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Region 8 Emergency Preparedness

Volume V No.4 Quarterly Newsletter 2015

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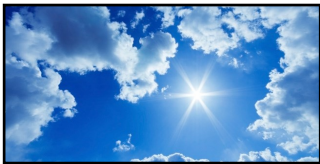
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Gold King Mine

On August 5, 2015, EPA was conducting an investigation of the Gold King Mine near Silverton, Colorado, to:

- assess the on-going water releases from the mine,
- treat mine water, and
- assess the feasibility of further mine remediation.

While excavating above the old adit, pressurized water began leaking above the mine tunnel, spilling about three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River.

EPA is working closely with first responders and local and state officials to ensure the safety of citizens to water contaminated by the spill. The agency has activated its Emergency Operations Center to ensure coordination among its regions, laboratories and national program offices in Washington DC. EPA is closely coordinating with the officials in Colorado, New Mexico, Utah, Southern Ute tribe and Navajo Nation. EPA is taking the lead on efforts to contain the leak and flow from the mine is now controlled.

EPA has also deployed federal On-Scene Coordinators and other technicians in Colorado, New Mexico and Navajo Nation to assist with preparations and first response activities in these jurisdictions. EPA is sharing information as quickly as possible with the community as experts work to analyze any effects the spill may have on drinking water and public health.

On September 23rd, EPA released a statement announcing that a portable, temporary treatment system will be located in Gladstone, CO to continue treating water discharged from the Gold King Mine during winter 2015-16. It will replace temporary settling ponds constructed by the EPA in August 2015.

This system will treat the approximately 550 gallons per minute (gpm) of water that continue to flow from the mine, including the discharges related to ongoing work in the mine to stabilize conditions. It is designed to handle up to 1,200 gpm. The objective of the treatment system is to neutralize the mine discharge and remove solids and metals. Although the Gold King Mine discharge is just one of many into Cement Creek, the treatment will remove a portion of the metal loading to Cement Creek.

The EPA continues to evaluate data to determine the impact of the Gold King Mine on water quality. More information is available at the EPA website for the [Gold King Mine Spill](#).



Temporary treatment ponds near Gold King Mine

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Silverton Mining District Overview

Summarized from the
TESTIMONY OF MATHY STANISLAUS, ASSISTANT ADMINISTRATOR
 Office of Solid Waste and Emergency Response, EPA
 Before the Science, Space and Technology Committee U.S. House of Representatives
 September 9, 2015

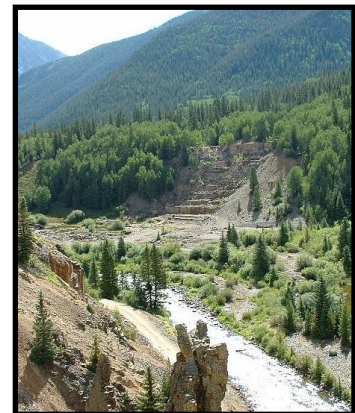


Mining History

Located within watersheds of the San Juan Mountains in southwestern Colorado are over 400 abandoned and inactive mines which have been the focus of both large and small scale mining operations between 1871 and 1991. (There are an estimated 23,000 former mines located in the state of Colorado.)

The Gold King Mine is located in the Upper Animas Watershed which consists of three main streams (Animas River, Cement Creek and Mineral Creek) that drain the Silverton Caldera. The Animas River and many of its tributaries have historically received high concentrations of heavy metals from both acid rock mine drainage and from naturally occurring metal loading sources not affected by mining.

Water draining from the mines occurs when mining operations in the mountainsides alter the hydrology of the area, and combine with natural springs, pulling water into mine tunnels. The water reacts with iron disulfide (pyrite) and oxygen to form sulfuric acid (acid rock drainage). The resulting acidic water dissolves the naturally occurring metals such as zinc, lead, cadmium, copper and aluminum. Water containing these metals flow out of the mine adits or openings.



Mining Company Efforts

When mining operations in the Upper Animas Watershed ended, many of the mines were left discharging contaminated water into streams and rivers. In 1991, the last big mine in the region, the Sunnyside, stopped mining. Its owner proposed to install 3 bulkheads (mine plugs) in the tunnel that drained its mine; the Colorado Mined Land Reclamation Board approved a permit to allow the plugging.



After the bulkheads were installed in the American Tunnel, the water flowing out of the Gold King and Red and Bonita Mines increased substantially. Initially, the water from these mines, from Upper Cement Creek, and from the American Tunnel were run through the treatment plant built by Sunnyside and eventually operated by Gold King Mining

Corporation. After Gold King experienced a number of technical and financial issues, the treatment plant stopped operating in mid-2004.

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Silverton Mining District Overview Continued

Continued summary from the
TESTIMONY OF MATHY STANISLAUS ASSISTANT ADMINISTRATOR
Office of Solid Waste and Emergency Response, EPA
September 9, 2015

Water Quality

Until approximately 2005, water quality in the Animas River was improving. However, since the water treatment plant ceased operations, water quality in the Animas River has not improved, and for at least 20 miles below the confluence with Cement Creek, the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005.

EPA Activities and Response at Gold King Mine

On August 5, 2015, the EPA was conducting an investigation of the Gold King Mine near Silverton, Colorado. Work was underway to dewater the mine pool, to allow reopening of an adit, to assess mine conditions, to characterize ongoing mine discharges and to determine appropriate mine mitigation measures. While excavating above an old adit, the lower portion of the bedrock crumbled and pressurized water began leaking above the mine tunnel. The leak quickly turned into a breach releasing approximately three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River.

EPA and Colorado officials informed downstream jurisdictions within Colorado the day of the event and before the plume reached drinking water intakes and irrigation diversions. The following day, other downstream jurisdictions were notified, again, before the plume reached drink intakes and irrigation diversions.

[Read the entire testimony](#)



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EPA's Clean Power Plan

Cutting carbon pollution from power plants

On August 3, 2015, President Obama and EPA announced the Clean Power Plan – an important step in reducing carbon pollution from power plants. Shaped by years of unprecedented outreach and public engagement, the final Clean Power Plan is flexible and designed to strengthen the fast-growing trend toward cleaner and lower-polluting American energy. With strong but achievable standards for power plants, and customized goals for states to cut carbon pollution, the Clean Power Plan provides national consistency, accountability and a level playing field while reflecting each state's energy mix. It also shows the world that the United States is committed to leading global efforts to address climate change.

What is the Clean Power Plan?

- The Clean Power Plan will reduce carbon pollution from power plants, the nation's largest source, while maintaining energy reliability and affordability. Also on August 3, EPA issued final Carbon Pollution Standards for new, modified, and reconstructed power plants, and proposed a Federal Plan and model rule to assist states in implementing the Clean Power Plan.
- These are the first-ever national standards that address carbon pollution from power plants.
- The Clean Power Plan cuts significant amounts of power plant carbon pollution and the pollutants that cause the soot and smog that harm health, while advancing clean energy innovation, development and deployment, and laying the foundation for the long-term strategy needed to tackle the threat of climate change. By providing states and utilities ample flexibility and the time needed to achieve these pollution cuts, the Clean Power Plan offers the power sector the ability to optimize pollution reductions while maintaining a reliable and affordable supply of electricity for ratepayers and businesses.
- Fossil fuels will continue to be a critical component of America's energy future. The Clean Power Plan simply makes sure that fossil fuel-fired power plants will operate more cleanly and efficiently, while expanding the capacity for zero- and low-emitting power sources.
- The final rule is the result of unprecedented outreach to states, tribes, utilities, stakeholders and the public, including more than 4.3 million comments EPA received on the proposed rule. The final Clean Power Plan reflects that input, and gives states and utilities time to preserve ample, reliable and affordable power for all Americans.



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Clean Power Plan

6 Things Every American Should Know

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By EPA Administrator Gina McCarthy

1. IT SLASHES THE CARBON POLLUTION FUELING CLIMATE CHANGE.

Carbon pollution from power plants is our nation's biggest driver of climate change—and it threatens what matters most – the health of our kids, the safety of our neighborhoods, and the ability of Americans to earn a living. The Clean Power Plan sets common sense, achievable state-by-state goals to cut carbon pollution from power plants across the country. Building on proven local and state efforts, the Plan puts our nation on track to cut carbon pollution from the power sector 32 percent below 2005 levels by 2030, all while keeping energy reliable and affordable.



2. IT PROTECTS FAMILIES' HEALTH.

Cuts to smog and soot that come along with reducing carbon pollution will bring major health benefits for American families. In 2030, this will mean up to 3,600 fewer premature deaths; 90,000 fewer asthma attacks in children; 1,700 fewer hospital admissions; and avoiding 300,000 missed days of school and work. The Clean Power Plan is a historic step forward to give our kids and grandkids the cleaner, safer future they deserve.

3. IT PUTS STATES IN THE DRIVER'S SEAT.

The Clean Power Plan sets uniform carbon pollution standards for power plants across the country—but sets individual state goals based on states' current energy mix and where they have opportunities to cut pollution. States then customize plans to meet their goals in ways that make sense for their communities, businesses and utilities. States can run their more efficient plants more often, switch to cleaner fuels, use more renewable energy, and take advantage of emissions trading and energy efficiency options.

Because states requested it, EPA is also proposing a model rule states can adopt right away --one that's cost-effective, guarantees they meet EPA's requirements, and will let their power plants use interstate trading right away. But states don't have to use our plan—they can cut carbon pollution in whatever way makes the most sense for them.



The uniform national rates in the Clean Power Plan are reasonable and achievable, because no plant has to meet them alone or all at once. Instead, they have to meet them as part of the grid and over time. In short, the Clean Power Plan puts states in the driver's seat.

[Continued on next page](#)

Clean Power Plan continued

4. IT'S BUILT ON INPUT FROM MILLIONS OF AMERICANS.

The Clean Power Plan reflects unprecedented input from the American people, including 4.3 million comments on the draft plan and input from hundreds of meetings with states, utilities, communities, and others. When folks raised questions about equity and fairness, we listened. That's why EPA is setting uniform standards to make sure similar plants are treated the same across the country.

When states and utilities expressed concern about how fast states would need to cut emissions under the draft Plan, we listened. That's why the Clean Power Plan extends the timeframe for mandatory emissions reductions to begin by two years, until 2022, so utilities will have time to make the upgrades and investments they need to.

But to encourage states to stay ahead of the curve and not delay planned investments, or delay starting programs that need time to pay off, we're creating a Clean Energy Incentive Program to help states transition to clean energy faster.

It's a voluntary matching fund program states can use to encourage early investment in wind and solar power projects, as well as energy efficiency projects in low-income communities. Thanks to the valuable input we heard from the public, the final rule is even more fair and more flexible, while cutting more pollution.



5. IT WILL SAVE US BILLIONS OF DOLLARS EVERY YEAR.

With the Clean Power Plan, America is leading by example—showing the world that climate action is an incredible economic opportunity. By 2030, the net public health and climate-related benefits from the Clean Power Plan are estimated to be worth \$45 billion every year. And, by design, the Clean Power Plan is projected to cut the average American's monthly electricity bill by 7% in 2030. We'll get these savings by cutting energy waste and beefing up energy efficiency across the board—steps that make sense for our health, our future, and our wallets.

6. IT PUTS THE U.S. IN A POSITION TO LEAD ON CLIMATE ACTION.

Today, the U.S. is generating three times more wind energy and 20 times more solar power than when President Obama took office. And the solar industry is adding jobs 10 times faster than the rest of the economy. For the first time in nearly three decades, we're importing less foreign oil than we're producing domestically—and using less overall.



Our country's clean energy transition is happening faster than anyone anticipated—even as of last year when we proposed this rule. The accelerating trend toward clean power, and the growing success of energy efficiency efforts, mean carbon emissions are already going down, and the pace is picking up. The Clean Power Plan will secure and accelerate these trends, building momentum for a cleaner energy future.

Climate change is a global problem that demands a global solution. With the Clean Power Plan, we're putting America in a position to lead. Since the Plan was proposed last year, the U.S., China and Brazil - three of the world's largest economies - have announced commitments to significantly reduce carbon pollution. We're confident other nations will come to the table ready to reach an international climate agreement in Paris later this year.

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South Dakota Train Derailment

A train derailment occurred at a bridge crossing over Prairie Creek in Bon Homme County, South Dakota on September 19, 2015.

Eight railcars carrying denatured alcohol for the production of ethanol were involved in the incident. Six of these cars fully derailed, one partially derailed and the last car was left in place during the initial response. The incident occurred in direct proximity to Prairie Creek which is a tributary of the James River. Prairie

Creek is an ephemeral stream and was running dry at the time of the incident and the James River is approximately 12.2 miles downstream of the incident.

EPA's On Scene Coordinator (OSC) arrived about eight hours after the incident. The fire, responded to by the communities of Scotland and Lesterville, was allowed to burn out. Any material that was released to the creek bed was consumed during the fire. No surface water was impacted during the incident and the OSC did not witness any impacts to wildlife. The location of the incident was approximately 4.5 southwest of Scotland, South Dakota. and 0.5 miles north of County Road 46.



EPA FAQs

Are landfills covered under Title III of SARA since they are covered by RCRA?

Yes, landfills are subject to certain Title III requirements.

