From:	Jennings, Kim
To:	Clark, Becki; Cook, Steven; Cheatham, Reggie
Cc:	Belke, Jim; Gioffre, Patricia
Subject:	RE: Budget Hearing Briefing Binder - Deer Park Fire: 2 quick comments from OEM
Date:	Thursday, March 21, 2019 10:31:39 AM
Attachments:	RMP Report - ITC La Porte (Non-OCA).pdf

Hi all,

Jim and I discussed this, and the statement that no RMP chemicals were involved is based on the information provided in the briefing: "A total of fifteen (15) tanks could have been potentially involved in the fire, which began in a tank of naphtha in the middle of the tank battery. The other tanks contain gasoline, oil, xylenes, Pygas, and Toluene" along with the information in the facility's risk management plan (the non-OCA RMP from the facility is attached FYI).

None of these substances are RMP-covered. Pygas is pyrolysis gasoline, which is a mixture of naphtha and hexane-range hydrocarbons that is an NFPA-3 mixture, so not RMP-covered. All of the others are individual substances or mixtures that are not RMP-covered. The facility's RMP does not list any of the above substances as covered substances. So, if the chemicals listed in the briefing are accurate, the fire didn't involve any RMP-covered substances. However, we should be cautious using the information provided in the early days of an accident as it may be inaccurate or incomplete. I understand that the fire is now out, so as we deal with the aftermath and lessons learned, the Region should gain a more complete picture of what happened and we will be able to make a more definitive statement by the time the final RMP rule is published.

Please let me know if you have any additional questions.

Thanks,
Kim

Kim Jennings
Division Director || **Regulations Implementation Division**
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Clark, Becki
Sent: Thursday, March 21, 2019 8:53 AM
To: Cook, Steven <cook.steven@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Belke, Jim <Belke.Jim@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire: 2 quick comments from OEM

Yes. I am looping Jim, Kim and Patty in here.

From: Cook, Steven
Sent: Thursday, March 21, 2019 8:49 AM

To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Subject: FW: Budget Hearing Briefing Binder - Deer Park Fire: 2 quick comments from OEM
Importance: High

In the email string, Jim Belke indicates that it appears no RMP chemicals were involved. Can we get that confirmed? It would be a useful point to make when we get to the final rule rollout.

From: Wilbur, Jennifer
Sent: Wednesday, March 20, 2019 4:36 PM
To: Clark, Becki <Clark.Becki@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Cc: Perovich, Gina <Perovich.Gina@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire: 2 quick comments from OEM
Importance: High

I edited based on below and put in the correct format and made a few other consolidations, as needed. This is what I'm about to send. If you see something significant, please let me know ASAP.

From: Clark, Becki
Sent: Wednesday, March 20, 2019 4:12 PM
To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Cc: Perovich, Gina <Perovich.Gina@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: Budget Hearing Briefing Binder - Deer Park Fire: 2 quick comments from OEM

Please see 1) the comment below on ASPECT and 2) the attached additional sentence for the RMP bullet.

> Under the bullets it says "ASPECT continues to test air quality."
>
> Should say: ASPECT continues to provide air monitoring support

---

From: Belke, Jim
Sent: Wednesday, March 20, 2019 4:02 PM
To: Clark, Becki <Clark.Becki@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>; Perovich, Gina <Perovich.Gina@epa.gov>; Abrams, Nancy <Abrams.Nancy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Oh, Peter <Oh.Peter@epa.gov>; Jennings, Kim

<Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Irizarry, Gilberto <Irizarry.Gilberto@epa.gov>; Woodyard, Josh <Woodyard.Joshua@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire

Becki – I added one sentence in the RMP bullet, just to note that it does not appear that any RMP-regulated substances were involved in the fire.

Jim Belke

From: Clark, Becki
Sent: Wednesday, March 20, 2019 3:56 PM
To: Lee, Eugene <Lee.Eugene@epa.gov>; Perovich, Gina <Perovich.Gina@epa.gov>; Abrams, Nancy <Abrams.Nancy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Oh, Peter <Oh.Peter@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Irizarry, Gilberto <Irizarry.Gilberto@epa.gov>; Woodyard, Josh <Woodyard.Joshua@epa.gov>
Subject: FW: Budget Hearing Briefing Binder - Deer Park Fire

Can we all please take a quick look at this? I believe they are looking for comments today. Please feel free to forward to others I may have missed. Thanks.

