Region 8
Emergency Preparedness Newsletter

Volume X No. 1 January 2020 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.

Next Page

Ogden Swift Building

Exterior of Ogden Swift Building

The Ogden Swift Building is a former meat packing plant that was subsequently used as a warehouse to store surplus military equipment and chemicals. In 2018, the City of Ogden, Utah requested an EPA Targeted Brownfields Assessment to determine the feasibility of transforming the site into a recreational and commercial resource. The assessment documented more than **40,000 abandoned containers of hazardous materials** including flammables, corrosives, toxic substances, water reactive chemicals, potential explosives and other dangerous chemicals. This discovery started a comprehensive Time-Critical Removal Action by the EPA at the site.

In coordination with the City of Ogden, Ogden Fire Chief, Utah Department of Environmental Quality (DEQ) and others, EPA's On-Scene Coordinators (OSC) Paul Peronard and Martin McComb initiated response operations in March of 2019 and have nearly completed a successful removal action, including:

- Identifying, categorizing, and processing hazardous waste,
- Removing and deactivating highly volatile and explosive chemicals,
- Facilitating the proper disposal of chemicals at a hazardous waste landfill, and
- Maintaining a safe environment for workers and community members by closely monitoring air quality throughout the removal action.


ERPA Mobile Units at Ogden Swift Building


Preparing for shipment to recycling facility

This removal process was not without its challenges. Given the logistics and size of the site, Region 8 OSCs were unable to establish the typical overarching cleanup plan at the beginning of the removal. This was due to the uncertainty of the contents of most of the containers and the necessary treatment of potentially reactive materials. Responders were continually planning, processing, and establishing safety precautions.


Assembling and assessing abandoned containers

Return to Top Next Page

Ogden Swift Building Continued

Vast array of chemicals to be tested

Inherently dangerous actions, such as removal of hydrofluoric acid and on-site treatment of highly volatile chemicals (including rocket fuel, water reactives, and cyanide), required significant technical expertise. To mitigate any potential issues, the OSCs brought stakeholders on board early in the process and shared draft research and suggested treatment approaches before they began the work.

On-site wastewater treatment

Because EPA processed water reactive chemicals and other solubles, a water treatment process was established to address the waste water generated.

Documented and Shared Information

In addition to these extensive removal actions, EPA OSCs carefully documented every step of the removal, and shared results. The extensive information, available for viewing at the Ogden Swift Site on the OSC webpage, allowed EPA to easily share up-to-date data with local officials in a straightforward manner. This shared information includes many interactive graphs, diagrams, maps, photos and videos organized by function (container collection, sampling, hazardous material categorization, waste processing, and waste shipment). Public messaging became an example of real -time coordination between field operations and public affairs.

One particularly compelling visual is a 'viewer map', which displays the floor-by-floor progress of cleanup in the building. The Story Map also includes informative videos that explain the complicated chemical treatment and removal processes conducted at the Site in a concise and interesting manner. From the beginning of this removal, the OSCs took the time to create explanatory videos and take descriptive photos, which aided their documentation of the removal process. On the website, visitors can even take a "photo tour" of the site through geotagged photos on the map.

Viewer Map

Response Summary

- Removal of 3,280 cubic yards of non-hazardous debris for disposal and recycling of 780 cubic yards of metal.
- Chemical neutralization and stabilization of 18,996 containers of volatile and explosive chemicals.
- Disposal of hundreds of transformers containing toxic PCBs.
- Disposal of 59,593 containers of chemicals at hazardous waste landfills or appropriate recycling facilities.
- Innovation saving taxpayers an estimated $24M.

Next Page Return to Top

RMP Update

On November 20, 2019, EPA finalized changes to the Risk Management Program (RMP) Amendments to better address potential security risks, regulatory consistency and reasonable consideration of costs. The changes are intended to promote better emergency planning and public information about accidents and maintain the trend of fewer significant accidents involving chemicals regulated under the RMP rule. The changes reflect issues raised in three petitions for reconsideration of the RMP Amendments and address other issues that EPA believed warranted reconsideration. The RMP Reconsideration final rule:

- Rescinds all major accident prevention program provisions of the RMP Amendments rule (third party audits, safer technology and alternatives analyses, incident investigation root cause analysis)
- Rescinds the public information availability provisions of the RMP Amendments rule

But:

- Retains enhanced coordination with local emergency responders: facilities must coordinate annually with local response organizations and document those coordination activities
- Retains emergency exercises, tabletop and field exercise requirements (modified to provide more flexibility in scheduling)
- Retains public meetings to provide accident information within 90 days (RMP-reportable events with offsite impacts)

REGULATORY UPDATE

For more information go to the RMP Reconsideration Final Rule Fact Sheet.

AWIA Section 2018 Guide

Amendments to the Emergency Planning and Community Right-to-Know Act (EPCRA)

EPA published A Guide for SERCs, TERCs, and LEPCs about the amendments made to EPCRA by the America's Water Infrastructure Act.

AWIA amended the Emergency Planning and Community Right-to-Know Act (EPCRA). The revisions to EPCRA require that community water systems (1) receive prompt notification of any reportable release of an EPCRA extremely hazardous substance (EHS) or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance (HS) that potentially affects their source water, and (2) have access to EPCRA Tier II information (i.e., hazardous chemical inventory data). These requirements went into effect immediately upon signing the law. More information is available on the EPA AWIA web pages.

2020 Western Regions SERC/TERCs Meeting

The fifth annual Western State Emergency Response Commissions (SERCs) and Tribal Emergency Response Commissions (TERCs) meeting is being held in Denver, Colorado January 28th and 29th. This annual meeting provides an opportunity for SERC and TERC members to share ideas and problem solve with their peers and federal partners.

EPA Regions 8, 9,and 10 are partnering together to host the meeting. Approximately 60 attendees are expected representing states from as far north as Alaska to as far south as Arizona. Other federal agency representatives are expected to be present from the Department of Homeland Security, Occupational Safety and Health Administration, Federal Emergency Management Agency and the Department of Transportation. For more information, contact Bre Bockstahler at Bockstahler.Breann@epa.gov.

Next Page Return to Top

Montana Tribal Emergency Managers Council

The Montana Indian Nations Working Group met October 28th and 29th in Helena Montana. Robert DesRosier convened the interactive and collaborative meeting with attendees from tribes across Montana. Each tribal representative gave updates on current activities or concerns in their areas. Reports were also provided by Megan Sinar for the Montana Weather Service and Lori Reed for EPA Region 8. The National Tribal Emergency Managers Council Executive Director, Lynda Zambrano, spoke on the activities of the Council and highlighted the national conference held each year. The Working Group voted to become associated with the National Tribal Emergency Managers Council and immediately changed its name to Montana Tribal Emergency Managers Committee.

LEPC Peer Exchange

On January 8th, 2020, LEPCs from northern Utah met for their twenty-first annual (!) update and exchange of information. Deputy State Fire Marshall Richard Moseley gave the key note address describing the response and detonation of a recent train derailment in Utah. Martin McComb, EPA On-Scene Coordinator, provided a detailed presentation about the removal action of the Ogden Swift Building. The Utah SERC Advisory Council Chair, Jim Buchanan, reviewed the SERC's 2020 strategic plan. Tom Daniels described Utah's Tier2 database and Lori Reed, EPA Senior Environmental Employee, shared regulatory updates and upcoming meetings along with a brief demo of The Emergency Response Application mapping tool, better known as T.E.R.A.

The organization established an 'LEPC Member of the Year Award' and initiated it with a "Lifetime Achievement Award" for Neil Taylor as well as the "First Annual Award" going to Jennifer Moore.

Neil Taylor UTAH DEQ Retires

Neil Taylor, Environmental Scientist in the Division of Environmental Response and Remediation at the Utah Department of Environmental Quality, retired December 13, 2019 after nearly 40 years with the Department. Taylor has been an active member of the Utah SERC Advisory Council and a stalwart supporter of EPCRA. His thoughtful input and diligent work will be sorely missed by all in the EPCRA sphere.

Next Page Return to Top

Utah and Montana LEPC Conferences

Both Utah and Montana sponsored Local Emergency Planning Committee (LEPC) conferences during late 2019.

Montana held a Hazardous Materials Awareness and Planning Conference for LEPCs to create, solidify or update their hazmat emergency plans. The conference included training on how to use Montana's Tier II data, how LEPCs can use HMEP grants and a workshop-style hazmat exercise. Mike Radke, Montana Emergency Services Supervisor, organized and hosted the meeting held at the Fort Harrison Base, Helena, Montana, and the Montana Department of Environmental Services facilitated the hazmat exercise.

Hazmat tabletop exercise in Helena, Montana

Every year, Utah holds an LEPC Conference attended by LEPCs from around the state.

