[redacted]

STATUS: [redacted]

CLOSED INQUIRIES

1. KTVT CBS-11

REPORTER: Jack Fink, jackf@ktvt.com, 469.585.6907

REPORTER REQUEST
I'm just checking to see if EPA sent its responses yet to Senator Boxer. If so, I'd like to receive a copy of that. I appreciate your help.

STATUS: **CLOSED: Alisha will send attached letter.**

The agency is finalizing its response.

2. Inside EPA

REPORTER: David Reynolds, dreynolds@iwpnews.com, 703.416.8541

REPORTER REQUEST
Has EPA responded to the senator's inquiry and if so, is it possible to receive a copy of the response?

STATUS: **CLOSED: Alisha will send attached letter.**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 07 2013

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Boxer:

Thank you for your April 30, 2013, letter to the U.S. Environmental Protection Agency (EPA) regarding the April 17, 2013 West Fertilizer Co. incident in West, Texas. We share your concern that lessons learned from the West, Texas Fertilizer incident be used to help prevent similar incidents in the future. We have enclosed responses to the questions posed in your letter.

Again, thank you for your interest regarding the West Fertilizer Co. incident and your long-time support of the EPA's Risk Management Program. If you have further questions, please contact me, or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely,

Mathy Stanislaus

Mathy Stanislaus
Assistant Administrator

Enclosure

Enclosure

EPA Response to April 30, 2013 Senator Boxer Letter Regarding West, Texas Incident

1) Describe EPA's investigation of the West, Texas facility, including timelines and scope.

EPA Response: The EPA's Criminal Investigation Division currently has an open investigation. Once the Bureau of Alcohol, Tobacco, Firearms, and Explosives completes its investigation, the EPA Risk Management Program (RMP) inspectors will visit the facility to conduct further investigations in coordination with other federal agencies. We will evaluate all available records and interview transcripts with regard to the Clean Air Act (CAA) Section 112(r) program.

2) Why is ammonium nitrate not on the list of covered chemicals that facilities must report to EPA under the Risk Management Program?

EPA Response: The agency developed criteria for listing toxic and flammable chemicals and specified substances on the list of covered chemicals under the Risk Management Program (the "RMP list") after notice and comment rulemaking (59 FR 4478, January 31, 1994). In this rule, the EPA also listed Division 1.1 explosives - a category of high explosives defined by the U.S. Department of Transportation (DOT) classification. Ammonium Nitrate (AN), when produced in its most explosive form intended for use as an explosive (such as an ammonium nitrate-fuel oil mixture), meets Division 1.1 criteria.[1] Ammonium nitrate fertilizer does not meet Division 1.1 criteria as it is not intended to function as an explosive and would not have been regulated under the original RMP list rule.

3) Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Section 112(r).

EPA Response: The RMP rule covers 77 toxic and 63 flammable substances and mixtures at specified threshold quantities and concentrations (see 40 CFR Part 68.130, http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol15/xml/CFR-2011-title40-vol15-sec68-130.xml). Clean Air Act Section 112(r)(3) gives the EPA authority to list substances "which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment." In addition to this EPA listing authority, Section 112(r)(3) named 16 specific substances to be listed and required the EPA to include at least 100 substances which pose the greatest risk of causing death, injury, or serious adverse effects to human health or the environment from accidental releases into the air. The EPA is prohibited from including on the list any air pollutant for which a national primary ambient air quality standard has been established, except anhydrous sulfur dioxide, which the statute required the EPA to list. In listing substances, CAA Section 112(r)(4) requires the EPA to consider specific factors including the severity of any acute adverse health effects associated with accidental releases of the substance, the likelihood of accidental releases of the substance, and the

[1] DOT Division 1.1 explosives are considered explosives that have a mass explosion hazard, i.e. a mass explosion affecting an entire load instantaneously.

potential magnitude of human exposure to accidental releases of the substance. The agency may not list a flammable substance when used as a fuel or held for sale as a fuel at a retail facility under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse health effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion. The agency may not regulate CAA title VI (stratospheric ozone protection provisions) pollutants. Within the forgoing constraints, the EPA has authority to add substances to the RMP list via notice and comment rulemaking.

The CAA section 112(r)(1) General Duty Clause (GDC) requires facilities to take steps to ensure compliance with the general duty. The GDC requires facilities to identify hazards which may result from releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur. Such steps could include limiting the type or amount of chemical to address unsafe conditions or hazard present at the source.

The GDC applies to all substances listed under Section 112(r)(3) and any other extremely hazardous substance. The CAA does not define the term extremely hazardous substance, but the legislative history of the Clean Air Act suggests criteria which the EPA may use to determine if a substance is extremely hazardous. The Senate Report stated the intent that the term "extremely hazardous substance" would include any agent "which may or may not be listed or otherwise identified by any Government agency which may as the result of short-term exposures associated with releases to the air cause death, injury or property damage due to its toxicity, reactivity, flammability, volatility, or corrosivity" (Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Senate Report No. 228, 101st Congress, 1st Session 211 (1989)). The term "extremely hazardous substance" includes, but is not limited to, all substances listed under Section 112(r)(3), as well as the list of Extremely Hazardous Substances listed under section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (see answer to question 4 below).

4) Provide me with a list of all chemicals that facilities are required to report to state and local emergency planning authorities but are not required to report to EPA.

EPA Response: Under the Emergency Planning and Community Right-to-Know Act (EPCRA), there are two sections under which information is provided to state and local emergency planning authorities but not to the EPA. Those sections are section 302 of the Emergency Planning and Notification Subtitle and sections 311/312 within the Community Right-to-Know Reporting Requirements Subtitle. Under section 302, a facility that has an Extremely Hazardous Substance (EHS) on-site at or above its Threshold Planning Quantity (TPQ) must notify the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC), as well as participate in local emergency planning activities. That list of chemicals is found here: http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appA.pdf (alphabetical order) or http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appB.pdf (CAS No. order).

Sections 311/312 establish the community right-to-know requirements in order to ensure information on chemicals in the community is provided to help communities prepare for and respond to chemical accidents. Under these sections, facilities that have either: (1) a hazardous chemical present at or above 10,000 pounds; or (2) an EHS present at or above its TPQ or 500 pounds—whichever is the lesser, are required to submit an Emergency and Hazardous Chemical Inventory form (Tier II) and a Material Safety Data Sheet (MSDS) for that chemical to their SERC, LEPC, and local fire department. A chemical is hazardous if defined as such under the Hazard Communication Standard (HCS) of the Occupational Safety and Health Act . If a facility is required by the Occupational and Safety Administration (OSHA) to develop and/or maintain a MSDS for that chemical and it is present at or above the threshold discussed above, it must be reported.

5) How many facilities fall under Sec. 112(r) of the Clean Air Act and where are they located?

EPA Response: Approximately 12,800 facilities are currently covered by the 40 CFR Part 68 Risk Management Program regulations. The EPA knows the identity and location of these facilities because they are required to submit a risk management plan (RMP) to the EPA. Facilities covered by the General Duty Clause of CAA Section 112(r)(1) are not required to register with the EPA (unless they are also subject to 40 CFR Part 68). RMP facilities are located in all 50 states and the District of Columbia, as well as the U.S. territories of Puerto Rico, the U.S. Virgin Islands, and Guam. The name and location of RMP facilities can be found at: http://www.rtknet.org/db/rmp.

6) How often are those covered facilities inspected by EPA officials?

EPA Response: With our existing resources, the EPA inspects approximately 500 RMP facilities each year in 42 states and 3 territories, including approximately 150 high-risk facilities. The EPA has delegated authority to implement the Section 112(r) Risk Management Program to 8 states (Ohio, Delaware, New Jersey, North Carolina, South Carolina, Florida, Georgia, and Mississippi) and 5 counties (Forsyth, NC, Buncombe, NC, Mecklenburg, NC, Jefferson, KY, and Allegheny, PA). State or local implementing agency officials conduct inspections at RMP facilities within these delegated jurisdictions, while the EPA officials conduct RMP inspections in all remaining states, territories, and tribal lands. High risk facilities are identified using the RMP National Database and include facilities that have had serious accidental releases of regulated substances, facilities that have more than 100,000 people in their worst-case release scenario zone, and facilities that have extremely large quantities or numbers of regulated substances on site. High risk facilities receive a higher inspection priority than other RMP facilities and the EPA devotes more inspection resources (i.e., people and time) to high-risk facility inspections.

7) Who at EPA has lead responsibility for Sec. 112(r) of the Clean Air Act, and how does EPA ensure oversight is regularly conducted at covered facilities.

EPA Response: The Office of Emergency Management (OEM) within the EPA's Office of Solid Waste and Emergency Response (OSWER) is the lead headquarters program office for implementation of CAA Section 112(r), and the Office of Civil Enforcement within the Office of Enforcement and Compliance Assurance (OECA) is the lead headquarters office for civil enforcement of section 112(r).

The EPA regional offices also play a key role. They deploy inspectors to regulated facilities to monitor compliance with the RMP and GDC requirements. OSWER, OECA, and the Regions work together closely on this program to develop and implement regulations and policy, carry out inspections and conduct enforcement at covered facilities.

Several activities by the EPA ensure oversight of RMP facilities, including:

- The EPA operates and maintains the RMP reporting system and the RMP National Database. RMP*eSubmit is the EPA's internet-based system for electronic submission of risk management plans. Covered facilities electronically submit, update, and if necessary deregister their RMP with the EPA. The submission system contains a number of automated data validation checks to ensure that RMPs meet minimum data quality criteria before they can be submitted. RMP submissions are electronically collated into the RMP National Database. Using this database, the EPA can review and audit RMPs and conduct various analyses to identify high risk facilities and target facilities for inspections or information requests.

- The EPA oversees eight delegated state and five delegated local agency programs to ensure that delegated agencies also carry out inspections and enforcement at RMP facilities. The EPA also provides support to delegated agencies through grants or cooperative agreements, training, and inspection or case development support when requested.

- The EPA conducts a comprehensive inspector training program to ensure that all of the EPA and delegated agency inspectors have received appropriate inspection training.

- The EPA conducts additional compliance monitoring, compliance assistance, and oversight activities such as RMP audits, information request letters, industry association presentations, training workshops and seminars.

- In addition to the RMP inspections described above, the EPA also conducts some inspections at non-RMP facilities subject to the Clean Air Act General Duty Clause (or at portions of RMP facilities not subject to 40 CFR Part 68). These inspections can occur following serious accidental chemical releases at non-RMP facilities, at non-RMP facilities in particular industry sectors where the agency is emphasizing compliance (e.g., energy extraction facilities), or at other non-RMP facilities where public health or the environment may be endangered by accidental releases.

- If after an inspection or as the result of an information request letter, the EPA determines that a facility is out of compliance with the RMP rules or the CAA Section 112(r)(1) General Duty Clause, the agency may take an enforcement action. Enforcement actions include administrative penalty orders, administrative compliance orders, civil judicial cases, and criminal cases.

8) Describe any and all fines issues against the West facility for failing to comply with safety standards related to chemicals.

EPA Response: The EPA's Region 6 conducted an RMP inspection at the West Chemical & Fertilizer Co. on March 16, 2006. The inspector observed the processes and the equipment at the facility, and reviewed the facility's RMP and associated records. The inspector identified several violations, including failure to:

- update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review and consequences of deviation in operating procedures;
- properly document new operator training;
- develop a formal mechanical integrity program; and
- conduct compliance audits.

In accordance with the EPA approved penalty policy in place in 2006, on June 5, 2006, the Region issued a proposed Expedited Settlement Agreement (ESA) which assessed a penalty of $2,300 to West Chemical & Fertilizer Co. The company submitted its updated RMP (which corrected the noted deficiencies) on July 7, 2006, and paid the penalty. The agency issued the final ESA on August 14, 2006.

9) Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.

EPA Response: Besides working with delegated states and localities as described above, on a state and local level, the EPA coordinates and collaborates on a continuous basis with the National Association of SARA Title III Program Officials (NASTTPO). Bi-annually we meet with all NASTTPO members to discuss key and emerging issues related to the EPCRA and RMP programs. Additionally, throughout the year we exchange information and provide technical assistance to the states and locals to support them in implementing the EPCRA program.

On a federal level, we have a good working relationship with key federal agencies involved in chemical safety, including OSHA, Department of Homeland Security (DHS), the Chemical Safety Board (CSB), and the U.S. Department of Transportation (DOT). As part of our collaboration and coordination with these agencies, we meet regularly or as issues arise to discuss areas of overlap in our programs and how to work together to better implement our respective programs and promote chemical safety.

10) Describe how EPA can ensure that information about chemical accident prevention and emergency response could be distributed more widely to responsible authorities, including through electronic databases.

EPA Response: All information reported by facilities under the EPCRA program (except for Section 313: Toxic Release Reporting (TRI)) is reported directly to the state and local responsible authorities, including the State Emergency Response Commissions (SERCs), Local Emergency Planning

Committees (LEPCs), and local fire departments. The EPA does not receive any EPCRA information except for the information submitted to the agency under Section 313: TRI. With regard to access to the RMPs facilities submit under the RMP program, state and local responsible authorities can either request a copy of the RMP database on a CD from the EPA or they can request direct secure internet-based access to the RMP database by registering for an on-line Central Data Exchange (CDX) account.

White, Candace

From: Jones, Enesta
Sent: Tuesday, August 13, 2013 12:57 PM
To: White, Candace
Cc: Jones, Enesta
Subject: EPA HQ 2013 008047

From: Kika, Stacy
Sent: Monday, June 17, 2013 5:49 PM
To: ryan.mcneill@thomsonreuters.com
Cc: Jones, Enesta
Subject: EPA Response

Hi Ryan,

I apologize for the delayed response. Here is some information from EPA.

Question: What I'm trying to do is find whether it is possible to identify EPCRA enforcement actions through ECHO or another EPA data source.

Information:

Within ECHO, EPA provides searching for past Federal enforcement actions. The direct link to the search is http://www.epa-echo.gov/echo/compliance_report_icis.html
From this page:

- **Select "Primary Law" and specify EPCRA** (under the Case Attribute section).
- You should select the date range you are interested in looking at *(this is useful for making the output report smaller, because there are some restrictions on the amount of data that our server will return in one query).*
- Once you get your output, you may **sort by the primary law section within EPCRA** – allowing you to tailor your results.
- The summary information also provides links to more detailed case-specific information.
- ECHO allows you to download the data in a comma delimitated format, which may be read into many spreadsheets or data bases.

Sample results screen:

www.epa-echo.gov/cgi-bin/ideaotis.cgi

Enforcement & Compliance History Online (ECHO)

Recent Additions | Contact Us

You are here: EPA Home » Compliance and Enforcement » ECHO » Search Data » Search Results

Search Results (Supplemental Environmental Projects)

406 Cases Returned

Case Number	Case Name	Case Type	Primary Law/Section	Filed/Issued
04-2004-2007	Multimetco, Inc. Case Report Facility Report	Administrative - Formal	EPCRA/312	2004-03-09
04-2006-2031	MITTERNIGHT BOILER WORKS, INC. Case Report Facility Report	Administrative - Formal	EPCRA/312	2006-06-15
04-2008-2005	ATLANTIC MARINE ALABAMA, LLC Case Report Facility Report	Administrative - Formal	EPCRA/313	2008-01-17
04-2006-2013	SOLUTIA, INC. Case Report Facility Report	Administrative - Formal	EPCRA/304	2006-04-25
04-2007-2026	BENDER SHIPBUILDING AND REPAIR COMPANY, INC. Case Report Facility Report	Administrative - Formal	EPCRA/312	2007-05-22
04-2006-2006	CUTLER AT ABBEVILLE, LLC Case Report Facility Report	Administrative - Formal	EPCRA/304	2006-05-11
04-2004-2009	Nordic Cold Storage, LLC Case Report Facility Report	Administrative - Formal	EPCRA/304	2003-12-12
04-2006-2033	OLIN CORPORATION	Administrative -	EPCRA/312	2006-07-11

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Stacy Kika
U.S. Environmental Protection Agency
Office of Media Relations
Email: kika.stacy@epa.gov
Desk: 202.564.0906
EPA news releases on Twitter: http://twitter.com/epanews
~~~~~~~~~~~~~~~~~~~~~~~~~~~~

White, Candace

From: Johnson, Alisha
Sent: Monday, June 17, 2013 5:51 PM
To: Kika, Stacy; Jones, Enesta; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: RE: KIWI: Media Inquiries for West, Texas [redacted] - 5 P.M. Report

[redacted]

From: Kika, Stacy
Sent: Monday, June 17, 2013 5:36 PM
To: Kika, Stacy; Jones, Enesta; Johnson, Alisha; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: KIWI: Media Inquiries for West, Texas [redacted] -- 5 P.M. Report

6/17/13 – 5 P.M. Report

[redacted]

OPEN INQUIRIES

West Texas:

1. Reuters

REPORTER: Ryan McNeill, ryan.mcneill@thomsonreuters.com, 646.223.7446

REPORTER REQUEST
#1: What I'm trying to do is find whether it is possible to identify EPCRA enforcement actions through ECHO or another EPA data source.
#2: Also, can any of you help me obtain copies of RMP data provided to the Center for Effective Government?

STATUS:
Response from OECA on #1:

[redacted]

[redacted]

[redacted]

CLOSED INQUIRIES

1. KTVT CBS-11

REPORTER: Jack Fink, jackf@ktvt.com, 469.585.6907

REPORTER REQUEST
I'm just checking to see if EPA sent its responses yet to Senator Boxer. If so, I'd like to receive a copy of that. I appreciate your help.

STATUS: CLOSED: Alisha will send attached letter.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 07 2013

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Boxer:

Thank you for your April 30, 2013, letter to the U.S. Environmental Protection Agency (EPA) regarding the April 17, 2013 West Fertilizer Co. incident in West, Texas. We share your concern that lessons learned from the West, Texas Fertilizer incident be used to help prevent similar incidents in the future. We have enclosed responses to the questions posed in your letter.

Again, thank you for your interest regarding the West Fertilizer Co. incident and your long-time support of the EPA's Risk Management Program. If you have further questions, please contact me, or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely,

Mathy Stanislaus

Mathy Stanislaus
Assistant Administrator

Enclosure

Enclosure

EPA Response to April 30, 2013 Senator Boxer Letter Regarding West, Texas Incident

1) Describe EPA's investigation of the West, Texas facility, including timelines and scope.

EPA Response: The EPA's Criminal Investigation Division currently has an open investigation. Once the Bureau of Alcohol, Tobacco, Firearms, and Explosives completes its investigation, the EPA Risk Management Program (RMP) inspectors will visit the facility to conduct further investigations in coordination with other federal agencies. We will evaluate all available records and interview transcripts with regard to the Clean Air Act (CAA) Section 112(r) program.

2) Why is ammonium nitrate not on the list of covered chemicals that facilities must report to EPA under the Risk Management Program?

EPA Response: The agency developed criteria for listing toxic and flammable chemicals and specified substances on the list of covered chemicals under the Risk Management Program (the "RMP list") after notice and comment rulemaking (59 FR 4478, January 31, 1994). In this rule, the EPA also listed Division 1.1 explosives - a category of high explosives defined by the U.S. Department of Transportation (DOT) classification. Ammonium Nitrate (AN), when produced in its most explosive form intended for use as an explosive (such as an ammonium nitrate-fuel oil mixture), meets Division 1.1 criteria.[1] Ammonium nitrate fertilizer does not meet Division 1.1 criteria as it is not intended to function as an explosive and would not have been regulated under the original RMP list rule.

3) Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Section 112(r).

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White, Candace

From: Jones, Enesta
Sent: Tuesday, August 13, 2013 12:57 PM
To: White, Candace
Cc: Jones, Enesta
Subject: EPA HQ 2013 008047

From: Johnson, Alisha
Sent: Monday, June 17, 2013 5:51 PM
To: Kika, Stacy; Jones, Enesta; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: RE: KIWI: Media Inquiries for West, Texas [redacted] -- 5 P.M. Report

[redacted]

From: Kika, Stacy
Sent: Monday, June 17, 2013 5:36 PM
To: Kika, Stacy; Jones, Enesta; Johnson, Alisha; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: KIWI: Media Inquiries for West, Texas [redacted] - 5 P.M. Report

6/17/13 – 5 P.M. Report

[redacted]

OPEN INQUIRIES

West Texas:

1. Reuters

REPORTER: Ryan McNeill, ryan.mcneill@thomsonreuters.com, 646.223.7446

REPORTER REQUEST
#1: What I'm trying to do is find whether it is possible to identify EPCRA enforcement actions through ECHO or another EPA data source.
#2: Also, can any of you help me obtain copies of RMP data provided to the Center for Effective Government?

STATUS:

Response from OECA on #1:

[redacted]

[redacted]

[redacted]

CLOSED INQUIRIES

1. KTVT CBS-11

REPORTER: Jack Fink, jackf@ktvt.com, 469.585.6907

REPORTER REQUEST
I'm just checking to see if EPA sent its responses yet to Senator Boxer. If so, I'd like to receive a copy of that. I appreciate your help.

STATUS: CLOSED: Alisha will send attached letter.

The agency is finalizing its response.

2. Inside EPA

REPORTER: David Reynolds, dreynolds@iwpnews.com, 703.416.8541

REPORTER REQUEST
Has EPA responded to the senator's inquiry and if so, is it possible to receive a copy of the response?

STATUS: CLOSED: Alisha will send attached letter.

White, Candace

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Attachments: FINAL Boxer RMP Response 06072013.pdf

From: Kika, Stacy
Sent: Monday, June 17, 2013 5:59 PM
To: Jones, Enesta
Cc: Cohen, David
Subject: UPDATE FYI: FW: KIWI: Media Inquiries for West, Texas [redacted] -- 5 P.M. Report

FYI- Update on report out.

OPEN INQUIRIES

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STATUS: CLOSED: Sent response to question #1. Response to #2 is still pending.

Response from OECA on #1:

Within ECHO, EPA provides searching for past Federal enforcement actions. The direct link to the search is http://www.epa-echo.gov/echo/compliance_report_icis.html
From this page:

- **Select "Primary Law" and specify EPCRA** (under the Case Attribute section).
- You should select the date range you are interested in looking at *(this is useful for making the output report smaller, because there are some restrictions on the amount of data that our server will return in one query).*
- Once you get your output, you may **sort by the primary law section within EPCRA** – allowing you to tailor your results.
- The summary information also provides links to more detailed case-specific information.
- ECHO allows you to download the data in a comma delimitated format, which may be read into many spreadsheets or data bases.

Sample results screen:

www.epa-echo.gov/cgi-bin/ideaotis.cgi

Enforcement & Compliance History Online (ECHO)

Recent Additions | Contact Us
You are here: EPA Home » Compliance and Enforcement » ECHO » Search Data » Search Results

Search Results
(Supplemental Environmental Projects)

406 Cases Returned

Case Number	Case Name	Case Type	Primary Law/Section	Filed/Issued
04-2004-2007	Multimetco, Inc. Case Report Facility Report	Administrative - Formal	EPCRA/312	2004-03-09
04-2006-2031	MITTERNIGHT BOILER WORKS, INC. Case Report Facility Report	Administrative - Formal	EPCRA/312	2006-06-15
04-2008-2005	ATLANTIC MARINE ALABAMA, LLC Case Report Facility Report	Administrative - Formal	EPCRA/313	2008-01-17
04-2006-2013	SOLUTIA, INC. Case Report Facility Report	Administrative - Formal	EPCRA/304	2006-04-25
04-2007-2026	BENDER SHIPBUILDING AND REPAIR COMPANY, INC. Case Report Facility Report	Administrative - Formal	EPCRA/312	2007-05-22
04-2006-2006	CUTLER AT ABBEVILLE, LLC Case Report Facility Report	Administrative - Formal	EPCRA/304	2006-05-11
04-2004-2009	Nordic Cold Storage, LLC Case Report Facility Report	Administrative - Formal	EPCRA/304	2003-12-12
04-2006-2022	OLIN CORPORATION	Administrative -	EPCRA/312	2006-07-11

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Stacy Kika
U.S. Environmental Protection Agency
Office of Media Relations
Email: kika.stacy@epa.gov
Desk: 202.564.0906
EPA news releases on Twitter: http://twitter.com/epanews

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 07 2013

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Boxer:

Thank you for your April 30, 2013, letter to the U.S. Environmental Protection Agency (EPA) regarding the April 17, 2013 West Fertilizer Co. incident in West, Texas. We share your concern that lessons learned from the West, Texas Fertilizer incident be used to help prevent similar incidents in the future. We have enclosed responses to the questions posed in your letter.

Again, thank you for your interest regarding the West Fertilizer Co. incident and your long-time support of the EPA's Risk Management Program. If you have further questions, please contact me, or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely,

Mathy Stanislaus

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Assistant Administrator

Enclosure

Enclosure

EPA Response to April 30, 2013 Senator Boxer Letter Regarding West, Texas Incident

1) Describe EPA's investigation of the West, Texas facility, including timelines and scope.

EPA Response: The EPA's Criminal Investigation Division currently has an open investigation. Once the Bureau of Alcohol, Tobacco, Firearms, and Explosives completes its investigation, the EPA Risk Management Program (RMP) inspectors will visit the facility to conduct further investigations in coordination with other federal agencies. We will evaluate all available records and interview transcripts with regard to the Clean Air Act (CAA) Section 112(r) program.

2) Why is ammonium nitrate not on the list of covered chemicals that facilities must report to EPA under the Risk Management Program?

EPA Response: The agency developed criteria for listing toxic and flammable chemicals and specified substances on the list of covered chemicals under the Risk Management Program (the "RMP list") after notice and comment rulemaking (59 FR 4478, January 31, 1994). In this rule, the EPA also listed Division 1.1 explosives - a category of high explosives defined by the U.S. Department of Transportation (DOT) classification. Ammonium Nitrate (AN), when produced in its most explosive form intended for use as an explosive (such as an ammonium nitrate-fuel oil mixture), meets Division 1.1 criteria.[1] Ammonium nitrate fertilizer does not meet Division 1.1 criteria as it is not intended to function as an explosive and would not have been regulated under the original RMP list rule.

3) Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Section 112(r).

EPA Response: The RMP rule covers 77 toxic and 63 flammable substances and mixtures at specified threshold quantities and concentrations (see 40 CFR Part 68.130, http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol15/xml/CFR-2011-title40-vol15-sec68-130.xml). Clean Air Act Section 112(r)(3) gives the EPA authority to list substances "which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment." In addition to this EPA listing authority, Section 112(r)(3) named 16 specific substances to be listed and required the EPA to include at least 100 substances which pose the greatest risk of causing death, injury, or serious adverse effects to human health or the environment from accidental releases into the air. The EPA is prohibited from including on the list any air pollutant for which a national primary ambient air quality standard has been established, except anhydrous sulfur dioxide, which the statute required the EPA to list. In listing substances, CAA Section 112(r)(4) requires the EPA to consider specific factors including the severity of any acute adverse health effects associated with accidental releases of the substance, the likelihood of accidental releases of the substance, and the

[1] DOT Division 1.1 explosives are considered explosives that have a mass explosion hazard, i.e. a mass explosion affecting an entire load instantaneously.

potential magnitude of human exposure to accidental releases of the substance. The agency may not list a flammable substance when used as a fuel or held for sale as a fuel at a retail facility under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse health effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion. The agency may not regulate CAA title VI (stratospheric ozone protection provisions) pollutants. Within the forgoing constraints, the EPA has authority to add substances to the RMP list via notice and comment rulemaking.

The CAA section 112(r)(1) General Duty Clause (GDC) requires facilities to take steps to ensure compliance with the general duty. The GDC requires facilities to identify hazards which may result from releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur. Such steps could include limiting the type or amount of chemical to address unsafe conditions or hazard present at the source.

The GDC applies to all substances listed under Section 112(r)(3) and any other extremely hazardous substance. The CAA does not define the term extremely hazardous substance, but the legislative history of the Clean Air Act suggests criteria which the EPA may use to determine if a substance is extremely hazardous. The Senate Report stated the intent that the term "extremely hazardous substance" would include any agent "which may or may not be listed or otherwise identified by any Government agency which may as the result of short-term exposures associated with releases to the air cause death, injury or property damage due to its toxicity, reactivity, flammability, volatility, or corrosivity" (Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Senate Report No. 228, 101st Congress, 1st Session 211 (1989)). The term "extremely hazardous substance" includes, but is not limited to, all substances listed under Section 112(r)(3), as well as the list of Extremely Hazardous Substances listed under section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (see answer to question 4 below).

4) Provide me with a list of all chemicals that facilities are required to report to state and local emergency planning authorities but are not required to report to EPA.

EPA Response: Under the Emergency Planning and Community Right-to-Know Act (EPCRA), there are two sections under which information is provided to state and local emergency planning authorities but not to the EPA. Those sections are section 302 of the Emergency Planning and Notification Subtitle and sections 311/312 within the Community Right-to-Know Reporting Requirements Subtitle. Under section 302, a facility that has an Extremely Hazardous Substance (EHS) on-site at or above its Threshold Planning Quantity (TPQ) must notify the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC), as well as participate in local emergency planning activities. That list of chemicals is found here: http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appA.pdf (alphabetical order) or http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appB.pdf (CAS No. order).

Sections 311/312 establish the community right-to-know requirements in order to ensure information on chemicals in the community is provided to help communities prepare for and respond to chemical accidents. Under these sections, facilities that have either: (1) a hazardous chemical present at or above 10,000 pounds; or (2) an EHS present at or above its TPQ or 500 pounds—whichever is the lesser, are required to submit an Emergency and Hazardous Chemical Inventory form (Tier II) and a Material Safety Data Sheet (MSDS) for that chemical to their SERC, LEPC, and local fire department. A chemical is hazardous if defined as such under the Hazard Communication Standard (HCS) of the Occupational Safety and Health Act . If a facility is required by the Occupational and Safety Administration (OSHA) to develop and/or maintain a MSDS for that chemical and it is present at or above the threshold discussed above, it must be reported.

5) How many facilities fall under Sec. 112(r) of the Clean Air Act and where are they located?

EPA Response: Approximately 12,800 facilities are currently covered by the 40 CFR Part 68 Risk Management Program regulations. The EPA knows the identity and location of these facilities because they are required to submit a risk management plan (RMP) to the EPA. Facilities covered by the General Duty Clause of CAA Section 112(r)(1) are not required to register with the EPA (unless they are also subject to 40 CFR Part 68). RMP facilities are located in all 50 states and the District of Columbia, as well as the U.S. territories of Puerto Rico, the U.S. Virgin Islands, and Guam. The name and location of RMP facilities can be found at: http://www.rtknet.org/db/rmp.

6) How often are those covered facilities inspected by EPA officials?

EPA Response: With our existing resources, the EPA inspects approximately 500 RMP facilities each year in 42 states and 3 territories, including approximately 150 high-risk facilities. The EPA has delegated authority to implement the Section 112(r) Risk Management Program to 8 states (Ohio, Delaware, New Jersey, North Carolina, South Carolina, Florida, Georgia, and Mississippi) and 5 counties (Forsyth, NC, Buncombe, NC, Mecklenburg, NC, Jefferson, KY, and Allegheny, PA). State or local implementing agency officials conduct inspections at RMP facilities within these delegated jurisdictions, while the EPA officials conduct RMP inspections in all remaining states, territories, and tribal lands. High risk facilities are identified using the RMP National Database and include facilities that have had serious accidental releases of regulated substances, facilities that have more than 100,000 people in their worst-case release scenario zone, and facilities that have extremely large quantities or numbers of regulated substances on site. High risk facilities receive a higher inspection priority than other RMP facilities and the EPA devotes more inspection resources (i.e., people and time) to high-risk facility inspections.

7) Who at EPA has lead responsibility for Sec. 112(r) of the Clean Air Act, and how does EPA ensure oversight is regularly conducted at covered facilities.

EPA Response: The Office of Emergency Management (OEM) within the EPA's Office of Solid Waste and Emergency Response (OSWER) is the lead headquarters program office for implementation of CAA Section 112(r), and the Office of Civil Enforcement within the Office of Enforcement and Compliance Assurance (OECA) is the lead headquarters office for civil enforcement of section 112(r).

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 07 2013

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Boxer:

Thank you for your April 30, 2013, letter to the U.S. Environmental Protection Agency (EPA) regarding the April 17, 2013 West Fertilizer Co. incident in West, Texas. We share your concern that lessons learned from the West, Texas Fertilizer incident be used to help prevent similar incidents in the future. We have enclosed responses to the questions posed in your letter.

Again, thank you for your interest regarding the West Fertilizer Co. incident and your long-time support of the EPA's Risk Management Program. If you have further questions, please contact me, or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely,

Mathy Stanislaus

Mathy Stanislaus
Assistant Administrator

Enclosure

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EPA Response: The agency developed criteria for listing toxic and flammable chemicals and specified substances on the list of covered chemicals under the Risk Management Program (the "RMP list") after notice and comment rulemaking (59 FR 4478, January 31, 1994). In this rule, the EPA also listed Division 1.1 explosives - a category of high explosives defined by the U.S. Department of Transportation (DOT) classification. Ammonium Nitrate (AN), when produced in its most explosive form intended for use as an explosive (such as an ammonium nitrate-fuel oil mixture), meets Division 1.1 criteria.[1] Ammonium nitrate fertilizer does not meet Division 1.1 criteria as it is not intended to function as an explosive and would not have been regulated under the original RMP list rule.

3) Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Section 112(r).

EPA Response: The RMP rule covers 77 toxic and 63 flammable substances and mixtures at specified threshold quantities and concentrations (see 40 CFR Part 68.130, http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol15/xml/CFR-2011-title40-vol15-sec68-130.xml). Clean Air Act Section 112(r)(3) gives the EPA authority to list substances "which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment." In addition to this EPA listing authority, Section 112(r)(3) named 16 specific substances to be listed and required the EPA to include at least 100 substances which pose the greatest risk of causing death, injury, or serious adverse effects to human health or the environment from accidental releases into the air. The EPA is prohibited from including on the list any air pollutant for which a national primary ambient air quality standard has been established, except anhydrous sulfur dioxide, which the statute required the EPA to list. In listing substances, CAA Section 112(r)(4) requires the EPA to consider specific factors including the severity of any acute adverse health effects associated with accidental releases of the substance, the likelihood of accidental releases of the substance, and the

[1] DOT Division 1.1 explosives are considered explosives that have a mass explosion hazard, i.e. a mass explosion affecting an entire load instantaneously.

potential magnitude of human exposure to accidental releases of the substance. The agency may not list a flammable substance when used as a fuel or held for sale as a fuel at a retail facility under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse health effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion. The agency may not regulate CAA title VI (stratospheric ozone protection provisions) pollutants. Within the forgoing constraints, the EPA has authority to add substances to the RMP list via notice and comment rulemaking.

The CAA section 112(r)(1) General Duty Clause (GDC) requires facilities to take steps to ensure compliance with the general duty. The GDC requires facilities to identify hazards which may result from releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur. Such steps could include limiting the type or amount of chemical to address unsafe conditions or hazard present at the source.

The GDC applies to all substances listed under Section 112(r)(3) and any other extremely hazardous substance. The CAA does not define the term extremely hazardous substance, but the legislative history of the Clean Air Act suggests criteria which the EPA may use to determine if a substance is extremely hazardous. The Senate Report stated the intent that the term "extremely hazardous substance" would include any agent "which may or may not be listed or otherwise identified by any Government agency which may as the result of short-term exposures associated with releases to the air cause death, injury or property damage due to its toxicity, reactivity, flammability, volatility, or corrosivity" (Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Senate Report No. 228, 101st Congress, 1st Session 211 (1989)). The term "extremely hazardous substance" includes, but is not limited to, all substances listed under Section 112(r)(3), as well as the list of Extremely Hazardous Substances listed under section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (see answer to question 4 below).

4) Provide me with a list of all chemicals that facilities are required to report to state and local emergency planning authorities but are not required to report to EPA.

EPA Response: Under the Emergency Planning and Community Right-to-Know Act (EPCRA), there are two sections under which information is provided to state and local emergency planning authorities but not to the EPA. Those sections are section 302 of the Emergency Planning and Notification Subtitle and sections 311/312 within the Community Right-to-Know Reporting Requirements Subtitle. Under section 302, a facility that has an Extremely Hazardous Substance (EHS) on-site at or above its Threshold Planning Quantity (TPQ) must notify the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC), as well as participate in local emergency planning activities. That list of chemicals is found here: http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appA.pdf (alphabetical order) or http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appB.pdf (CAS No. order).

Sections 311/312 establish the community right-to-know requirements in order to ensure information on chemicals in the community is provided to help communities prepare for and respond to chemical accidents. Under these sections, facilities that have either: (1) a hazardous chemical present at or above 10,000 pounds; or (2) an EHS present at or above its TPQ or 500 pounds—whichever is the lesser, are required to submit an Emergency and Hazardous Chemical Inventory form (Tier II) and a Material Safety Data Sheet (MSDS) for that chemical to their SERC, LEPC, and local fire department. A chemical is hazardous if defined as such under the Hazard Communication Standard (HCS) of the Occupational Safety and Health Act . If a facility is required by the Occupational and Safety Administration (OSHA) to develop and/or maintain a MSDS for that chemical and it is present at or above the threshold discussed above, it must be reported.

5) How many facilities fall under Sec. 112(r) of the Clean Air Act and where are they located?

EPA Response: Approximately 12,800 facilities are currently covered by the 40 CFR Part 68 Risk Management Program regulations. The EPA knows the identity and location of these facilities because they are required to submit a risk management plan (RMP) to the EPA. Facilities covered by the General Duty Clause of CAA Section 112(r)(1) are not required to register with the EPA (unless they are also subject to 40 CFR Part 68). RMP facilities are located in all 50 states and the District of Columbia, as well as the U.S. territories of Puerto Rico, the U.S. Virgin Islands, and Guam. The name and location of RMP facilities can be found at: http://www.rtknet.org/db/rmp.

6) How often are those covered facilities inspected by EPA officials?

EPA Response: With our existing resources, the EPA inspects approximately 500 RMP facilities each year in 42 states and 3 territories, including approximately 150 high-risk facilities. The EPA has delegated authority to implement the Section 112(r) Risk Management Program to 8 states (Ohio, Delaware, New Jersey, North Carolina, South Carolina, Florida, Georgia, and Mississippi) and 5 counties (Forsyth, NC, Buncombe, NC, Mecklenburg, NC, Jefferson, KY, and Allegheny, PA). State or local implementing agency officials conduct inspections at RMP facilities within these delegated jurisdictions, while the EPA officials conduct RMP inspections in all remaining states, territories, and tribal lands. High risk facilities are identified using the RMP National Database and include facilities that have had serious accidental releases of regulated substances, facilities that have more than 100,000 people in their worst-case release scenario zone, and facilities that have extremely large quantities or numbers of regulated substances on site. High risk facilities receive a higher inspection priority than other RMP facilities and the EPA devotes more inspection resources (i.e., people and time) to high-risk facility inspections.

7) Who at EPA has lead responsibility for Sec. 112(r) of the Clean Air Act, and how does EPA ensure oversight is regularly conducted at covered facilities.

EPA Response: The Office of Emergency Management (OEM) within the EPA's Office of Solid Waste and Emergency Response (OSWER) is the lead headquarters program office for implementation of CAA Section 112(r), and the Office of Civil Enforcement within the Office of Enforcement and Compliance Assurance (OECA) is the lead headquarters office for civil enforcement of section 112(r).

The EPA regional offices also play a key role. They deploy inspectors to regulated facilities to monitor compliance with the RMP and GDC requirements. OSWER, OECA, and the Regions work together closely on this program to develop and implement regulations and policy, carry out inspections and conduct enforcement at covered facilities.

Several activities by the EPA ensure oversight of RMP facilities, including:

- The EPA operates and maintains the RMP reporting system and the RMP National Database. RMP*eSubmit is the EPA's internet-based system for electronic submission of risk management plans. Covered facilities electronically submit, update, and if necessary deregister their RMP with the EPA. The submission system contains a number of automated data validation checks to ensure that RMPs meet minimum data quality criteria before they can be submitted. RMP submissions are electronically collated into the RMP National Database. Using this database, the EPA can review and audit RMPs and conduct various analyses to identify high risk facilities and target facilities for inspections or information requests.

- The EPA oversees eight delegated state and five delegated local agency programs to ensure that delegated agencies also carry out inspections and enforcement at RMP facilities. The EPA also provides support to delegated agencies through grants or cooperative agreements, training, and inspection or case development support when requested.

- The EPA conducts a comprehensive inspector training program to ensure that all of the EPA and delegated agency inspectors have received appropriate inspection training.

- The EPA conducts additional compliance monitoring, compliance assistance, and oversight activities such as RMP audits, information request letters, industry association presentations, training workshops and seminars.

- In addition to the RMP inspections described above, the EPA also conducts some inspections at non-RMP facilities subject to the Clean Air Act General Duty Clause (or at portions of RMP facilities not subject to 40 CFR Part 68). These inspections can occur following serious accidental chemical releases at non-RMP facilities, at non-RMP facilities in particular industry sectors where the agency is emphasizing compliance (e.g., energy extraction facilities), or at other non-RMP facilities where public health or the environment may be endangered by accidental releases.

- If after an inspection or as the result of an information request letter, the EPA determines that a facility is out of compliance with the RMP rules or the CAA Section 112(r)(1) General Duty Clause, the agency may take an enforcement action. Enforcement actions include administrative penalty orders, administrative compliance orders, civil judicial cases, and criminal cases.

8) Describe any and all fines issues against the West facility for failing to comply with safety standards related to chemicals.

EPA Response: The EPA's Region 6 conducted an RMP inspection at the West Chemical & Fertilizer Co. on March 16, 2006. The inspector observed the processes and the equipment at the facility, and reviewed the facility's RMP and associated records. The inspector identified several violations, including failure to:

- update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review and consequences of deviation in operating procedures;
- properly document new operator training;
- develop a formal mechanical integrity program; and
- conduct compliance audits.

In accordance with the EPA approved penalty policy in place in 2006, on June 5, 2006, the Region issued a proposed Expedited Settlement Agreement (ESA) which assessed a penalty of $2,300 to West Chemical & Fertilizer Co. The company submitted its updated RMP (which corrected the noted deficiencies) on July 7, 2006, and paid the penalty. The agency issued the final ESA on August 14, 2006.

9) Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.

EPA Response: Besides working with delegated states and localities as described above, on a state and local level, the EPA coordinates and collaborates on a continuous basis with the National Association of SARA Title III Program Officials (NASTTPO). Bi-annually we meet with all NASTTPO members to discuss key and emerging issues related to the EPCRA and RMP programs. Additionally, throughout the year we exchange information and provide technical assistance to the states and locals to support them in implementing the EPCRA program.

On a federal level, we have a good working relationship with key federal agencies involved in chemical safety, including OSHA, Department of Homeland Security (DHS), the Chemical Safety Board (CSB), and the U.S. Department of Transportation (DOT). As part of our collaboration and coordination with these agencies, we meet regularly or as issues arise to discuss areas of overlap in our programs and how to work together to better implement our respective programs and promote chemical safety.

10) Describe how EPA can ensure that information about chemical accident prevention and emergency response could be distributed more widely to responsible authorities, including through electronic databases.

EPA Response: All information reported by facilities under the EPCRA program (except for Section 313: Toxic Release Reporting (TRI)) is reported directly to the state and local responsible authorities, including the State Emergency Response Commissions (SERCs), Local Emergency Planning

Committees (LEPCs), and local fire departments. The EPA does not receive any EPCRA information except for the information submitted to the agency under Section 313: TRI. With regard to access to the RMPs facilities submit under the RMP program, state and local responsible authorities can either request a copy of the RMP database on a CD from the EPA or they can request direct secure internet-based access to the RMP database by registering for an on-line Central Data Exchange (CDX) account.

White, Candace

From: Gray, David
Sent: Monday, June 17, 2013 6:41 PM
To: Johnson, Alisha; Kika, Stacy; Jones, Enesta; Rivas-Vazquez, Victoria; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: Re: KIWI: Media Inquiries for West, Texas [redacted] -- 5 P.M. Report

[redacted]

From: Johnson, Alisha
Sent: Monday, June 17, 2013 4:50:43 PM
To: Kika, Stacy; Jones, Enesta; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: RE: KIWI: Media Inquiries for West, Texas [redacted] - 5 P.M. Report

[redacted]

From: Kika, Stacy
Sent: Monday, June 17, 2013 5:36 PM
To: Kika, Stacy; Jones, Enesta; Johnson, Alisha; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
Subject: KIWI: Media Inquiries for West, Texas [redacted] - 5 P.M. Report

6/17/13 – 5 P.M. Report

[redacted]

OPEN INQUIRIES

West Texas:

1. Reuters

REPORTER: Ryan McNeill, ryan.mcneill@thomsonreuters.com, 646.223.7446

REPORTER REQUEST
#1: What I'm trying to do is find whether it is possible to identify EPCRA enforcement actions through ECHO or another EPA data source.
#2: Also, can any of you help me obtain copies of RMP data provided to the Center for Effective Government?

STATUS:

Response from OECA on #1:

[redacted]

[redacted]

[redacted]

CLOSED INQUIRIES

1. KTVT CBS-11

REPORTER: Jack Fink, jackf@ktvt.com, 469.585.6907

REPORTER REQUEST
I'm just checking to see if EPA sent its responses yet to Senator Boxer. If so, I'd like to receive a copy of that. I appreciate your help.

STATUS: CLOSED: Alisha will send attached letter.

The agency is finalizing its response.

2. Inside EPA

REPORTER: David Reynolds, dreynolds@iwpnews.com, 703.416.8541

REPORTER REQUEST
Has EPA responded to the senator's inquiry and if so, is it possible to receive a copy of the response?

STATUS: CLOSED: Alisha will send attached letter.

White, Candace

From: Jones, Enesta
Sent: Tuesday, August 13, 2013 12:56 PM
To: White, Candace
Cc: Jones, Enesta
Subject: EPA HQ 2013 008047

From: Gray, David
Sent: Monday, June 17, 2013 6:41 PM
To: Johnson, Alisha; Kika, Stacy; Jones, Enesta; Rivas-Vazquez, Victoria; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
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From: Lee, Maya
Sent: Wednesday, August 14, 2013 8:08 AM
To: White, Candace
Subject: EPA HQ-2013-008047 FW: foia
Attachments: Re: KIWI: Media Inquiries for West, Texas and Louisiana Incidents -- 5 P.M. Report; Re: KIWI: Media Inquiries for West, Texas [redacted] -- 5 P.M. Report

Maya Lee Newman
FOIA Specialist
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Rm 3213ARS/ Mail Code 2201A
wk: 202-564-2483
fax: 202-501-0017
email: lee.maya@epa.gov

From: Gentile, Laura
Sent: Tuesday, August 13, 2013 5:25 PM
To: Lee, Maya
Subject: foia

White, Candace

From: Gray, David
Sent: Monday, June 17, 2013 7:36 PM
To: Johnson, Alisha; Kika, Stacy; Jones, Enesta; Rivas-Vazquez, Victoria; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy
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