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EPA Region 8 Emergency Preparedness Newsletter

Volume XIII No. III Third Quarter 2023 Newsletter

Welcome to the EPA Region 8 Preparedness Newsletter.
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National Preparedness Month

National Preparedness Month is observed every September to raise awareness about the importance of preparing for disasters and emergencies that could affect our homes, businesses, and communities. Homeowners, community members and businesses can use this opportunity to find ways to understand more about preparing for disasters and reducing risks to health and the environment.

There has been a flurry of incidents within the past few years that have captured our attention including hurricanes, floods, fires, and train derailments-all of which have had a relationship with chemical and oil releases. As we reflect on our future, we may consider (or even reconsider) our risks. Our communities may have those obvious risks that may appear to be low hanging fruit. Perhaps there are large chemical facilities, a large transportation hub, or a massive mining operation that takes up your attention, but what about those “sleeper” risks? Are there risks out there that might not appear on your radar but perhaps need a second look? EPA has been expressing the need to evaluate your risks under the lens of changing weather conditions. What if that area that never seems to flood might need another review? Hurricane



Harvey inundated the Houston-area with never-before-seen rain and flooding that resulted in a major chemical release from the [Arkema plant](#). Do you have long-lasting hot streaks or cold snaps? Does your community have the means to withstand these long-lasting weather events if they were to occur? Perhaps what seemed previously inconceivable should be assessed again.

Something we saw in the recent Maui fire was the cellular network and power grid being damaged if not destroyed early in the incident. I look at my own family where we no longer have a home phone but use our own cell phones. Code Red or other call notification programs have been promoted for some time, but what about if that network is not functional? Do you need to consider how you might communicate with your community if you cannot use the cellular phone network? Do those in your community even have ample access to cell phones to begin with? Might there be residents who need to be reached using other mechanisms in other languages?



National Preparedness Month, contd.

Another matter we saw in the Maui fire was regarding the use of sirens. In your respective communities, could sirens go beyond the typical tornado use, but warn of a fire, shelter-in-place notice, or for some other emergency? The City of Denver recently just made this policy change about the use of sirens within their city limits which you can read about [here](#). Keep in mind that with a major policy change like this, it may mean your community may need outreach and training on the various uses of sirens and even perhaps a reminder of what shelter-in-place even means. Some chemical and oil facilities use sirens as a warning mechanism for their own employees, but what about those fence-line citizens who could hear a siren but would not necessarily know what it is used for on the other side of the fence? Here is where you can work with your industry in your respective communities and the LEPC is a perfect forum for that partnership and perhaps even share resources if that bad day ever occurs.



We will continue to learn from these incidents and hopefully apply this newfound knowledge to our own communities. Take a moment to re-evaluate your plans and what is contained within your communities. What was never considered perhaps should be now. What was evaluated a long time ago may need another look through different lens. Emergency preparedness is ever-changing and we need to be careful to not let complacency take over in our daily functions.

When reviewing your plans, also take a moment to answer the question if you have addressed the access and functional needs of your community? Not only is periodic review and update of the hazards that exist in your community imperative, but also can you say you have properly addressed the needs that exist and have those changed with time? Ready.gov has a number of resources that can be found [here](#) and the Colorado Division of Home Security and Emergency Management (DHSEM) has a robust [website](#) with national resources that may be helpful upon your evaluation.



CSB Reports and Video Releases

CSB Releases New Safety Video on 2019 Explosions and Fires at the TPC Group Chemical Plant in Port Neches, Texas

The CSB released a [new safety video](#) on its investigation into the serious November 2019 incident at the TPC Group Chemical Plant in Port Neches, Texas. A series of explosions destroyed a portion of the TPC facility, damaged nearby homes and businesses, and prompted a mandatory evacuation of residents living within four miles of the plant. The incident caused \$450 million in on-site property damage and \$153 million in off-site property damage to nearby homes and businesses. Media reports indicated that the blast was felt up to 30 miles away. The CSB's [investigation](#) found that the incident at the TPC plant was the result of inadequate management of a hazard called “popcorn polymer,” which is well known to plants, such as TPC, that handle or produce butadiene.



CSB Releases Final Report on 2019 Massive Tank Farm Fire at the Intercontinental Terminals Company facility in Deer Park, Texas

The CSB released its [final investigation report](#) on the 2019 tank farm fire at the Intercontinental Terminals Company, LLC (ITC) bulk liquid storage terminal in Deer Park, Texas. The massive fire caused substantial property damage, significantly impacted the environment, and led to the issuance of several shelter-in-place orders that seriously disrupted the local community.

