sections online for ease of use. Included within the handbook are a multitude of samples and examples of documents to assist in running your LEPC/TEPC.

TRI Updates

Natural Gas Processing Facilities Added to TRI Reporting Requirements

This past fall, [EPA finalized a rule](#) requiring all natural gas processing facilities that meet TRI reporting criteria to begin reporting in 2023 (for calendar year 2022 data). Natural gas processing facilities that primarily recover sulfur from natural gas were already covered by TRI reporting requirements. The Agency believes at least 321 U.S. natural gas processing facilities will meet TRI reporting criteria.

First-Ever Use of EPCRA Discretionary Authority to Add Individual Facilities

For the first time in the TRI Program's history, [EPA is using its EPCRA discretionary authority to add 29 individual contract sterilization facilities that use ethylene oxide and/or ethylene glycol to the scope of facilities subject to TRI reporting requirements](#). Under EPCRA, the EPA Administrator may extend TRI reporting requirements to specific facilities based on a chemical's toxicity, the facility's proximity to other facilities that release the chemical or to population centers, any history of chemical releases at the facility, or other factors the Administrator deems appropriate.

RY 2021 TRI Reporting Season Opens

Industrial and federal facilities may now begin submitting TRI reporting forms for calendar year 2021 data using TRI-MEweb. These data, covering waste management and source reduction activities that occurred at facilities during 2021, are due to EPA by July 1, 2022.

Have You Tried EPA's Most User-Friendly Tool for Finding and Visualizing TRI Data?

EPA has merged its "TRI Search" and "TRI Search Plus" tools and renamed them "TRI Toxics Tracker." This tool is ideal for beginning users and for use on mobile devices. You can search for TRI facilities near an address or location or by facility name and see summary-level TRI data for the latest reporting year. Beyond TRI data, summaries include RSEI (Risk Screening Environmental Indicators) modeling results of release data, facility compliance and enforcement information, and surrounding community demographic information. TRI Toxics Tracker is available in English and Spanish via the TRI homepage: www.epa.gov/tri.

Addressing PFAS

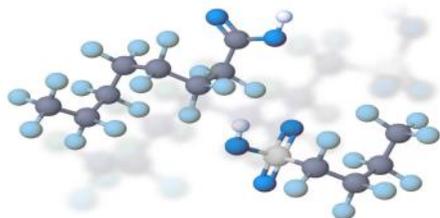
How is the Preparedness and Site Assessment Section addressing per- and polyfluoroalkyl substances (PFAS)?

The Site Assessment Team within Region 8's Superfund and Emergency Management Division has been addressing issues of PFAS in the region through a number of activities that provide support to the Agency, States, Tribes, and local governments over the past couple years. PFAS are a class of manmade chemicals that have been manufactured and used in a variety of industries since the 1940s. These chemicals include PFOA, PFOS, GenX, and thousands of others. They are found in a wide array of consumer and industrial products and are persistent and bioaccumulative. Exposure can lead to adverse human health effects including reduced response to vaccines, lower birth rate, delayed mammary gland development, thyroid disease, increased cholesterol levels, liver damage, kidney cancer, and testicular cancer. Addressing PFAS is a priority for the Administration and Administrator Regan has charged the agency with building on our ongoing work to better understand and ultimately reduce the potential risks caused by these chemicals. Information on national ongoing efforts can be found [here](#).

The team finalized the *Template PFAS SAP/QAPP* (Sampling and Analysis Plan/Quality Assurance Project Plan) in February of 2021. The purpose of developing this template was to assist States, Tribes, and local governments with the time-consuming task of developing a new SAP/QAPP each time they went into the field to sample for PFAS. The template is an Excel-based tool with easy-to-understand user inputs that automatically populate a site-specific QAPP. This template has already been used by the Montana DEQ, the State of Colorado, and the Region 8 Drinking Water Division. In addition, the Confederated Salish and Kootenai Tribes in Montana recently requested a presentation on the template and will be using it soon to sample for PFAS on tribal land.

Next, the Regional Research Partnership Program (R2P2) *PFAS Occurrence Mapping and Diagnostic Project* is a collaboration between the Site Assessment Team in Region 8 and the EPA's Office of Research and Development (ORD) to develop their national GeoPFAS tool in a more focused regional and local context. The goal of the project is to use ORD's GeoPFAS tool, as well as PFAS sampling data already collected from State, Tribal, and local governments in the region to predict unknown and emerging PFAS threats.

Finally, the Site Assessment Team worked with the Region 8 Science Council in 2021 to develop the *PFAS Interdisciplinary Resource Coordination Committee* (PIRCC). The PIRCC was formed to encourage regional communication, coordination, and support for PFAS practitioners across programs. Specifically, the PIRCC has established a MS Teams site for PFAS resources and to assist us in facilitating and coordinating regional support for addressing the challenges associated with PFAS by leading the Community of Practice. Since its inception, the PIRCC consists of staff members from across seven divisions and twelve branches in the region.



If you're interested in knowing more about the *Template PFAS SAP/QAPP*, the *PFAS Occurrence Mapping and Diagnostic Project*, or the *PIRCC*, please feel free to contact David Fronczak (fronczak.david@epa.gov) for more information.

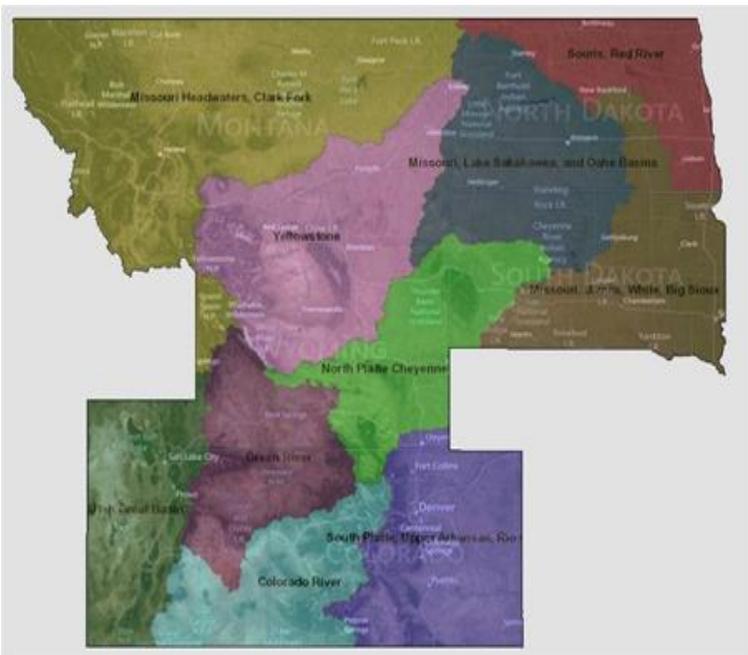
Outreach and subArea Contingency Planning

Outreach

EPA Region 8's Emergency Management Branch (EMB), which includes both the Response Section and the Preparedness and Site Assessment Section, is actively working to plan and coordinate outreach efforts throughout Region 8 this fiscal year. These outreach efforts include compliance assistance workshops, targeted training events and exercises, technical assistance to LEPCs/SERCs/TERCs, and contingency planning for environmental emergencies. The objective of these efforts is to enhance partnerships with local emergency management agencies and first responders, state environmental and emergency management

agencies, and tribes. These outreach activities will also be informed by environmental justice and climate adaptation priorities.

If you're interested in having EPA partnership in your environmental or homeland security emergency preparedness activities, please contact Bre Bockstahler (303-312-6034 or bockstahler.breann@epa.gov) for more information.



subArea Contingency Planning

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), outlined in 40 CFR 300, requires EPA to prepare for the potential threats posed by worst-case discharges of petroleum. For

planning purposes, EPA Region 8 has been subdivided into 10 subAreas defined primarily by large watersheds or adjacent hydrologic units, as shown. Within these sub-Areas, EPA teams are working with local, state, and tribal partners to complete subArea Contingency Plans (sACPs) for discharges into rivers and tributaries from bulk oil storage facilities, pipelines, railroads, and bulk tanker truck shipments.

As these sACPs are developed, sensitive areas identified by EMB staff and the subArea stakeholders will be displayed in TERA, EPA Region 8's GIS-based viewer along with recommended response strategies. subArea Contingency Plans or Geographic Response Plans have been used by several other EPA regions to accomplish this important purpose in the inland zone. sACPs highlight potential oil discharge locations, define the sensitive natural, cultural/historic, and economic resources that could be impacted, and develop effective response strategies that could be implemented to contain, remove, and clean-up the spill. EPA cannot and should not do this important planning work alone, and we invite all stakeholders, including first responders, natural resource trustees, historic preservation officers, water utilities, industry, and tribal, state, and local governments to participate in the process.

If you're interested in participating in the sACP activities in your area, please contact Gina Cristiano (303-312-6688 or cristiano.gina@epa.gov) for more information.

EPA Covid Resources

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>.

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>

LEPC/TEPC Handbook: <https://www.epa.gov/epcra/national-lepc-tepc-handbook#full>

EPA Region 8 Preparedness Program

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](#).



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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 September 2021)

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

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