From: Hilosky, Nick
Sent: Wednesday, March 20, 2019 3:51 PM
To: Cook, Steven <cook.steven@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire

With the attachment

From: Cook, Steven
Sent: Wednesday, March 20, 2019 3:38 PM
To: Clark, Becki <Clark.Becki@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>
Subject: Fwd: Budget Hearing Briefing Binder - Deer Park Fire

Latest from R6. If you have edits let Jen know and maybe she can get them up to OCIR. I will be in a briefing for next hour plus

Sent from my iPhone

Begin forwarded message:

From: "Ringel, Aaron" <ringel.aaron@epa.gov>
Date: March 20, 2019 at 3:19:29 PM EDT
To: "Gray, David" <gray.david@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>
Cc: "Traylor, Patrick" <traylor.patrick@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Edlund, Carl" <Edlund.Carl@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire

Excellent, thanks!

-Aaron

From: Gray, David
Sent: Wednesday, March 20, 2019 3:19 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire

This is ready for HQ team.

From: Ringel, Aaron
Sent: Wednesday, March 20, 2019 12:43 PM
To: Gray, David <gray.david@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Edlund, Carl <edlund.carl@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire

Thanks, let me know as soon as it clears internal review.

-Aaron

From: Gray, David
Sent: Wednesday, March 20, 2019 1:39 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>
Subject: RE: Budget Hearing Briefing Binder - Deer Park Fire

Due to the tight deadline (3 PM ET- Wash DC) I am sharing this draft for your review. We are fact checking a few points on a parallel process.

From: Idsal, Anne
Sent: Tuesday, March 19, 2019 4:28 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Gray, David <gray.david@epa.gov>; Edlund, Carl <edlund.carl@epa.gov>
Subject: Re: Budget Hearing Briefing Binder - Deer Park Fire

Yes, sir. I agree with that assessment. Carl and David, would you to get this ball rolling? What is the timeframe to get this back up to HQ OCIR?

Sent from my iPhone

On Mar 19, 2019, at 4:25 PM, Cook, Steven <cook.steven@epa.gov> wrote:

> Anne & Erin –
>
> It would seem that R6 is in the best position to do the initial draft – do you concur?
>
> Steven
>
> ---
>
> **From:** Traylor, Patrick
> **Sent:** Tuesday, March 19, 2019 4:42 PM
> **To:** Ringel, Aaron <ringel.aaron@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
> **Cc:** Lyons, Troy <lyons.troy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Snyder, Raquel <Snyder.Raquel@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
> **Subject:** RE: Budget Hearing Briefing Binder - Deer Park Fire
>
> Looping in Anne Idsal.
>
> **Patrick Traylor**
> Deputy Assistant Administrator
> Office of Enforcement and Compliance Assurance
> U.S. Environmental Protection Agency
> 202.809.8796 (m)
> 202.564.5238 (o)
>
> ---
>
> **From:** Ringel, Aaron

Sent: Tuesday, March 19, 2019 4:06 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Snyder, Raquel <Snyder.Raquel@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Budget Hearing Briefing Binder - Deer Park Fire

Patrick/Steven/David/Erin,

Including OECA, OLEM, and R6 since this covers all of your offices. I have to imagine we'll get questions on this specific issue during the E&C budget hearing at a minimum. Can we get a fact sheet together for his briefing binder?

Thanks,
Aaron

BEYOND THE BELTWAY

RED FLAGS AT TEXAS CHEMICAL PLANT: Records show Intercontinental Terminals Company's Deer Park plant in Texas, which went up in flames on Sunday, has had multiple incidents of violating clean air and clean water rules since 2009, the Houston Chronicle's Matt Dempsey reports. During that time, the company did not follow federal risk management regulations, and federal, state and county regulators issued more than $65,000 in civil penalties.

Not the first time: According to EPA data, ITC violated the federal Clean Water Act during nine of the last 12 quarters. Among other violations, the Commission on Environmental Quality fined the company for dumping a toxic chemical called cyanide into the San Jacinto River basin in July 2017, and the company also spilled chemicals in two Texas cities on four separate occasions in the past decade. ITC's Deer Park facility also had a major explosion in 1986 which killed one and injured seven. A report from the Houston Chronicle in 2016 also found there's a major chemical incident once every six

weeks in the greater Houston area. Read the full story here.

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov