



U.S. EPA

REGION VIII PREPAREDNESS

PARatus

Volume III No. 2 Quarterly Newsletter 2013

Approaching Spill Prevention, Control and Countermeasure (SPCC) Compliance Deadline for Farmers is May 10, 2013



It doesn't take a lot of oil to do significant damage to the environment. In fact, as little as one gallon of oil can contaminate one million gallons of water and create costly clean-ups. Is your farm prepared to prevent and control spills?

May 10, 2013 is the newly amended compliance date by which farms must prepare or amend and implement their SPCC plan. If your farm was in operation before August 16, 2002 and you do not already have a Plan, you must prepare and implement a plan as soon as possible.

SPCC applies to an owner/operator which:

- Stores, transfers, uses, or consumes **oil or oil products**, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil, or animal fat; and
- Stores **an aggregate of more than 1,320 US gallons** in aboveground containers or **an aggregate of more than 42,000 US gallons** in completely buried containers; and
- Could **reasonably be expected to discharge oil to waters of the US** or adjoining shorelines, such as interstate waters, intrastate lakes, rivers, and streams.

You may qualify for self-certification if the total aboveground oil storage capacity is 10,000 gallons or less. There are two types of qualified facilities, Tier I and Tier II. For more information on whether your farm qualifies for the self-certification and additional information to assist you through the SPCC development process, please visit our website.

SPCC plans are an effective way to minimize the likelihood of a spill and to ensure that any spills that do occur are contained before they can damage water resources. If you have any questions, please contact Melissa Payan with the U.S. Environmental Protection Agency (EPA) Region 8's Oil Program at 800-227-8917 extension 6511.

For more information about the SPCC program, please visit the following websites:

Fact sheet for farmers: <http://www.epa.gov/emergencies/docs/oil/spcc/spccfarms.pdf>

SPCC for Agriculture: http://www.epa.gov/emergencies/content/spcc/spcc_ag.htm

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Partner Corner

Want more localized info? Check out these sites:

- [Montana](#)
- [Wyoming](#)
- [North Dakota](#)
- [South Dakota](#)
- [Utah](#)
- [Colorado](#)
- [Denver](#)

EPA assistance to the Agriculture Community in South Dakota

“EPA is committed to working with the agricultural community to find efficient and practical solutions to environmental challenges,” said Rebecca Perrin, EPA’s agriculture advisor in Denver. “Every farm or livestock operation is required to determine if they need an SPCC plan in place to reduce the risks, and costs, associated with potential oil spills. EPA is offering assistance to make sure that those who do need a plan are taking appropriate steps to meet these requirements. We encourage producers to call us directly with any questions.”

These statements summarize the intent of EPA Region 8’s informational swing through South Dakota. During the last week of February at the request of Lowell Mesman of the South Dakota Farmers Union, Ms. Perrin and Jim Peterson conducted eight information and ‘Question and Answer’ sessions across South Dakota. In addition to the 200 farmers and ranchers, representatives of Senator Tim Johnson and the SD Department of Environment and Natural Resources also attended.

The discussions corrected much of the misinformation that exists in the farming and ranching communities of the plains. The presentations were generally well received and several of the attendees thanked the EPA representatives for their assistance.

Training & Exercises

The Region 8 Preparedness Unit assists communities and facilities with emergency preparedness and accident prevention. Our emergency preparedness activities focus on strengthening the ability of EPA, local, state and other response organizations to respond effectively to future chemical accidents. As part of EPA’s comprehensive program for protecting public health and the environment from hazardous materials spills, we offer a variety of training opportunities. The courses we offer are designed for personnel who respond to emergencies or who investigate and/or cleanup abandoned hazardous waste sites. We can host training in your local jurisdiction and attendance is free!

Some of our most popular courses are listed here: CAMEO Training, 40 hr HAZWOPER Training, 8 hr HAZWOPER Refresher Training, Air Monitoring for Emergency Response, Environmental Remediation Technologies, Overview of Environmental Geophysics, Radiation Safety Overview, Basic Chemical Hazard Identification Course, Practical Hazardous Materials Instrumentation, Unknown Chemical Identification Course, Hazardous Materials Chemistry for Hazardous Materials Specialists, Level A Sampling Exercise, Clandestine Chemical Safety Training.

You can also contact our training “dai-sensei” Mark Wullstein at 303-312-6152, or wullstein.mark@epa.gov. Call him, you’ll be glad you did.

Training & Exercises (Cont.)

Region 8 creates a Training and Exercise Plan (TEP) annually discussing our latest priorities and methodologies in addressing those regional training and exercise (T&E) priorities. A schedule listing our regional trainings and exercises is developed for each year showing the type of T&E, location, time, sponsor, participants and regional priorities being addressed (see attached T&E Schedule).

We are always looking to assist and participate in exercises with regard to our responsibilities - chemical, biological, radiological, nuclear or explosive (CBRNE) events as well as other hazardous materials incidents.

Please contact Luke Chavez (chavez.luke@epa.gov, 320-312-6512) - Exercise Coordinator if you have any questions regarding EPA Region 8 T&E or have an exercise that we may assist you in. [Planning and Exercise Schedule](#)

EPA Releases State Enforcement Performance Information and Comparative Maps

The EPA announced the release of state dashboards and comparative maps that provide the public with information about the performance of state and EPA enforcement and compliance programs across the country.

"Transparency and access to information at all levels helps to drive improvements in environmental performance," said Cynthia Giles, Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance. "Today's release of state enforcement information highlights the important work going on at the state level to address serious pollution problems and also underscores areas where states and EPA may need to strengthen enforcement and compliance efforts."

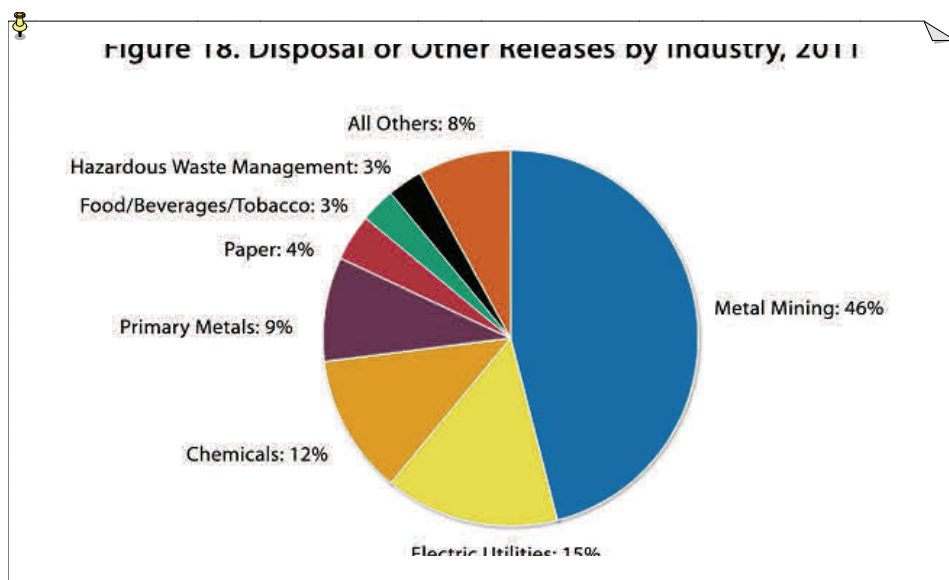
Most states and tribes in the United States have the authority to implement and enforce many of the nation's air, water and waste laws. The dashboards and maps include state level data from the last five years and provide information including the number of completed inspections, types of violations found, enforcement actions taken, and penalties assessed by state. To ensure data quality, EPA made the maps and dashboards available to the states in advance of this public release, in order to provide an opportunity to make any necessary data corrections.

Users can customize the dashboards to view state activity, EPA activity, or combined activity. Where available, the site also allows users to view national averages and display state enforcement trends over time. The interactive state performance dashboards are located on EPA's Enforcement and Compliance History Online (ECHO) website. ECHO is an EPA transparency tool that allows the user to map federal and state inspection, violation, and enforcement information for more than 800,000 regulated facilities. The state dashboards and comparative maps that are available in ECHO are part of EPA's commitment to increasing transparency and providing data to the public in a format that is easy to understand and use. View the state performance dashboards and comparative maps: http://www.epa-echo.gov/echo/stateperformance/comparative_maps.html

Visit EPA's ECHO website: <http://www.epa-echo.gov>

2011 Toxic Release Inventory (TRI) National Analysis

The EPA has released the 2011 TRI National Analysis, an annual report that displays EPA's analysis of the most recent TRI data. It includes a variety of documents and Web sites that outline national and local trends in toxic chemical disposal or other releases to the environment, as well as trends in toxic chemicals managed by TRI facilities. These resources include an overview of the National Analysis with additional context and explanation, briefing slides that show high-level messages and trends, and three geographic-specific analyses that highlight urban communities, large aquatic ecosystems, and Indian country and Alaska Native Villages. In Reporting Year 2011 (RY11), 20,927 facilities reported 4.09 billion pounds of toxic chemicals disposed of or otherwise released into the environment, up by 8% from 2010 to 2011. In the long term, facility disposal or other releases of TRI chemicals have generally decreased, down by 8% from 2003 to 2011.



RY11 was the first year that facilities were required to report on 16 new chemicals that have been classified as "reasonably anticipated to be a human carcinogen" by the National Toxicology Program (NTP). Reports were received for nine of the 12 new individually-listed chemicals.

Information on these newly reportable chemicals is available at the following URL:

www.epa.gov/tri/lawsandregs/ntp_chemicals/final.html

Access to the 2011 National Analysis is available at the following URL:

www.epa.gov/tri/NationalAnalysis

Information about the 2011 National Analysis is also available in Spanish at the following URL:

www.epa.gov/tri/tridata/tri11/nationalanalysis/sp

For questions regarding the National Analysis, please contact the Superfund, TRI, EPCRA, RMP & Oil Information Center at:

(800) 424-9346 -- Toll Free

(703) 412-9810 -- Metropolitan DC area and international calls

(800) 553-7672 -- Toll Free TDD

(703) 412-3323 -- Metropolitan DC area and international TDD

To speak with an Information Specialist, please call between 10:00 AM and 5:00 PM (eastern time), Monday through Friday.

TRI-MEweb and 2012 TRI Reporting Forms and Instructions

The newest version of the TRI-MEweb online reporting system as well as the 2012 Toxic Release Inventory (TRI) Reporting Forms & Instructions are now available. TRI-MEweb is EPA's preferred method for preparing and submitting TRI forms.

In RY2012, EPA introduces a new process to certify TRI forms within the TRI-MEweb reporting application. In addition, new electronic reporting security requirements for identity proofing have been implemented. Finally, a new alternative to process Electronic Signature Agreements in real-time has been incorporated to expedite the transmission, certification and submission reporting process for TRI reporting facilities. For more information on TRI-MEweb enhancements, please view the Reporting Year 2012 Enhancements tutorial available at:

www.epa.gov/tri/reporting_materials/tutorials/tutorial_index.html

Guidance on using TRI-MEweb to submit TRI forms is available at the following URL:

www.epa.gov/tri/reporting_materials/trimeweb/index.html

The 2012 TRI Reporting Forms & Instructions is available at the following URL:

www.epa.gov/tri/reporting_materials/forms/index.html

TRI forms for reporting year 2012 must be submitted by July 1, 2013.

For questions regarding TRI reporting, please contact the Superfund, TRI, EPCRA, RMP & Oil Information Center at:

(800) 424-9346 -- Toll Free

(703) 412-9810 -- Metropolitan DC area and international calls

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EPA Makes Public Comprehensive Information on Use of Chemicals in the U.S.

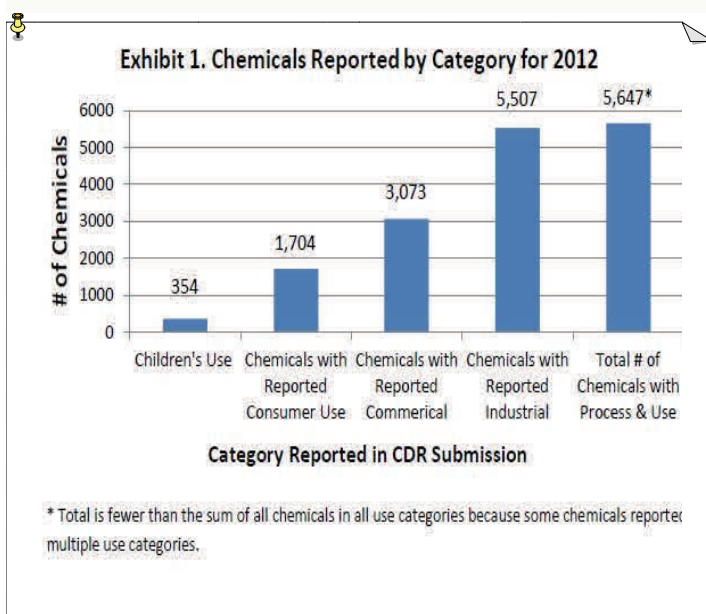
The U.S. Environmental Protection Agency (EPA) today released the 2012 Chemical Data Reporting (CDR) information on more than 7,600 chemicals in commerce. The CDR database contains comprehensive use and exposure information on the most widely used chemicals in the United States.

Companies are now required to provide information on chemicals used in children's and other

EPA Makes Public Comprehensive Information on Use of Chemicals in the U.S. (Cont.)

consumer products, along with reports on commercial applications and industrial uses of chemicals. For the first time ever, EPA also required companies to substantiate confidentiality claims in order to ensure that as much information as possible is made available to the public.

“The 2012 Chemical Data Reporting information will help EPA and others better assess chemicals, evaluate potential exposures and use, and expand efforts to encourage the use of safer chemicals,” said EPA Administrator Lisa P. Jackson. “The CDR data also highlight the clear need for TSCA reform. Updating this critical law will ensure that EPA has access to the tools and resources it needs to quickly and effectively assess potentially harmful chemicals, and safeguard the health of families across the country.”



The CDR rule, the source of these new data, was issued under the Toxic Substances Control Act (TSCA). The rule requires companies that manufacture or import chemicals to report manufacturing and import data every four years when site-specific production volume exceeds 25,000 lb. This report is for calendar year 2011. The EPA received reports on 7,674 chemicals, including 354 that were reported as used in children's products. 1,704 chemicals were reported as used in consumer products and 3,073 were used in commercial applications or products. The remaining chemicals reported were for industrial use only. The CDR information includes data on chemicals that are used in children's products such as toys, playground and sporting equipment, arts and crafts materials, and textiles and furniture.

Chemicals used in consumer products, particularly those intended for children, present potential for direct exposure to the public and are priorities for assessment by the agency. Although reporting on these chemicals is compulsory, currently there are no requirements under TSCA that existing chemicals be evaluated for safety.

Yet EPA has taken action and begun a process to ensure that chemicals used by the public on a daily basis are safe. The process identifies potential chemicals for near-term review and risk assessment under TSCA. In 2012, EPA released a work plan of 83 chemicals for further review as part of the agency's existing chemicals management program. From that list, seven chemicals were identified for risk assessment development in 2012 and 18 for assessment in 2013 and 2014. In January, 2013, EPA released for public comment and peer review an initial set of draft risk assessments of five chemicals for particular uses found in common household products

The 2012 CDR information released today is available at www.epa.gov/cdr. Users can download or search the database. In addition, users can tailor the search results to view information on specific uses of chemicals, such as those used in products intended for use with children.

Read more about the CDR data, including fact sheets, at www.epa.gov/cdr.

Stafford Act: FEMA Consults Tribes and their Leadership on the Disaster Declaration Process

At the end of January, President Obama signed the Sandy Recovery Improvement Act of 2013 that amended the Stafford Act to provide federally recognized Tribal governments the option to choose whether to make a request directly to the President for a federal emergency or major disaster declaration, or to seek assistance, as they do presently, under a declaration for a State.

The Federal Emergency Management Agency (FEMA) today published on the Federal Register a "Solicitation for Comments Regarding Current Procedures to Request Emergency and Major Disaster Declarations." This solicitation is for Tribes, Indian tribal governments and all of our stakeholders regarding the disaster declarations process. FEMA will be accepting comments through the Federal Register Notice process (Docket ID FEMA-2013-0006 Document Number 2013-05391) at <http://federalregister.gov/a/2013-05391>, FEMA's online collaboration site <http://fema.ideascale.com> and by email at tribalconsultation@fema.dhs.gov no later than April 22, 2013, when the open comment period ends.

In March and April, FEMA will be conducting listening sessions with Tribal leadership, their organizations and stakeholders to present information regarding the FEMA programs, the Stafford Act and its amendment, the declarations process. Comments will be accepted until April 22, 2013.

Visit www.fema.gov/tribal-consultations for complete schedule and read ahead materials. More information about FEMA Tribal Affairs is available at www.fema.gov/tribal.