CSB Releases Investigation Report into Fatal 2020 Explosion at Optima Belle Facility in Belle, West Virginia

The CSB released its [final report](#) into the December 8, 2020, fatal incident at Optima Belle LLC (Optima Belle) in Belle, WV. The incident occurred during Optima Belle's production of a sanitizing compound for Clearon Corporation (Clearon). A dryer at the Optima Belle facility that was removing water from the compound exploded, resulting in the death of an employee and leading to significant property damage and a shelter-in-place order for the neighboring community.

CISA Training Opportunities

ChemLock: Introduction to Chemical Security Training Course

*****Additional Dates*****

This course provides an introduction to identifying, assessing, evaluating, and mitigating chemical security risks. This easy-to-understand overview identifies key components and best practices of chemical security awareness and planning to help kickstart chemical security discussions at a facility. This course runs 1-2 hours in length and is appropriate for all personnel regardless of their level of involvement with dangerous chemicals.

[Register for October 17, 2023 – 10 am-noon ET](#)

[Register for January 10, 2024 – 2-4 pm ET](#)

[Register for April 8, 2024 – Noon-2 pm ET](#)

ChemLock: Secure Your Chemicals Security Planning Training Course

*****Additional Dates*****

This course walks through how to create a tailored, scalable security plan that meets the business model and unique circumstances of a facility. Participants will learn the key elements of a chemical security plan and benefit from examples, lessons learned, and best practices. The course runs 2-3 hours in length and is designed to help leadership, facility security personnel, and other applicable personnel understand, develop, and implement a facility security plan.

[Register for November 14, 2023 – 10 am - 1 pm ET](#)

[Register for February 6, 2024 – 2-5 pm ET](#)

[Register for May 6, 2024 – Noon-3 pm ET](#)

Please share this course information with relevant chemical security stakeholders in your area. To request a special offering of either course for a facility or organization, please fill out the [ChemLock Services Request Form](#). If you have questions about the ChemLock program, please email ChemLock@cisa.dhs.gov.

EPA Updates

Training Video: Management of Hazardous Chemicals at Chemical Warehousing and Chemical Distribution Facilities

EPA has released a [training video](#) reviewing the 2021 Joint Safety Advisory (EPA, OSHA, and DHS-CISA) for Chemical Warehouses and Distribution Facilities. The video address the types of operations in the chemical warehousing industry that are of concern, provides a summary of the applicable federal chemical safety regulations, and defines common issues related to chemical management and safety. This video and other Chemical Accident Prevention Publications are available here: <https://www.epa.gov/rmp/chemical-accident-prevention-publications>.

Amendments to the Revised Definition of “Waters of the United States”

On August 29, 2023, the U.S. Environmental Protection Agency (EPA) and Department of the Army (the agencies) issued a final rule to amend the final “[Revised Definition of ‘Waters of the United States’](#)” rule, published in the Federal Register on January 18, 2023. This final rule conforms the definition of “waters of the United States” to the U.S. Supreme Court’s May 25, 2023 decision in the case of *Sackett v. Environmental Protection Agency*. Parts of the January 2023 Rule are invalid under the Supreme Court’s interpretation of the Clean Water Act in the [Sackett decision](#). Therefore, the agencies have amended key aspects of the regulatory text to conform it to the Court’s decision. Additional information is available on [EPA’s Waters of the United States website](#).

The conforming rule will become effective upon publication in the Federal Register. Please see the [Rule Status and Litigation Update page](#) for information about the status of the January 2023 Rule, as amended by this conforming rule, and litigation. The agencies are hosting public webinars to provide updates on the definition of “waters of the United States” with space still available for:

[September 20, 2023](#) (3pm-4pm Eastern Time)

Each webinar will present the same information, so please register for only one event. Please note that registration capacity is limited, but the agencies will post a recording of the webinar to EPA's website.

Now Available: *Handbook on Indicators of Community Vulnerability to Extreme Events: Considering Sites and Waste Management Facilities*

The EPA released a handbook titled, “Indicators of Community Vulnerability to Extreme Events: Considering Sites and Waste Management Facilities.” This handbook provides steps for developing indicators to identify local areas and communities that may be vulnerable to accidental releases of hazardous substances during extreme events. By mapping contaminated sites/waste management facilities, potential extreme events, local environmental conditions, and characteristics of the population in the surrounding community, this information may be used to improve local decisions and planning (e.g., adaptation, mitigation, resilience, response).

