EPA Region 8 Response Team Meeting October 2014

October 15

The fall meeting of the Region 8 Regional Response Team (RRT) was held in Golden, CO, at the U.S. Forest Service regional headquarters. This was the first meeting that was also open to industry and several participated.

Co-hosting were Todd Peterson, US Coast Guard (USCG), and Kathie Atencio, Environmental Protection Agency (EPA), who filled in for Gina Cristiano, currently out on maternity leave.

David Ostrander, co-chair of the RRT and Director of EPA's Emergency Response and Preparedness Program, welcomed regular members of the group and especially new federal and private industry participants. He outlined the RRT's role as it relates to the National Contingency Plan and response to incidents along with the involvement of the individual states and the EPA. Ostrander talked about Executive Order 13650 issued by the President to improve planning preparedness, in reaction to the West Texas ammonium nitrate disaster, and also Tier II reporting mandated by the Emergency Planning and Community Right-To-Know Act (EPCRA). Ostrander also noted that the Agency is in the process of completing Regional Contingency Plans which will be made available for RRT review and comment before going to headquarters for final approval.

Michael Sams, co-chair of the RRT and Incident Management & Preparedness Advisor USCG Eighth District, welcomed industry attendees. Sams spoke about an energy renaissance taking place in America, noting that the Bakken area is extremely active, crude rail shipments have increased through the DC corridor and also Eagle Ford shale shipments are on the rise through the port of Corpus Christi. New barges are being built to accommodate the increased shipments and drilling is occurring further off shore and under higher pressures. USCG will administer classification of OSROs in the SACPs.

RRT Updates:

Kurt Muenchow, **USDA Forest Service** Hazardous Materials and Emergency Response Coordinator, announced that Blake Velde, National Response Team, is retiring and being replaced by Brenda Styer-Gee as the USDA NRT representative. He also introduced Hillary Williams, a graduate student volunteering with the USFS in oil response planning for the Rocky Mountain Region. She is starting with oil-by-rail planning due to the increase in volumes of oil by rail from developments in both North Dakota and Wyoming and will expand efforts to include pipelines and highways.

Kris Roberts, **North Dakota Department of Health**, said that as of June, North Dakota took over the No. 1 spot for oil production in the U.S. They have had a few sizeable incidents including a major ice jam on the Missouri and Yellowstone rivers, an industrial fire (Red River Supply Warehouse Fire in Williston), and a couple of Tribal issues including a pipeline brine spill (Aero Pipeline) in Mandaree.

Ray DeBoer, **NDDES**, is planning their annual Hazardous Materials Conference to be held October 29-30 in Bismarck. The seminars will include a discussion of the West Texas fertilizer plant explosion, the Lac Megantic and Casselton train derailments and numerous other hazmat topics.

Kim McIntosh, **South Dakota Department of Environment and Natural Resources**, said that they have been busy in South Dakota with major flooding issues in the spring along the Big Sioux River and that those affected communities are still struggling in the aftermath of that incident. Ms. McIntosh said that there was a lot of discussion in SD about how local fire departments and emergency managers might respond to a potential rail accident. To make the public aware of "what is going by their door" rail crude oil volume information has been posted on the state website. The state is in the process of major pipeline developments, not only the Keystone XL, but also Dakota Access is seeking public input on a proposed pipeline that would haul crude. This year, Power Tech Uranium Mine, the first uranium mine to be licensed in the state for many years, has citizens concerned, some coming together in protest; water rights and potential impacts to ground water are being discussed. A concern over invasive species has led several lakes in SD to undergo chemical fish kills. When the Missouri River flooded two years ago rough fish such as buffalo and carp populations expanded, decreasing game fish in some area lakes. Ms. McIntosh asked if any other representatives in the Region had any knowledge of PCE impacts to a drinking water system as a result of PCE liners in asbestos concrete pipe. SD has been investigating an incident in which PCE was found in the drinking water, though no cause has been identified.-

Mike Zucker, **Utah Department of Environmental Quality**, said that his state is in the process of going on-line with Tier II data.

Ty Bailey, **Utah Division of Emergency Management**, thanked Kerry Guy, Joyel and Bernadette Rose for their assistance in presentations at local LEPC and SERC planning meetings. He also lauded EPA for the recent Oil Response Boom Training in Vernal and commented that they have "never had a training that was that relevant." Bailey said another similar training is being planned for Salt Lake City. Their state will be coordinating an LEPC workshop in March with EPA and worked on improvements to the SERC and a Memorandum of Understanding through their advisory board. At a recent meeting of the National Emergency Managers Association, non-disclosure agreements were discussed along with how to handle them, in light of the requirements of Tier II reporting. Bailey said it was his State's practice, as soon as they get something from the rail, to post it to the state website.

