



Region 8 Emergency Preparedness Newsletter

Volume X No. 3 July 2020 Quarterly Newsletter

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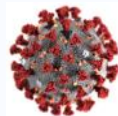


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Wall Creek, Montana Oil Spill Response

On April 22, 2020, Cardinal Oil, LLC reported to the National Response Center (NRC) an accidental discharge of over 100 barrels of oil from a tank battery site. The release was due to a cracked valve on a 400-barrel tank approximately 75 miles north of Billings, Montana. The Montana Department of Environmental Quality (MDEQ) and the Montana Board of Oil and Gas Conservation (BOGC) were contacted as well.

-EPA On Scene Coordinator (OSC), Kerry Guy, discussed the situation with Cardinal Oil representatives who indicated Little Wall Creek was impacted two miles downstream and estimated approximately four barrels had been released to the creek.



Because of the difficult terrain, the BOGC felt it would take a clean-up crew several days to work their way downstream with all-terrain vehicles and complete cleanup at areas where oil had pooled. The spill area between the battery tank and the creek is on private property.



Cardinal Oil acquired supplies (boom and sorbent pads) and began organizing to conduct cleanup of the area with several staff members.

The Montana BOGC field representative was able to get on-site and confirmed the spill impacts were for at least two miles. The representative estimated the spill occurred several days before it was reported. Although

evidence of the spill reached two miles downstream, the BOGC field representative reported minimal impacts to the creek bank and vegetation, except for occasional deeper pools.



Response crew members utilizing mechanical means to push oil down to a collection point for oil recovery

Wall Creek, Montana Oil Spill Response



Cardinal Oil established a sausage boom across sections of the creek, as well as in front of culverts and at several other locations, to act as collection points. Sorbent pads were placed along oiled bank areas and heavily oiled area on top of the bank. Vacuums were used to extract oil from the surface and where oil accumulated on the shore. The clean up crew then began pushing oil downstream to collection points.



Kerry Guy, EPA OSC, said, “A unique twist to this response was it occurred entirely during the COVID-19 shut down in both Montana and Colorado.” One problem was simply getting personnel out to the site. MDEQ was able to get personnel out on day three of the incident, and then only for the day. But their onsite inspection proved key to the response. During the inspection, MDEQ helped Cardinal Oil assess the extent of the damage and the cleanup required. Following MDEQ’s visit, Cardinal Oil immediately hired a contractor. After this informative assessment from EPA, MDEQ, Cardinal Oil and the contractors formed a

unified command and held morning briefing teleconferences with the contractors in the field.

Guy added, “COVID-19 work rules and policies had to be reviewed, but we were impressed by the measures and precautions taken by the contractor.” These precautions included the use of masks, social distancing, small work groups, rig ‘decon’, gloves, and additional precautions during lunch and meetings. The efforts and progress by the Oil Spill Removal Organization were reported — via email — each morning. “This gave incident command confidence in overseeing the response remotely,” Kerry added. MDEQ conducted two more site visits during the response, which wrapped up by mid-May.

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Box Elder Utah LEPC

Box Elder is probably best known for the 'Golden Spike' hammered in place on May 10, 1869. Important to both Utah and the nation, the location represents the completion of the 'Transcontinental Railroad.' Within the county, archaeological sites date back as far as 12,000 years ago. Box Elder is also home to the Bear River Bird Migratory Reserve and contains much of the Great Salt Lake shoreline.



Golden Spike Commemoration



The active Box Elder LEPC meets regularly and continues to meet via Zoom throughout the COVID-19 shutdown. Their May meeting was sponsored by the Tri-County Health department with a presentation on the current coronavirus status.

The LEPC membership is made up of hospital, health, fire, hazmat, and law enforcement agencies, local businesses, state fire and military personnel, the Civil Support Team, state and federal environmental agencies, and other interested parties. The LEPC works to have local businesses attend meetings on a regular basis.

The meetings are held monthly at the county sheriff's building; although some meetings are held at local businesses. Mark Millet is the Emergency Manager for Box Elder and the LEPC Director. However, he relies on the two current co-chairs, Phil Collins and Eric Andersen, to organize and run the meetings. Mark adds "We are also grateful to Marsha Andersen who coordinates the meeting agenda with input and ideas for presentations."