It is designed to support state and local decision-makers in developing and prioritizing targeted mitigation, adaptation, resilience, and response strategies to prepare for and prevent potentially negative health and environmental outcomes from accidental contaminant releases from contaminated sites/waste management facilities. [Find the Handbook and more information here](#).

EPA Updates, Cont'd.

EPA has updated the EPCRA website on [Lithium-Ion Batteries and EPCRA 311-312 Reporting Requirements](#) to provide better guidance regarding what lithium-ion batteries are subject to the federal hazardous chemical inventory reporting requirements. The updated website provides explanations regarding the consumer product and Resource Conservation and Recovery Act (RCRA) hazardous chemical reporting exemptions, articles, and clarifies that states, tribes, and territories may impose more stringent reporting requirements than the federal regulations.



TRI Updates

2022 Toxics Release Inventory (TRI) Preliminary Data Available

Preliminary TRI data for 2022 are now available. These data cover chemical waste management, including releases, and pollution prevention activities that occurred during 2022 at more than 20,000 industrial and federal facilities across the country. You can use the preliminary data to locate facilities that reported to TRI for 2022 and learn which chemicals those facilities managed as waste and in what quantities. The 2022 preliminary data will be updated periodically in September to reflect any revisions and late submissions from facilities. [Access the preliminary data via the TRI website.](#)

Missed a webinar about EPCRA 313?

Check out the new [Toxics Release Inventory webinar archive](#) for webinar recordings on topics including real-world applications of TRI data, what tribal communities should know about TRI, EPA's TRI/risk-screening tool, and more.

Save the Date: TRI National Conference, October 24-25, 2023, Arlington, VA

The Toxics Release Inventory National Conference is back! Join EPA on October 24 & 25, 2023, in Arlington, Virginia, for conference sessions related to the theme 'TRI: Transforming Data into Action.' Watch [the conference webpage](#) for a call for presentation abstracts and more details, coming soon.

CAMEO Training

Virtual CAMEO for Planning Classes

Understand the hazardous material threat in your jurisdiction. Experienced instructors will train you how to use the CAMEO® Suite software to facilitate planning for hazardous material incidents. This training includes CAMEO Data Manager (DM). This month-long class includes: online classroom with 24/7 access to weekly lessons, videos & activities; weekly, scheduled live Q&A webinars; 1-hour Zoom call on the first day of class; and four, 2-hour webinars on the remaining 4 days. Two remaining sessions in 2023:

Session 3: Oct. 25 – Nov. 29 (Wed. webinars – skip Thanksgiving week)

All Zoom Calls begin at 8am PT/9 MT/10 CT/11 ET

[Click here](#) for more information and to register.

Cybersecurity for Water Utilities

The Cybersecurity and Infrastructure Security Agency (CISA) published a fact sheet: [Free Cyber Vulnerability Scanning for Water Utilities](#), developed in coordination with the Environmental Protection Agency, the Water Sector Coordinating Council and the Association of State Drinking Water Administrators. The document and promotional messaging are intended to drive water sector enrollment in CISA's free vulnerability scanning program.

The fact sheet includes information on the benefits of the program, which include pinpointing internet-exposed assets, detecting vulnerabilities, and receiving insightful weekly status reports. The fact sheet also explains how the program works, provides instructions on how to get started, and provides additional resources and contact guidance to request more information.

To learn more about CISA's free vulnerability scanning service, register for the September 27 Water Information Sharing and Analysis Center webinar: - [Water Sector Cyber Threat Web Briefing - Discover What Attackers See: CISA's Vulnerability Scanning Service for Visibility](#)

For more information and resources geared toward the water and wastewater sector, visit [CISA.gov/water](https://www.cisa.gov/water).

EPA has also stood up the Water Infrastructure and Cyber Resilience Division (WICRD) that hosts a number of products and services to improve the resiliency of the water sector. You can find more information [here](#) that includes fact sheets, guidance documents and assessments tools.



OSHA Updates

Department of Labor Announces Rule Expanding Submission Requirements for Injury, Illness Data Provided by Employers in High-Hazard Industries

The U.S. Department of Labor announced a [final rule](#) that will require certain employers in designated high-hazard industries to electronically submit [injury and illness information](#) – that they are already required to keep – to the department's Occupational Safety and Health Administration. The final rule takes effect on Jan. 1, 2024, and now includes the following submission requirements:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.
- To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

OSHA will publish some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company's workplace safety and health record to make informed decisions. OSHA believes that providing public access to the data will ultimately reduce occupational injuries and illnesses.