Bonnie Lovelace, **Montana Department of Environmental Quality**, said that her state is working on Ebola preparedness. Montana has one of the four hospitals in the nation designated by the State Department for treatment of travelers who exhibit symptoms of the Ebola virus. Montana did a recent Tier II training video which is available at http://deq.mt.gov/Tier2.mcpx. In the past few weeks, now three years since the pipeline rupture that sent 42,000 gallons of oil in the flooding Yellowstone River, Exxon has

supplied trailers of preparedness equipment and local responders have been trained in their use. Ms. Lovelace said her state is transparent on all crude oil planning, clearly posting the number of crude oil trains passing through the state.

Robert Stewart,DOI, Kathie Atencio EPA, and John Wegryzn, USFWS in discussion at the Regional Response Team fall meeting.

Robert Stewart, **Department of the Interior,** said that DOI is promoting Spills of National Significance training especially for oil-by-train shipments and added that a major training exercise is being planned at a transfer facility near Lake Sakakawea in fiscal year 2016/17.

Bradley King, **National Institute for Occupational Safety and Health**, said that his agency provides expertise and guidance for protecting workers including health care providers working with Ebola in West Africa. NIOSH-CDC in August completed preliminary field studies of worker exposures to volatile organic compounds during oil and gas extraction flowback associated with hydraulic fracturing.

Ryan Risdon, **BNSF**, the major crude hauler out of the Bakken, said that his agency has been providing planning drills and training classes for rural and metro fire departments and emergency management agencies. All the crude-by-rail classes have been full; they provide hands on training specific to crude oil. BNSF is also looking at improvements to tanker cars, thicker shells, thermal protection and jacketing and is in the process of purchasing new tanker cars with these amenities to add to their fleet.

Mike Drieu, **Anadarko**, said that the oil company has been working with local communities through their LEPCs providing oil and gas response and talked about mutual aid cooperatives in relation to response equipment.

Ostrander welcomed industry trainings and system improvements and encouraged information sharing to incorporate these into planning and to integrate into the regional strategy. William Harlon, **USACE**, was also positive about the training being offered, but added that much of the training was only for firefighters within 10 to 20 miles of the rail, while fire departments further out would be responding in the event of a major rail accident.

Jeffrey Gafkjen, **FEMA**, said that a Red River Flood Plan is expected to be complete in June and have a table top exercise in July. He mentioned that the next step on the

Wasatch catastrophic earthquake plan was to take the strategic plans developed during the exercise and to develop operational plans. An operational analysis will be conducted during an ESF 10 meeting to identify oil and chemical facility information.

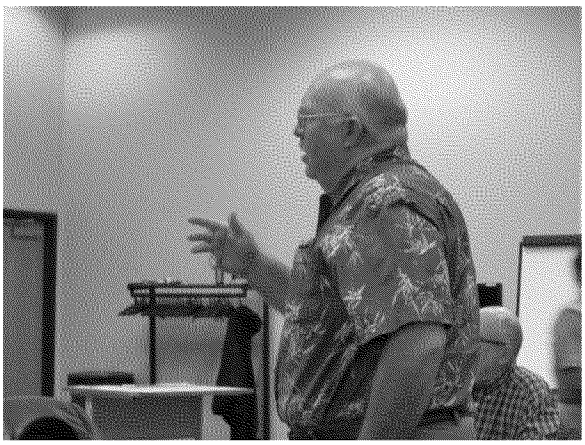
Speaker Presentations:

Natural Resource Damage Assessment—restoring natural resources harmed by releases of hazardous materials and petroleum was given by the Natural Resource Injury/Spills Coordinator, John Wegryzn, of the **US Fish and Wildlife**, Region 6. This presentation is posted on the www.rrt8.nrt.org website

Safety Roles and Responsibilities for Prevention and Preparedness was presented by Terry Larson, **Pipeline & Hazardous Materials Safety Administration**. This presentation is posted on the www.rrt8.nrt.orgwebsite.

A hotwash on the *Red River Supply Warehouse Fire Site* in Williston, North Dakota, was given by OSC Paul Peronard, **EPA Emergency Response**. The major fire on July 22 involved significant quantities of chemicals used in the oil and gas industry which were stored on site. This presentation is posted on the www.rrt8.nrt.org website.

A presentation on *Animal & Plant Health Inspection Services* was given by Jason Suckow, APHHIS Wildlife Services. His presentation is posted on http://www.rrt8.nrt.org/.



Terry Larson, PHMSA Western Region, presenting on Pipeline Safety Roles and Responsibilities

RCP Revisions:

An open forum was held on Regional Contingency Plan revisions led by Bernadette Rose, EPA. All comments are due the last of October.