Subtitle A of Title III is intended to identify facilities which present a potential hazard for a chemical emergency and to provide a process for local emergency planning committees to engage with such facilities in determining the significance of the release hazard and developing response plans to facilitate timely and appropriate response in the event of a chemical spill. Because landfills meet the definition of "facility" and may in some instances present such a hazard, EPA interprets them to be subject to reporting and notification requirements under Section 302 in Subtitle A.

While EPA agrees that conditions at some facilities (including landfills) may not pose significant chemical hazards even though extremely hazardous substances are present in excess of the threshold planning quantity, in other such facilities conditions will exist which do present a significant hazard. Such assessment must be made on a site-specific basis. EPA believes that leaving such decisions to the local planning committees is consistent with the purpose of Subtitle A. Communities must know which facilities may present potential for chemical emergencies so they can determine the nature of the risk to the public and to emergency responders.

Resource Conservation and Recovery Act (RCRA) regulations already address many of the goals of Subtitle A of Title III. However, it is important that the facility contingency plan and local coordination required by RCRA be coordinated with any new State and local planning structure or community planning process established under Title III. Full compliance with RCRA requirements should minimize additional planning activities with local communities under Title III. Therefore, these requirements are not duplicative.

It should be noted that landfills may not be covered under the other sections of Title III. The placing of a container holding an extremely hazardous substance into a landfill which has a federal permit for this chemical is exempt from the Section 304 emergency release notification. Also, under Subtitle B, Sections 311 and 312, most substances at landfills would be exempt due to the exemption for any hazardous waste such as defined by the Solid Waste Disposal Act under the OSHA Hazard Communication Standard (only hazardous chemicals for which an SDS must be prepared or available under the OSHA Hazard Communication Standard must report under Sections 311/312).

Executive Order 13650 Update

The Region 8 Tri-Chairs [Environmental Protection Agency (EPA), Department of Homeland Security (DHS) and the Occupational Safety and Health Administration (OSHA)] are hard at work implementing Standard Operating Procedures (SOPs) and strategies to implement Executive Order (EO) 13650 *Improving Chemical Facility Safety and Security* (EO). President Obama signed the EO on August 1, 2013 to enhance the safety and security of chemical facilities and reduce risks associated with hazardous chemicals to owners and operators, workers, and communities in the wake of the West, TX fertilizer plant explosion that decimated that town.

Since the last update, EPA held state calls with each of the Region 8 states and came up with individual state plans and outcomes, as well as an overall regional plan. SOPs in Region 8 are:

1. State, Local, and Tribal Engagement
2. Federal Program Triggers
3. The Emergency Response Application (TERA) System Access
4. Information Sharing, Coordinated Inspections, and Referrals
5. LEPC Best Practice Implementation and Support

There will be a discussion of the work plans and next steps at the upcoming Regional Response Team meeting in October. If you have any questions or concerns, please feel free to contact Rebecca Broussard at Broussard.rebecca@epa.gov. You can find documents and updates at: www.epaos.org/R813650.

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Speaking with LEPCs

A Conversation with Mike Carter, Custer County, South Dakota

Custer County is in the southwestern corner of South Dakota. It is a scenic, historic county that remains an active tourist destination today. It was founded in 1875 as part of a temporary gold rush. Within the county there are seven national or state parks or designations. The county houses the Black Hills and the Black Hills National Forest. It contains two national caves: the Wind Cave National Park and the Jewel Cave National Monument. Custer County has Buffalo Gap National Grasslands as well as Custer State Park. Finally, Custer County is the home of the Needles Highway and the Crazy Horse Monument.



These picturesque and interesting areas require much attention by the LEPC and county officials. However, their work is complicated by the annual Sturgis Rally, held in nearby Sturgis, South Dakota every summer. This year the "Rally" lasted for about three weeks, taxing all resources to their fullest. The Rally proceeded without any unanticipated events, in part due to a year's worth of careful planning of LEPCs and Emergency Managers in Custer and the surrounding counties.

Custer County has two major arteries running through it, including the "Heartland Expressway" which has been expanded to a four-lane highway bisecting the county vertically. It is important for the movement of commerce and products into and through the state of South Dakota.



Custer is a rural county, with a small population and big responsibilities. It has a population of 7,834 people and relies on community involvement and volunteers. Mike Carter has more than taken on that responsibility. He is a member of the South Dakota SERC Board, a Type 3 Incident Commander, an Emergency Manager and a longtime member of the Custer LEPC. Carter was in law enforcement earlier in his career and is a retired structural firefighter. Custer County benefits greatly from Carter's sense of duty to his community. He has been a member of the LEPC since 1996. And, according to Carter, the county is in constant transition, keeping things interesting for LEPC members.