Emergency Management

The 30-minute video "[Strength and Resiliency: Emergency Preparedness for Tribal Leaders and Program Directors—Your Roles and Responsibilities](#)" was released recently to give tribal leaders an introduction to emergency management. The video covers the basics of risk identification and analysis, communications, Incident Command System and Unified Command, public health emergencies, and the creation and roles of the Tribal Emergency Response Committee (TERC).

A National Volunteer Fire Council article states the video can "help educate non- Indian firefighting agencies about tribal communities and their unique firefighting needs and coordination efforts."

While the video was produced for tribal emergency managers and leaders, it also serves as a guide for local, state, and federal officials whose jurisdictions border tribal lands. Many of the 566 federally recognized tribes have what is known as 'checker-boarded' reservation land base. For example, New York has 10 reservations across the state and one spans the U.S.-Canadian border.

The collaborative video was developed by the University of Minnesota School of Public Health, Eagle Clan Productions, and FEMA Region V with a grant from the Centers for Disease Control and Prevention.

SPCC/OIL Enforcement Highlights, Along With Several RMP(112r) Highlights

Case Highlights

Final Order Issued Approving Combined Complaint and Consent Agreement Settling Clean Air Act 112(r) Violations at Holly Refining Company's Woods Cross Refinery in Utah EPA Region 8 and Holly Refining and Marketing Company agreed to resolve Clean Air Act violations at the company's refinery in Woods Cross, Utah. The settlement requires Holly Refining to pay a \$115,000 civil penalty for violations of the Clean Air Act Section 112(r) and 40 C.F.R. Part 68 risk management program requirements associated with the storage and use of flammable substances and hazardous chemicals.

Region 8 Settles Oil Spill / SPCC Case With PDC Energy A Final Order was entered approving a Consent Agreement in a Clean Water Act / Oil Pollution Act enforcement action against PDC Energy, Inc. The settlement requires PDC Energy to pay an administrative penalty of \$80,000 for alleged violations of the EPA's Spill Prevention, Control, and Countermeasure regulations and for various unpermitted discharges of oil and other pollutants at oil and gas production facilities in Weld County, Colorado.

Final Order Issued Resolving Clean Air Act Section 112(r) Violations at Meadow Gold Dairy in Orem, Utah A Final Order was entered approving an Expedited Settlement Agreement (ESA) for the

Southern Foods Group, LLC, who agreed to pay \$2,790 to resolve Clean Air Act Section 112(r) and 40 C.F.R. Part 68 violations at its Meadow Gold Dairy in Orem, Utah. Southern Foods Group also agreed to correct violations that were discovered by EPA inspectors in December 2011 within 60 days of the Final Order.

EPA Region 8 Finalizes Negotiations Regarding Utah DOT's Purchase of a Strip of Land From Parish Chemical Company EPA will receive approximately \$80,000 in exchange for releasing a portion of a CERCLA 107(l) lien on the Parish Chemical Company (PCC) Superfund Site. For the past several years, the Utah Department of Transportation (UDOT) and PCC have been negotiating the purchase of a strip of land to be used for a road widening project. The receiver, working on behalf of Parish, finalized a deal with UDOT, and EPA will receive a portion of the purchase price.

District Court Approves Stipulation and Order Requiring Montana Waste Systems to Pay \$100,000 Civil Penalty for RCRA Violations A Stipulation and Order issued by The United States District Court for the District of Montana resolves Montana Waste Systems, Inc.'s (MWS) liability to the United States through the payment of a \$100,000 civil penalty in three payments over the course of two years. This case concerns RCRA violations at a metal recycling facility in Great Falls, Montana formerly operated by Steel Etc on property owned by Three W's (Site). In