A discussion was held around Oil Spill Response Organizations (OSROs). A list has been incorporated in the RCP. The US Coast Guard designates the requirements for OSROs. Ostrander explained that there is no requirement that only OSROs be used in oil responses. This classification system was developed as a marketing tool to help emergency managers understand available response capacity and capabilities.

Ms. McIntosh stated that there are no OSROs in South Dakota. It was also noted that besides having equipment on hand, equipment operators must be knowledgeable in their use.

EPA's Emergency Response & Preparedness Program is targeting "Communities of Interest," in each of the 10 sub-areas in Region 8 to identify population centers to focus spill response outreach. All six state capitals within the Region are included.

A question was asked concerning sole-authority for oil spill responses. The US Coast Guard gives EPA the sole authority to respond to oil spills impacting inland waters of the U.S. Oil spills on land not affecting a water body are the responsibility of the state, federal land management agency, and or responsible party—no oil spill liability trust fund monies are available.

Mr. Stewart (DOI) expressed a concern about references in the Regional Contingency Plans to the National Contingency Plan and to specific annexes and suggested to link references in the body of the RCPs to the NCP and annexes where references were made. Also he suggested to not use Region 7's Fish and Wildlife annex as a template for Region 8, but to employ distinct regional aspects specific to Region 8.

October 16:

Tier II Reporting and the Freedom of Information Act (FOIA)

Tier 2 data is distributed to the states first, and they, in turn, share with the EPA on a limited access basis. The information is uploaded to the Viewer for local emergency planning and response use. Each state summarized their program and how they share data from the Tier II EPCRA program.

"Our Tier II Program is an open record. People have the right to know what hazardous chemicals are in their community," said DeBoer (ND). The state used a START contractor to enter paper Tier 2 documents and now everything is electronic. They have complied with most requests for information—only three requests in the last 20 years. All information is available for law enforcement, emergency managers, fire chiefs and access readily available to all responders including chemicals, maps and diagrams. The system is password protected. Hazardous and toxic chemical inventories are updated yearly. Facilities are required to use an online reporting tool. North Dakota has close to 8,000 Tier II facilities reporting.

North Dakota labels multiple well heads owned by one company in a single field as one site. If the field has more than one company, then each well head is a separate site. Next year they will charge for produced water-salt water brine which can include 6 to 40% other chemicals. Storage fees collected are divided equally between NDDES to cover program expenses and LEPCs which may be used to fund training, equipment and response expenses.

The data base is a commercial software, customized to fit. The state calculates company fees. If the Tier II form is not filled out correctly it will not allow submittal. The state provides a zip-file of the database to the University of Texas for E-Plan

Ms. McIntosh (SD) sends all of their data to the LEPCs, fire departments and have been providing this data to the University of Texas (E-Plan) for a number of years. Only a handful of citizens have requested the data. The state has been restrictive in sharing.

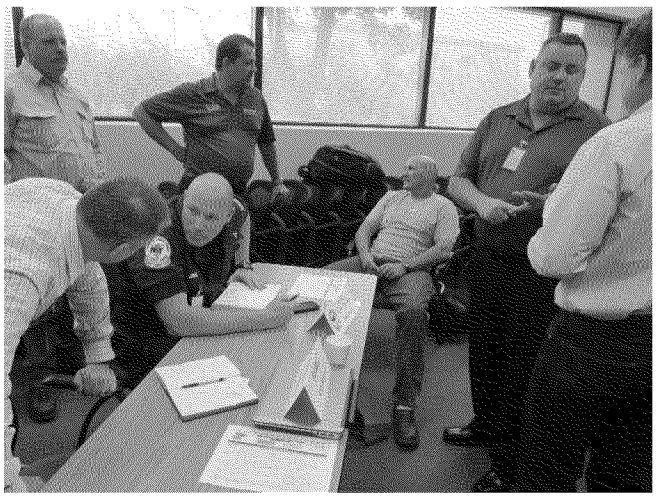
Requests are granted for Tier II data one facility at a time. South Dakota is developing a mapping tool, similar to EPA's, that will allow local officials the ability to see where these sites are located.

Colorado has requested EPA not to share chemical data or quantities and so EPA has restricted that information for all states in Region 8.

Utah does not collect fees. Zucker (Utah) said that DEQ collects and maintains EPCRA data and does all of the planning. About 90% of the facilities submit Tier II data. Utah has an internal data base and companies can submit into the system directly. Each file gets approved before inputted. Tier II submit has checks and balances and the state does QA and QC checks.

The state sets up facility records and gives each facility a Utah ID. Each customer can go in and create an account and later login into their accounts to update data. Utah shares the same questions that other states in the Region have expressed, what to reveal or not. They meet specific facility requests for information and send all data to the University of Texas through the E-Plan.

Utah gets a steady stream of requests typically for one facility at a time. Occasionally a county will request all of the information for a county to reconcile their records. He asked about what enforcement exists for facilities that don't submit Tier II reports.



RRT members talking shop, networking.

Ms. Atencio (EPA) said that the Preparedness Unit does more outreach than enforcement (David Cobb does enforcement) on facilities that don't complete their Tier II reports. EPA does not actively go out looking for EPCRA violations or facility inspections. Inspections often occur as a result of a complaint and counties usually like to work with facilities before involving the EPA.

Ms. Atencio spoke about the usefulness of the Viewer to not only show Tier II data on chemical storage but also to locate critical areas such as schools and hospitals to help with hazardous chemical response planning.

Thanks to EPA's support of about 300 reports, Montana went from Tier II reporting hard copies in a box to becoming fully electronic and using E-Plan. They no longer accept hard copies. The state has no money to support the Tier II program. So far Montana has been able to come up with the $14,000 a year to cover the costs of using E-Plan, but thought it would be better if DHS or EPA funded the system. Ms. Lovelace (MT)

administers the Tier II reporting as part of her normal work load.

With the fees collected, Montana buys access for first responders. The state wants to be able to give the LEPC the ability to trade or add access for responders. They also have been supplying their data base to the University of Texas. Information is put on the website by facility and access is made available to EPA, public health departments, LEPCs and fire departments. Montana plans to stick with E-Plan. "This information is frugal, and it works," said Ms. Lovelace.

EPA attorney Michael Boydston led a discussion with the states concerning the Freedom of Information Act, privacy concerns and the sharing of Tier II data. Concerns were expressed by two of the states about the sharing of Tier 2 data with EPA (South Dakota and Colorado). Tony Selle, EPA Emergency Response and Preparedness Data Team Leader, said that the agency that creates the data has primacy over the data. "We do not distribute other people's data," he said. Outside requests for Tier II data are referred back to the parent organization where that data was created.

Speaker Presentations:

PHMSA/DOT – Hazardous Materials Safety Roles/Responsibilities (regulation of packaging in commerce, enforcement for all modes of transport, MOUs with other modes-RR, etc) was presented by Patrick Lease, PHMSA/DOT. This presentation is posted on the www.rrt8.nrt.org website.

Using Webeoc for Spill Information was presented by Luke Chavez, EPA Emergency Preparedness Exercise Coordinator. This presentation is posted on the www.rrt8.nrt.org website.

Kerry Guy lead a discussion of Sub-Area Contingency Plan (SCAP) updates. The Green River SACP is nearly complete. It will go out for review and comments through Adobe Acrobat in the next few weeks.

EPA Region 8 was divided into 10 watershed regions. The development of these plans follows the requirements of the Clean Water Act. For planning purposes Region 8 developed plans specifically for oil, though an all-hazards approach will follow.

Guy said that the discharges the Region has the most concern about are the pipelines and large storage facilities, though plans will be developed for unit trains and other modes of transport.

In developing these plans, OSCs have logged over 10,000 miles on rivers in their geographic areas; Guy alone traveling over 4,000 miles on the Green. They have worked with local emergency responders and industry in training exercises, engaged pipeline companies and storage facilities, worked with the railroads in training exercises and other major land owners like the Forest Service and BLM.

Guy said that on the Green they now know the endangered species and have been made aware of spawning grounds. "We are trying to do an environmental roadmap. We need to be wise about what's out there," said Guy.

Collaboration across entities is occurring. Pipelines have asked if they can store extra boom on federal land to have improved response in the event of a spill. Parties are working together to get pre-approval access and get "boots on the ground," without delay in the event of a spill.

"The biggest piece of the plan is….engagement," said the OSC.

Parking Lot

Executive Order 13650 on Improved Safety of Chemicals: EPA, OSHA and DHS have been tasked with coming up with a plan to improve operational coordination with state and local partners; improve federal agency coordination and information sharing; modernize policies, regulations, and standards; and work with stakeholders to identify best practices as a result of the West Texas ammonium nitrate facility explosion. It was agreed to form a sub-committee working group from the state representatives already with the RRT membership. This sub-committee would get together as a working group to find out how to implement the plan. "We have been directed to come up with a strategy and report back quarterly," Ostrander said.

Ebola continued to be a concern to the states. All EPA inquiries are directed to headquarters. CDC has the authority and is posting information on their website. We will forward any information that we are able to that the states may be interested in.

Industry participation feedback was positive. Some suggested more structure for input and possibly having industry provide presentations.

A poll is being sent out for the spring and fall RRT meetings which will be held at the EPA Regional office in downtown Denver. Suggest dates are spring: May 5-7 or 19-21 and fall: Oct. 20-22 or Nov 17-19.