Mark Millet, LEPC Director



Oil Slick Clean Up in Box Elder County

The meetings focus on sharing information and lessons learned. In many cases, it is the smaller companies asking questions of larger companies on processes or management practices. Eric elaborated, "We share information about personnel, employee and business preparedness concepts. We also share information on emergency-related incidents in the county or information on preparations for large community activities."



Great Salt Lake

Box Elder LEPC Continued

The LEPC serves as a venue to coordinate with community partners who have a similar concern regarding the hazardous materials in Box Elder and emergency preparedness in general. There is broad representation between state, county and local governments, public safety responders, businesses, and the public at large. Even with this success, Eric said they are still always trying to “reach out and bring more of our partners to the table.” He added, “Successful responses to emergencies are more about building relationships than just writing plans; better yet, successful prevention is more about implementing best practices than just following regulations.”

The success of the Box Elder LEPC is attributable to encouraging active input from members, as well as meetings and tours at local businesses. This allows better understanding of chemicals and processes involved in the LEPC response area, helping the LEPC make better-informed response plans for specific businesses.



Anhydrous Ammonia Leak



LEPC Booth

Three LEPC subcommittees focus on Training, Business/Citizen Outreach, and Tier II Reporting. The LEPC encourages members to participate while providing coaching and help while new members are in unfamiliar territory. The Business/Citizen Outreach Committee hosts an information booth at the local county fair as well as a yearly community training event with guest speakers including ‘lessons learned’ and ‘response efficiency’.

Co-chair Andersen also runs the industrial ammonia refrigeration system for a Walmart grocery distribution center. This position, in turn, involved him with the Central Box Elder Fire District, due to the hazardous material nature of ammonia. When discussing the value the LEPC provides the community, Eric added, “When I attended my first LEPC meeting, I was setting up an ammonia hazmat drill for my employer. With all the different agencies involved within the LEPC, I found the LEPC very useful and informative, especially with the ability to talk directly to many different entities at once. After that experience, I attended as many meetings as I could.”



Eric Andersen, Co-Chair



Mountain View in Box Elder County

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RMP Frequently Asked Questions

Who must develop an emergency response program under RMP?

The risk management program regulations require the owner or operator of a covered stationary source to develop and implement an emergency response program as described in 40 CFR §68.95, which must include an emergency response plan, emergency response equipment procedures, employee training, and procedures to ensure the program is up-to-date.

Do all facilities subject to the risk management program regulations have to develop an emergency response program?

No. As provided in §68.90(a), only the owner or operator of a stationary source with Program 2 and Program 3 processes, whose employees will respond to accidental releases of RMP-regulated substances, must comply with the requirements of §68.95.

EPA recognizes that, in some cases (particularly for retailers and other small operations with few employees), it may not be appropriate for employees to conduct response operations for releases of regulated substances. For example, it would be inappropriate, and probably unsafe, for an ammonia retailer with only one full-time employee to expect that a tank fire could be handled without the help of the local fire department or other emergency responders. EPA does not intend to force such facilities to develop emergency response capabilities. Therefore, the owner or operator of a stationary source whose employees will not respond to accidental releases of regulated substances need not comply with §68.95 provided that:

- For stationary sources with any regulated toxic substance held in a process above the threshold quantity, the stationary sources must be included in the community emergency response plan prepared under EPCRA.
- For stationary sources with only regulated flammable substances held in a process above the threshold quantity, the owner or operator must coordinate response actions with the local fire department.
- Appropriate mechanisms are in place to notify emergency responders when there is a need for a response (§68.90(b)).
- The owner or operator performs the annual emergency response coordination activities required under §68.93.
- The owner or operator performs the annual notification exercises required under §68.96(a).

RMP Frequently Asked Questions

Does compliance under OSHA's PSM demonstrate compliance with the risk management program?

The Clean Air Act Amendments of 1990 (CAAA) mandated the Occupational Safety and Health Administration (OSHA) to develop a regulatory program to protect workers from the risk of accidents that involve hazardous chemicals. OSHA promulgated its Process Safety Management (PSM) Standard on February 24, 1992 (57 [FR 6356](#)), codified at 40 CFR Section 1910.119. The CAAA also mandated EPA to develop a regulatory program to reduce the risk of serious chemical accidents that could affect public health and the environment. In response, EPA promulgated its List Rule on January 31, 1994 ([59 FR 4478](#)), and its Risk Management Program Rule on June 20, 1996 ([61 FR 31668PDF](#)), codified at 40 CFR Part 68.