late August 2005, Steel Etc excavated an area at the Site for a concrete pad that would be the base for a metal shear for Steel Etc's operations and disposed of the soil at a RCRA Subtitle D landfill operated by MWS. Although MWS, aware that the waste contained elevated total lead numbers, insisted on TCLP testing of the waste, it accepted the 1,680 tons of waste before the samples were analyzed. Three W's received the TCLP analyses but did not disclose the results. Three W's arranged to have two samples taken and analyzed from the stockpiled waste at the landfill. The results were provided to Three W's, Steel Etc and MWS, but none of them notified the Montana DEQ until June 2007. In 2009, MDEQ executed a consent order with Three W's and MWS requiring them to remediate the hazardous waste at the landfill (which was ultimately allowed to be remediated on-site). MDEQ subsequently asked EPA to pursue penalties against the parties. Region 8 civil enforcement and Criminal Investigation Division (CID) arranged for EPA's National Enforcement Investigations Center (NEIC) to sample the waste at the landfill. The results confirmed that the waste was TCLP for lead, and that the source of the lead was lead-acid batteries, not lead ore as contended by Three W's and Steel Etc. The U.S. Attorney's Office for the District of Montana ultimately decided not to pur-

sue the criminal matter and Region 8 referred civil enforcement to DOJ. Region 8 and DOJ are still negotiating with Steel Etc and Three W's.

Final Order Issued Resolving Clean Air Act Section 112(r) Violations at Mid Dakota Water Treatment Plant in Pierre, South Dakota A Final Order approving an Expedited Settlement Agreement (ESA) was issued to Mid Dakota Water Treatment Plant who agreed to pay \$3,600 to resolve Clean Air Act Section 112(r) and 40 C.F.R. Part 68 violations at its facility in Pierre, South Dakota. Mid Dakota also agreed to correct the violations that were discovered by EPA inspectors in May 2012 within 60 days of the Final Order.

Final Order Issued Resolving Clean Air Act Section 112(r) Violations at Jamestown Treatment Plant in Jamestown, North Dakota A Final Order approving an Expedited Settlement Agreement (ESA) was issued to Jamestown Water Treatment Plant who agreed to pay \$2,080 to resolve Clean Air Act Section 112(r) and 40 C.F.R. Part 68 violations at its water treatment facility in Jamestown, South Dakota. Respondent also agreed to correct the violations that were discovered by EPA inspectors in June 2012 within 60 days of the Final Order.



Preparedness Unit Mission Statement:

We will increase EPA Region 8 preparedness through:

- Planning, Training, Exercising, and developing outreach relations with federal agencies, states, tribes, local organizations and the regulated community.
- Assisting in the development of EPA Region 8 preparedness planning and response capabilities through the RSC, IMT, RRT, OPA, RMP, etc.
- Working with facilities to reduce accidents and spills through education, inspections and enforcement. **To view our programs, or contact a member of our team:**

[\(Click here for Org Chart\)](#)

Acronym List

IMT	Incident Management Team
OPA	Oil Pollution Act
RRT	Regional Response Team
RSC	Response Support Corps
SPCC	Spill Prevention, Control, and Countermeasures



1 (800) 424-8802



**National
Response
Center**

www.nrc.uscg.mil



Need More info on the Risk Management Program (RMP)?

RMP Reporting Center

The Reporting Center can answer questions about software or installation problems. The RMP Reporting Center is available from 8:00 a.m. to 4:30 p.m., Monday through Friday, for questions on the Risk Management Plan program: (703) 227-7650 (phone) RMPRC@epacdx.net (e-mail)

Chemical Emergency Preparedness & Prevention Office (CEPPO)

<http://www.epa.gov/emergencies/index.htm>

Compliance and Enforcement: <http://www.epa.gov/compliance/index.html>

Compliance Assistance: <http://www.epa.gov/compliance/assistance/index.html>

Call our hotline, the Superfund, TRI, EPCRA, RMP, and Oil Information Center (800) 424-9346 or (703) 412-9810 TDD (800) 553-7672 or (703) 412-3323 Mon-Thurs 10:00 am to 3:00 pm ET (except Federal Holidays) or see

www.epa.gov/superfund/contacts/infocenter/index.htm.

You can also call or write to:

U.S. EPA Region 8
1595 Wynkoop Street (8EPR-ER)
Denver, CO 80202-1129
800-227-8917

CO, MT, ND, SD, UT, and WY

To report an oil or chemical spill, call the National Response Center at (800) 424-8802.

This newsletter provides information on the EPA Risk Management Program, EPCRA, SPCC/FRP (Facility Response Plan) and other issues relating to Accidental Release Prevention Requirements. The information should be used as a reference tool, not as a definitive source of compliance information. Compliance regulations are published in 40 CFR Part 68 for CAA section 112(r) Risk Management Program, 40 CFR Part 355/370 for EPCRA, and 40 CFR Part 112.2 for SPCC/FRP.