OSHA Fatal Facts: Confined Space Fire

OSHA has released a Fatal Facts document about a confined space fire. Two contract workers died of smoke inhalation and multiple blunt-force injuries during maintenance work on the inner walls of a connected pair of pulp bleaching towers at a paper mill. [Access the document here.](#)

PHMSA Announcements

PHMSA/FRA Suspend Authorization for Rail Transport of LNG

The Pipeline and Hazardous Materials Safety Administration (PHMSA) in coordination with the Federal Railway Administration (FRA), is suspending recent amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) authorizing transportation of "Methane, refrigerated liquid," commonly known as liquefied natural gas (LNG) in DOT–113C120W9 specification rail tank cars while it conducts a thorough evaluation of the HMR's regulatory framework for rail transportation of LNG in a companion rulemaking under Regulatory Identification Number (RIN) 2137–AF54, and determines whether any modifications are necessary. See the [final rule](#) for full details.

DHS Homeland Threat Assessment

DHS Continues to See High Risk of Foreign and Domestic Terrorism in 2024 Homeland Threat Assessment

Annual Threat Assessment to Replace Regular NTAS Bulletins and Provide the Public and our Partners with More Comprehensive Analysis of Most Pressing Threats and Challenges

The Department of Homeland Security (DHS) released the 2024 Homeland Threat Assessment (HTA), which continues to identify a high risk of foreign and domestic terrorism in 2024. The HTA provides the public and the Department's partners with a detailed report on the most pressing threats to the United States as part of the Biden Administration's continuing effort to assist them in preparing for, preventing, and responding to the diverse and dynamic threat environment.

Assessments from the 2024 HTA:

- **Foreign and Domestic Terrorism:** The Department expects the threat of violence from individuals radicalized in the United States to remain high, but largely unchanged, mainly seen through lone offenders or small group attacks that occur with little warning. While sustained counterterrorism pressure has significantly degraded the ability of foreign terrorist organizations to target U.S. interests, foreign terrorist groups like al-Qa'ida and ISIS are seeking to rebuild overseas, and they maintain worldwide networks of supporters that could seek to target the homeland.
- **Border and Immigration Security:** The complex border and immigration security challenges we have faced over the last year are likely to continue. In addition to the immigration challenges, the trend of an increased supply of fentanyl and variations in its production during the last year that have increased the lethality of these drugs is expected to continue.
- **Foreign Misinformation:** The spread of mis-, dis-, and malinformation aimed at undermining trust in government institutions, social cohesion, and democratic processes will remain a likely strategy for adverse nation-states. Foreign actors leverage cyber and Artificial Intelligence (AI) tools to bolster their malign influence campaigns by improving the translation quality of their content.
- **Economic Security:** We expect adverse nation states to continue using predatory economic practices, espionage, and cyber-attacks to try harm the U.S. economy, gain advantage for foreign companies, and steal U.S. intellectual property and trade secrets.

NASTTPO Mid-Year Conference

The National Association of Sara Title III Program Officials (NASTTPO) mid-year conference will be held October 16th-19th in Houston, Texas. The agenda and registration information can be found at the [www.nasttpo.com website](http://www.nasttpo.com).

EPA Enforcement Updates

EPA fines Suncor for chemical accident prevention and reporting violations

Contact: David Piantanida, (piantanida.david@epa.gov), (720) 879-1951

COMMERCE CITY, Colo. (August 18, 2023) - Today, the U.S. Environmental Protection Agency (EPA) announced a \$300,030 settlement with the Suncor Energy USA Inc., Commerce City Refinery (Suncor) to resolve alleged violations of toxic chemical-related regulations.

The settlement addresses chemical accident prevention, toxic chemical release reporting and community right-to-know violations at the refinery, which EPA discovered during an inspection conducted from September 14-17, 2020. Suncor will pay \$60,000 in civil penalties. It will also spend at least \$240,030 on emergency response equipment as a [Supplemental Environmental Project](#) to enhance the chemical release accident response capabilities of the South Adams County Fire Department in Commerce City, Colorado

"Facilities must properly handle hazardous substances to prevent dangerous chemical accidents and follow reporting requirements when releases occur," said KC Becker, EPA Regional Administrator. "If they don't, EPA will hold them accountable. We are pleased that Suncor is implementing critical safety measures to protect workers and the community."

The inspection focused on the root causes related to the catalyst release that occurred on December 11, 2019, among other areas. The EPA found that Suncor violated the following regulations:

- The Risk Management Program under the Clean Air Act, which is aimed at preventing accidental releases of chemicals that can have serious consequences for public health, safety, and the environment; Specifically, Suncor failed to maintain correct process safety information, complete outstanding process hazard analyses, update operating procedures and follow management of change procedures.
- Toxic chemical release reporting requirements under the Emergency Planning and Community Right-to-Know Act and reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act, which are designed to notify the community of toxic releases from facilities to help prepare for and protect against chemical accidents. Specifically, Suncor failed to timely report two releases and failed to report sulfuric acid in their industrial batteries to the local emergency responders.

Suncor certified that it addressed these findings.

Please see [Consent Agreement and Final Order](#) for more information.

Read more information about the [Risk Management Program](#), [Emergency Planning and Community Right to Know Act](#) and section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act .

Emerging Issues

The use of home energy storage systems to store solar energy has become more widespread, and yet can pose a significant risk to responders and the environment if damage is caused to the unit. This damage can range from simple overcharging to being damaged from fire. In a large or widespread fire impacting many homes or buildings, this can pose substantial challenges for response and recovery operations in the aftermath of the fire.



Figure 1: Six energy cells mixed into the debris. Can you see them all?

Recent disasters have shown that these energy storage systems might not immediately be obvious upon inspection in the debris after a fire (Figure 1). This may prove dangerous for disaster responders and cleanup technicians inspecting and cleaning up a fire scene, as you'll see below.

Components of these systems may appear to be completely destroyed based on inspection of the outer surface (Figure 2). However

once opened, the cells may be only damaged and are not fully destroyed (Figure 3). Damaged battery cells pose a substantial risk, as they can spontaneously reignite for an extended period after a



Figure 3: The intact batteries inside the apparently destroyed component.

fire – the longest currently known time to reignition is 10 months. This reignition can catch surrounding packaging, structures, vehicles, and other materials

on fire, as well as release substantial amounts of toxic gases such as hydrogen fluoride. Accordingly, immediate scene stabilization, transportation, and disposal of these damaged batteries can be extremely difficult.

Batteries involved in a fire are considered damaged, defective, or recalled (DDR). These DDR batteries have onerous requirements for shipment per the Department of Transportation which you can read about [here](#). If DDR batteries cannot be shipped, then the issue of de-energizing and de-construction of these DDR batteries may be necessary to properly prepare batteries for shipment and disposal. Removal and disposal of damaged lithium-ion batteries is certainly a developing issue, but EPA is moving forward to learn more about this issue and how to respond safely and effectively. EPA has developed one-day tabletop exercises aimed at state and local responders as well as develop a national task force to help share information across the regions and minimize potential duplication of efforts. We will continue to push out information as we become aware.

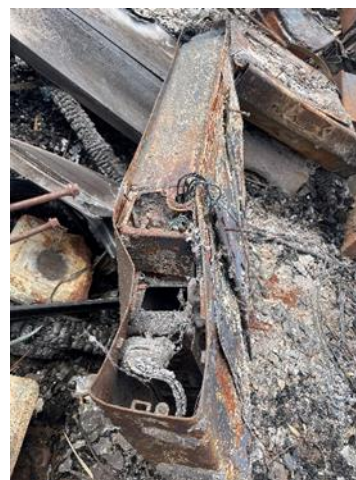


Figure 2: Fire damaged and apparently destroyed component.

RMP Reconsideration Compliance Dates

Are you an RMP facility? Does your facility have one or more of the 140 regulated substances above threshold quantities in a covered process? Do not forget that you have outstanding requirements and new upcoming requirements under the RMP Reconsideration Rule.

- Facilities must coordinate annually with local response organizations and document that coordination. Attending your LEPC meetings is a perfect way to satisfy this requirement.
- Your facility must have its plan developed for conducting field and table top exercises by December 2023.
- The execution of the first annual notification drills will need to be completed by December 2024.
- Your first tabletop exercise will need to be completed by December 2026 then every three years thereafter.
- If your facility has an accident with an off-site impact, you must hold public meeting within 90 days of that accident.

If you have not already, reach out to your LEPC. This organization has already been established to help facilitate these requirements. Make sure your LEPC and other local responding organizations know if your facility would need assistance in the event of a chemical release or perhaps your facility could provide assistance to the community with the resources your company has.

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 December 2022)

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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