A process that is subject to OSHA's PSM, unless it meets the criteria for Program 1 eligibility, will be subject to Program 3 requirements under EPA's Risk Management Program Rule. The prevention program requirements for Program 3 processes under 40 CFR Sections 68.65 through 68.87 are almost identical to the requirements of OSHA's PSM. Thus, a source owner or operator responsible for a process that is in compliance with OSHA's PSM should already be in compliance with the Program 3 prevention program requirements ([61 FR 31687PDF](#); June 20, 1996). The owner or operator of the stationary source would still need to develop a management system, conduct a hazard assessment, develop and implement an emergency response program, and submit a risk management plan

The prevention program requirements under 40 CFR Part 68, Subparts C and D, include hazard reviews and process hazard analyses. Is a hazard review synonymous with a process hazard analysis (PHA)?

No. A hazard review is different from a PHA. A hazard review is part of the Program 2 prevention program (40 CFR §68.50). The hazard review must identify the hazards associated with the process and regulated substances, opportunities for equipment malfunctions or human errors, safeguards needed to control the hazards or prevent equipment malfunction or human error, and any steps used or needed to detect or monitor releases. A PHA is a requirement of the Program 3 prevention program (40 CFR §68.67). It involves the rigorous step-by-step examination of processes, process equipment and controls, and procedures to identify each point at which a mishap may occur (e.g., a valve failing, a gauge malfunctioning, human error) and examines the possible consequences of the mishap ([58 FR 54196](#); October 20, 1993). To complete a PHA, owners or operators may use a "what if" analysis, a checklist, a hazard and operability study (HAZOP), a failure mode and effects analysis, or a fault tree analysis (40 CFR §68.67(b)).

More information and similar questions concerning RMP are available at EPA [Frequent Questions](#)

Startup Processes

A Reminder After COVID-19 Shutdowns

The International Council of Chemical Associations (ICCA) issued an advisory on the critical nature of restarting and resuming operations after a shutdown such as the world experienced this spring.

It is critical that chemical facilities carry out safety reviews before they resume operations after shutdowns put in place to prevent the spread of coronavirus Covid-19, according to the ICCA.

"A significant number, likely the majority" of chemical incidents at plants happen during start up, the trade body said in a guidance document released on May 18, 2020 to help companies reopen facilities safely. In the U.S., incidents during start up are five times more likely to take place than during normal operations, according to data cited by the ICCA. The pandemic has led to "unique circumstances at many sites", in that some entire plants have been shuttered for weeks. For example, the New York Times reported a [styrene gas leak](#) in India caused at least 11 deaths and hundreds of hospitalizations in early May as a plant tried to restart production after a 44-day shutdown.

In the chemical industry, it is common for individual processes to be shut down for maintenance, inspection or other reasons, the ICCA said. But it is uncommon for an entire plant to be shut down, and even more so for weeks, potentially without staff onsite conducting preventative maintenance and inspections. A safety review can help companies assess any issues that may need to be addressed before restarting the plant, according to the trade body.

Safe restart procedures will vary by operation, but the ICCA outlined four steps that a general approach could follow:

- document state of operations "as found", such as where chemicals have been stored and their environmental conditions;
- create a startup plan, or revise the existing one based on the current situation;
- review training needs and consider drilling restart procedures with employees; and
- proceed with caution – and consider allocating a dedicated employee to monitor the startup process.

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Toxic Substance Control Act TSCA—Final Rule Announced

On Monday, May 11, 2020, Alexandra Dapolito Dunn, the EPA Assistant Administrator for Chemical Safety and Pollution Prevention, signed the following document: **Action: Final Rule. Title: Small Manufacturer Definition Update for Reporting and Recordkeeping Requirements Under the Toxic Substances Control Act (TSCA) Section 8(a) FRL #: 10008-14 Docket ID #: EPA-HQ-OPPT-2018-0321.** EPA is submitting this document for publication in the Federal Register (FR); EPA is providing this document solely for the convenience of interested parties. The official version will publish in a forthcoming FR publication, which will appear on the [Government Printing Office's govinfo website](#) and on [Regulations.gov](#) in the docket identified above.

Notwithstanding the fact that EPA is posting a pre-publication version, the final rule will not be promulgated until published in the Federal Register. Once the official version of this document is published in the Federal Register, this version will be removed from the Internet and replaced with a link to the official version. At that time, access the on-line docket for this Federal Register document at <http://www.regulations.gov>. For further information about the docket and, if applicable, instructions for commenting, please consult the address section in the front of the Federal Register document.

Enforcement Actions for Non-Compliance of CAA 112(r) and EPCRA , Region 8

The Toxics and Pesticides Enforcement Section in the Enforcement and Compliance Assurance Division recently filed the following administrative orders to address non-compliance of CAA 112(r) and EPCRA at regulated facilities. The links are to the orders on the EPA Administrative Enforcement Docket which houses the orders.

K2D, INC. or Colorado Premium Cold Storage/ CAA 112(r)(7) [Administrative Compliance Order on Consent](#)

Big West Oil, L.L.C./ CAA 112(r)(7) [Administrative Compliance Order on Consent](#)

Big West Oil, L.L.C./ EPCRA 313 [Consent Agreement & Final Order](#)

Daily's Premium Meats, LLC/ CAA 112(r)(7) [Consent Agreement & Final Order](#)

Producers COOP/ CAA 112(r)(7) [Consent Agreement & Final Order](#)

Anheuser-Busch, LLC/ CAA 112(r)(7) [Administrative Compliance Order on Consent](#)



Region 8 Emergency Preparedness COVID-19 Informational Links

As emergency preparedness readers, you are all fully immersed in this pandemic. Thank you for all you have done and continue to do for your community. We have included a few links with helpful information and updates provided by the EPA. Please check out these websites providing updated information and guidance as it becomes available. They are being updated frequently.

EPA

This website provides key EPA resources on the coronavirus disease (COVID-19)

- <https://www.epa.gov/coronavirus>
- EPA Region 8 began reopening offices using a phased approach beginning in June.

Disinfectants

Information on EPA acceptable disinfectants to use against the virus

- <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

Press Releases

- [EPA press releases concerning Coronavirus](#)

Additional Timely Information

World Health Organization <https://www.who.int/>

Center for Disease Control <https://www.cdc.gov/>

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Welcome Mark Quick Emergency Preparedness Assistant

Mark Quick is joining the EPA's Region 8 Emergency Preparedness and Site Assessment Section. He is based in Denver but hopes to visit many of the LEPCs and SERCs throughout the region. Mark has held a variety of emergency response positions throughout Colorado. He served as the State Fire Training Director as well as the Division Chief over training, certification, safety and hazardous materials response for the Colorado



Division of Fire Prevention and Control.

Throughout his career, in various cities in Colorado, he has been a volunteer fire fighter, the hazardous materials team leader, the bioterrorism program coordinator, the hazardous materials program manager. He majored in Environmental Health at Colorado State University. Recently, he served as a member of the Colorado Emergency Planning Commission.



We are excited to welcome Mark to EPA's Emergency Preparedness team.

Dr. Katherine Lemos Chairperson Chemical Safety Board

The U.S. Chemical Safety Board (CSB) is an independent, nonregulatory federal agency that investigates the root causes of major chemical incidents with a mission to drive chemical safety change through independent investigations to protect people and the environment. The agency was created under the Clean Air Act Amendments of 1990. To date, the agency has deployed to over 130 chemical incidents and issued more than 800 recommendations that have led to numerous safety improvements across a wide variety of industries.

In April of this year, they announced their new chairperson, Dr. Katherine Lemos. In a press release Dr. Lemos said "As I begin my term as Chairperson and CEO of the U.S. Chemical Safety Board. I am grateful to President Trump and the U.S. Senate for the confidence they have placed in me to lead this important agency. Over the next five years, I look forward to working with a diverse, skilled and motivated team of investigators, legal experts, public and government affairs specialists, and business staff to advance safety across the chemical industry ." The full press release can be read [here](#).

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 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.



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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