Utah LEPC Conference convened by Kim Hammer, Utah Division of Emergency Service

This year, along with updates from the Utah SERC and EPA, there were summaries of Tier II Reporting and HMEP grants. The conference concluded with a presentation by Richard Moseley, Cody Barton and Travis Kennison on the impressive Juab County train derailment response that occurred in March, 2019. Kim Hammer, Preparedness and Outreach Bureau Chief for the Utah Division of Emergency Services, planned and arranged this conference.

LEPC conferences are excellent avenues for communities to communicate and learn from each others' successes as well as be informed on federal and state activities and regulations; these two conferences were rewarding for all that attended.

Oil Spill Response Training

Region 8 has money for oil spill response training

We are currently planning and scheduling an Oil Spill Response – Fast Water Practical training. This three day course is a hands-on practical oil spill response course for fast waters usually found on rivers within the six states of EPA Region 8. The training involves responses to large transportation-related incidents (pipeline breaks), reading rivers to determine collection sites, proper boom deployment and case studies. If you are interested in inland oil spill prevention and cleanup, please contact Mark Wullstein (Wullstein.Mark@epa.gov or 303-312-6152). We will select a host location based on responses to this notice, as well as others.

Next Page Return to Top

Jefferson County Montana LEPC

Doug Dodge, LEPC Chair

Nestled between several mountain ranges and streams, Jefferson County abounds with natural resources and supports an economy based around production agriculture, wood products, mining and the tourist industry. From a recreational view it is a paradise for the outdoor enthusiast: rivers for floating and fishing, hiking and climbing in the Elkhorn Mountain range, and a large motorized and non-motorized trail system. Doug Dodge is the Jefferson County Disaster and Emergency Services Coordinator and LEPC Chair of this multifaceted county.

The Jefferson County LEPC has a diverse membership that includes: local industry partners, schools, local and county-level elected officials, health departments, environmental health representatives, media, emergency response personnel, transportation, utilities, and the general public. They strive to include a membership with more than just those listed in the EPCRA regulations including active community members.

Jefferson County has three general population concentrations: one on the north end of the county, one in the center, and one on the south end. Each month the LEPC meets in one of those population concentrations, on a rotating basis, so each area can have input into the plans and issues addressed at the meetings. As chair of the LEPC, Doug handles the logistics of the meetings (location scheduling, special presentations, public notices, and agenda establishment and distribution).

The meetings commonly include a review of major incidents occurring since the previous meeting (including all HAZMAT incidents) and a hazard review which focuses on one of the top eight hazards from their Pre-Disaster Mitigation Plan (whichever hazard may be more likely at that time of year). In addition, the meetings offer an opportunity for review and input for county-level plans (such as the Emergency Operations Plan, the Community Wildfire Protection Plan and the Training and Exercise Plan). The LEPC also provides a roundtable where the members can discuss areas of concern, lessons learned, or provide cross-jurisdictional updates for any relevant upcoming events.

Reach Air Medical helicopter demonstration for LEPC meeting

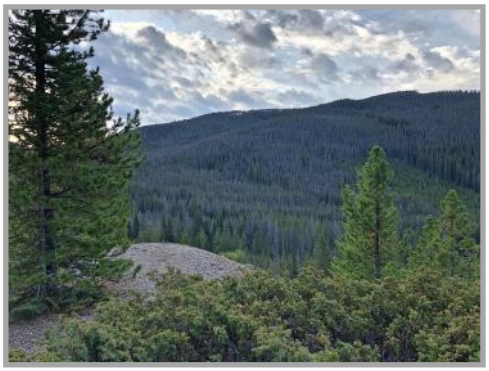
Maintaining, or expanding, participation in the LEPC remains the biggest challenge for Jefferson County. Generally, the issue is not due to a lack of desire on the part of the stakeholders, but more due to time constraints.

All of rural Montanans seem to have to multitask, trying to accomplish more with less money and time, but as the situation compounds, eventually certain roles become compromised. Electronic communication allows the LEPC to maintain needed communications, but opportunities to expand those relationships are limited when face-to-face interactions are less frequent.

Next Page

Jefferson County LEPC Continued

The LEPC definitely saw an increase in participation due to rotating meeting locations, but other tactics are used also to build interest. They schedule the LEPC meeting after well-attended community events to encourage participation. They also attempt to vary the day and time of the meetings where possible to offer opportunities to those who can't attend during normal working hours. Another important step taken is diligence regarding the meeting length (one hour). They are always looking for special presentations of interest to the LEPC or for an LEPC tour. Outreach to potential attendees helps: a phone call invitation carries more weight than an email, an in-person presentation at a community meeting puts a face to the voice on the phone. Doug believes persistence, flexibility, and accommodation go a long way to increase support for the committee.



With the assistance of other county departments and the support of the Sheriff and County Commissioners, the LEPC is currently undertaking a county-wide fire needs assessment to incorporate cross-jurisdictional needs into the county's capital improvement plan. The plan will provide a bird's-eye view of the current status of fire resources in the county which should enable addressing gaps. In the long term, the LEPC will continue to look for greater efficiencies (that is, do more with less, as limited budgets and staff are a given). In that vein, the LEPC is working to create agreements with neighboring counties to fill Emergency Operations Center staffing positions as the need arises.

Doug would like to see the general public invest in their own preparedness. "The age of social media created instant awareness of incidents and their impact, along with an expectation of instant maximal response," he says. "Rural counties, and even urban counterparts, struggle to live up to those expectations with limited resources. Because of these limitations, it's more important than ever for every individual to prepare themselves for incidents most likely to befall them, so we are all more capable of facing whatever may come our way." To get the word out to the public, the LEPC takes advantage of public education opportunities. Specifically, they participate in the annual Health and Safety Fair, and attend public events like the wildfire mitigation and preparedness fairs.

According to Doug, "It is satisfying to see committed engagement occur at our LEPC meetings." He would much rather have a passionate discussion about the merits of prioritizing one hazard over another rather than have an uninterested audience. On the other hand, he adds, "Reviewing the minutia of some of our plans can be as fun as watching paint dry, but it's necessary and important work to prepare for the unexpected." Doug credits the success of the LEPC to committed partners and stakeholders. Many of their stakeholders are volunteers, and Doug is eternally grateful to those who volunteer, train and respond in times of need and help plan for those times.

Next Page Return to Top

EPCRA Frequently Asked Questions

Transportation exemption and EPCRA emergency planning

To what extent is a state required to plan if there are only a few (or no) facilities having extremely hazardous substances (EHSs) present in excess of threshold planning quantities (TPQs), but there is significant interstate transportation of these and other hazardous substances?

While Section 327 of Title III generally exempts the transportation of hazardous materials from coverage under most Title III reporting requirements, the law **does** require comprehensive emergency plans that address all hazardous materials and the potential for both fixed facility *and transportation incidents* (Section 303). The list of EHSs should provide a focus and a starting point for planning. Therefore, the transportation routes and facilities with significant inventories of hazardous substances should be considered in any plan. Finally, Section 301 includes transportation officials among those representatives who must participate in local planning committees.

Recommended approach for reporting lead acid batteries when complying with Tier II reporting

As part of Tier II Chemical Inventory Reporting, a facility must provide a brief description of the precise location of the hazardous chemical at the facility (40 CFR §370.42(i)(8)(i)). A facility is reporting forklift batteries on their annual Tier II Inventory Form. How should the facility list the storage location of the hazardous chemicals in the batteries since the forklifts are mobile and not always in the same location?

If it is not possible to list a specific location, a facility may list the storage location of a hazardous chemical as a building (e.g. warehouse, storage room, loading dock, etc.). If the forklifts are present in more than one building over the course of the reporting year, each location should be listed separately on the inventory form.

Does Ammonia in Ammonium Hydroxide count toward the EHS threshold for reporting under EPCRA section 312?

A facility has 9,000 pounds of ammonium hydroxide (19 percent solution) present on site at a given time. For reporting under EPCRA section 312, must the amount of ammonia in ammonium hydroxide be counted (and aggregated) towards the reporting threshold for EHS?

Under EPCRA section 312, the reporting threshold for Extremely Hazardous Substances (EHS) is 500 lbs or the threshold planning quantity (TPQ), whichever is less. (Note: The TPQ for ammonia is 500 lbs). Except for gasoline and diesel fuel, all other hazardous chemicals, including ammonium hydroxide, have a reporting threshold under EPCRA section 312 of 10,000 lbs. Ammonia (CAS number 7664-41-7) is an EHS (40 CFR part 355, Appendices A and B). Ammonium Hydroxide is made by combining ammonia and water. However, ammonium hydroxide has its own distinct CAS # (CAS number 1336-21-6) and is not listed as an EHS. The facility would only be required to report if the amount of ammonium hydroxide exceeds the EPCRA section 312 threshold of 10,000 lbs. However, if free ammonia exists in the headspace of the storage tank, the facility must determine whether the amount of ammonia exceeds the EPCRA section 312 EHS reporting threshold of 500 lbs, and if so report that amount on their Tier II form.

311/312 - 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 I or 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 I or 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 the facility

EPCRA Frequently Asked Questions

Are hazardous chemicals present at rail yards subject to EPCRA 311/312?

Yes, hazardous chemicals present at rail yards are subject to EPCRA Sections 311 and 312, if they are not stored incident to transportation and they are present at the rail yard in amounts equal to or in excess of the minimum thresholds in 40 CFR 370.10(a).

As explained in the answer to the question "are hazardous chemicals in transportation subject to EPCRA 311/312," the Section 327 exemption for substances stored "incidental to transportation" does not apply when substances are not under active shipping papers. The legislative history of EPCRA makes clear that the exemption for storage under Section 327 "is limited to the storage of materials which are still moving under active shipping papers and which have not reached the ultimate consignee." House Report No. 99-962 (Committee of Conference), October 3, 1986, 99 Cong. Conf. H. Report 962, at 311. Thus, if a rail yard is identified as the ultimate consignee on the shipping papers, or the chemicals are not under active shipping papers, the hazardous chemicals present at the rail yard are no longer in transportation or stored incident to transportation.

The reporting requirements of Sections 311 and 312 of EPCRA apply to owners and operators of facilities that are required to prepare or have a Material Safety Data Sheet (MSDS) [also known as the Safety Data Sheet (SDS)] for any hazardous chemical defined under the OSH Act or its implementing regulations.] If hazardous chemicals present at a rail yard are required to have a MSDS (SDS), and the reporting thresholds in 40 CFR Part 370 are met or exceeded, then the owner or operator of the rail yard must comply with EPCRA Sections 311 and 312.

This answer is not intended to restrict the Department of Transportation's jurisdiction over such facilities. The Department of Transportation has jurisdiction over rail transportation of hazardous materials, including "storage incident to movement." While DOT's definition of "storage incident to movement" is similar to "storage incident to transportation" under EPCRA (see 68 Federal Register 61906, 61928 (October 30, 2003)), DOT's definition can sometimes be more expansive, resulting in overlapping EPA and DOT jurisdiction in some cases.

For example, for safety reasons, DOT maintains jurisdiction over rail cars of hazardous chemicals stored on railroad-controlled property as "storage incident to movement," no matter how long they are stored there and regardless of whether the chemicals are under active shipping papers. In the context of rail shipments, DOT's regulations consider the type of track used for storage to be a relevant factor. The regulations at 49 CFR Sections 171.1 and 171.8 specify that, in the case of railroad shipments, even if a shipment has been delivered to the destination shown on the shipping document, if the track is under the control of a railroad carrier or track is used for purposes other than moving cars shipped to or from the lessee, storage on the track is storage incidental to movement (70 FR 20019).

Hazardous chemicals stored in rail cars at rail yards are also subject to EPCRA Sections 311 and 312 reporting requirements unless the hazardous chemicals are under active shipping papers and have not reached their ultimate consignee listed on the shipping papers, regardless of the type of track used for storage. This is to ensure that emergency responders and the public are aware of hazardous chemicals stored in their community – a particular concern when rail yards are providing storage services for chemical companies and other hazardous chemical users. Rail cars under active shipping papers that have not reached their final destination are subject to the Hazardous Materials Regulations and must have an emergency response telephone number on the shipping paper that is monitored while the hazardous material is in transportation.

Related topics:
Definition of hazardous chemicals and OSHA's MSDS requirement for determining applicability of EPCRA 311/312
Should hazardous chemicals present in vehicles be considered as present in the facility?

[1]The OSHA requirement for Safety Data Sheets at rail yards is not preempted by the Department of Transportation's Hazardous Materials Regulations (HMR).

Next Page Return to Top

EPA Region 8 Preparedness Unit

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
Mr. Greg Stasinos, Co-Chair
Phone: 303-692-3023
greg.stasinos@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

South Dakota
Mr. Bob McGrath, Chair
Phone: 800-433-2288
Kelsey.Newling@state.sd.us

Utah
Mr. Alan Matheson, Co-Chair
Phone: 801-536-4400
amatheson@utah.gov

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

Wyoming
Ms. Aimee Binning, Chair
Phone: 307 721-1815
ABinning@co.albany.wy.us

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 June 2019)

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 EPCRA, and 40 CFR Part 112.2 for SPCC/FRP.

Return to Top