The LEPC faces two major issues: roster and funding. The rural nature of the county means that many of the citizens are doing several community jobs, as volunteers. To maintain an active membership, Mike endeavors to keep the LEPC interesting and trained, which is challenging.

From a financial perspective, the LEPC and the Emergency Manager are responsible for the safety of the community, but the county also hosts about 250,000 visitors each year. The tourism is important to the local merchants but doesn't really provide the LEPC with much funding.

To augment their funding, Custer County works with several nearby counties in mutual aid, so they can help each other out as needed and when needed. Currently they have weathered the infestation of the Mountain Pine Beetle and the ever present threat of wild fires.

Mike continues to be a stalwart servant and leader of Custer County.

Region 8 Training

Chemical Safety Workshops for Colorado Regulated Facilities

The Colorado Emergency Preparedness Partnership (CEPP) and the Colorado Emergency Planning Committee (CEPC) are hosting Colorado workshops on the federal programs regulating facilities regarding chemical safety. Companies regulated by Federal programs (RMP, EPCRA, PSM, CFATS, SPCC) and their Local Emergency Planning Committees (LEPCs) have been encouraged to attend this free workshop. Representatives from EPA, DHS, and OSHA will provide information on their programs.

Hazwoper Refresher

An eight hour Hazwoper Refresher class will be held in Commerce City on December 3rd. It is being held by the Tri-County Health, with Caitlin Gappa as the contact. Her number is 303-846-2022. The class will be in the Commerce City Municipal Building. The class is expected to fill up, so there will only be limited availability for others.

Sampling for Hazardous Material'

A 'Sampling for Hazardous Material' course will be held in Salt Lake City. The class is scheduled for March 22nd through the 24th, 2016 in the Multi Agency State Office Building (MASOB). Chris Martin is the contact for the class. (801-536-4287). Class size is limited. Registration for this class can be found on the www.trainex.org

Montana 'Operation Safe Deliver' Exercise Conducted

After a year of planning, the Montana Operation Safe Deliver Exercise was conducted on September 16th and 17th, in Great Falls, MT. This Seminar and Table Top Exercise was held in collaboration with the Blackfeet Nation and the State of Montana. The exercise goal was to support community preparedness and resilience by examining and validating capabilities needed to mitigate, respond to, and recover from oil rail transportation incidents. Success of the exercises was due to the participants which included: seven Tribal Nations, nine state jurisdictions, 16 local jurisdictions, 18 federal departments, one international partner and four private sector and non-government organizations (NGOs). Tribal members reported gaining a greater sense of partnership with local, state, federal, private sector and NGOs as well as a better awareness of response and recovery challenges that currently exist amongst their tribal nations.

OSHA Extends PSM Retail Exemption Interim Enforcement

On July 22, 2015, the Occupational Safety and Health Administration (OSHA) posted a new policy for the retail facilities exemption under the Process Safety Management Standard (29 CFR 1910.119). To read the new policy memo, please visit [07/22/2015 - Memorandum to Regional Administrators - PSM Retail Exemption Policy](#).

OSHA was asked to stay enforcement of the Agency's July 22, 2015 PSM Retail Exemption Policy memorandum until final resolution of the legal challenges to the memo, currently pending in the D.C. Circuit. OSHA intends to extend the PSM Retail Exemption Interim Enforcement Policy, which currently expires on January 22, 2016, for an additional six months. This means that through July 22, 2016, OSHA will continue to exercise its enforcement discretion with respect to the PSM retail exemption in the manner described in the Interim Enforcement Policy. The new interim enforcement policy is posted at [here](#).



Region 8 Preparedness Unit Mission Statement

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.

Region 8 SERC Contact Information

Colorado

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Wyoming

Mr. Don Huber, SERC Chair
Phone: 307-777-4900
Kim Lee: kim.lee@wyo.gov

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 4:30 p.m., Monday through Friday, for questions on the Risk Management Plan program: (703) 227-7650 or RMPRC@epacdx.net.

Chemical Emergency Preparedness & Prevention Office (CEPPO) <http://www.epa.gov/oem>

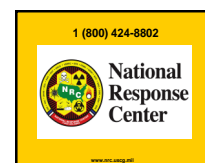
Compliance and Enforcement: <http://www2.epa.gov/enforcement>

[Lists of Lists](#)

Questions? Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center at (800) 424-9346 (TDD 800-553-7672) Mon-Thurs 10:00 am to 3:00 pm.

To report an oil or chemical spill, call the National Response Center at (800) 424-8802.

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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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