

**Region VIII
Regional Response Team
Meeting Minutes
April 19-20, 2011
710 10th Street
Golden, Colorado**

The Region VIII Regional Response Team (RRT) meeting began at 8:00 AM with a welcome and introduction by the U.S. EPA RRT coordinator, Gina Cristiano. Opening remarks were also made by the RRT co-chair from the U.S. EPA, David Ostrander. Dave introduced the new RRT co-chair from the United States Coast Guard (USCG), Captain Edward Cubanski.

Captain Cubanski gave a brief background on himself. He discussed the recent National Response Team (NRT) meeting held in Dallas, Texas. David Ostrander and Captain Cubanski gave a collective summary of the recent NRT meeting they attended. They stated the meeting was focused on the BP New Horizon Oil Spill incident in the gulf coast. They highlighted key topics discussed at the meeting. One was the National Contingence Plan (NCP) role in a major oil spill incident and understanding the oil spill contingency plan. Also discussed were the White House's involvement and other political aspects influencing the incident. A discussion was held about the role of Senior Agency Officials and other elected officials in a major incident. In the Enbridge Pipeline Response in Alaska, the EPA's Regional Administrator was asking to manage the response. Most senior officials have no such experience or expertise. The regular emergency response managers are much more qualified and experienced with such incidents. When an incident becomes political, it becomes very difficult to perform the necessary actions to respond to the incident. Political involvement is very unpredictable. Local political involvement can also pose problems. Incident-specific reporting is not useful for RRT and the USCG. The role of the RRT was not well defined in the BP spill incident. The One Gulf Plan designed for the Gulf of Mexico did not have specific booming plans and placement.

Another issue discussed at the NRT meeting was the use of chemical dispersants for the oil spill. New application techniques were used on a very large scale. It was not a routine application of the dispersants. There was political pressure by Congress to use methods and substances not evaluated for their effectiveness or toxicity.

Another issue was Presidential Preparedness Directive 8 about community preparedness. The Department of Homeland Security and Federal Emergency Management Agency (FEMA) are taking a new approach to community planning.

Captain Cubanski mentioned that Area Contingency Plans (ACP) need to be reviewed to find loopholes and make necessary improvements to make the plans useful. He mentioned cost efficiency gained from lessons learned in the North Dakota Red River floods. In 2009, the cost was \$120M; in 2010 it was \$30M and less than \$30M for 2011.

Neil Taylor, Utah DEQ (Department of Environmental Quality), commented on management's role in emergency responses. Management does not care about emergency responses until a big event happens. But when a big event happens, management feels the need to manage the incident, disregarding experienced personnel with

extensive expertise to manage the large incident. When the large incident has problems, senior management blames the system, when it is senior management that needs training. The system is fine and operates well with the day-to-day emergencies. UDEQ tries to maintain ICS training for senior officials; they try to routinely provide ICS (Incident Command System) 100-200 for executives. One such training is planned for September-October. David Ostrander concurred with the comment, indicating that the constant need for information for senior managers and the information competition with national news agencies.

Ty Bailey, Utah Division of Emergency Management, noted that Utah Homeland Security is being reorganized, incorporating an all hazards approach currently used by DHS (Department of Homeland Security). He mentioned a potential terrorist threat in the Navajo Nation where members of the Tribe were threatening action against an oil company. Information was disseminated from the Fusion Center at DHS to the National Response Center (NRC) to EPA. It turns out it was not a credible threat, but no information was received from the FBI.

MaryBeth Vasco, FEMA, stated a need for a list of grants available from FEMA. Ted Young is the grants manager for firefighter assistance and hazmat grants. FEMA is taking a Whole of Community planning approach. They are also working to implement Presidential Preparedness Directive 8.

Kathy Atencio, EPA, gave a report on EPA's outreach program and the emphasis on outreach to Indian tribes, as well as outreach to the agriculture community to help them understand the Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) regulations.

Kim McIntosh, South Dakota, discussed the RRT's viability to states. She agreed to the previous comments about response to large incidents. South Dakota had seven federally declared disasters in 2010, most were weather related. The hazmat responses were related to floating propane tanks. She mentioned the only ACP was a cross-regional plan with Region 7 that included the Missouri River. She talked about a large pipeline project, Trans Canadian that is a 30" pipeline that crosses the entire state. The pipeline crosses several sensitive areas in the state. She stated that several emergency response plans needed to be updated and that the plans need to be updated more frequently. It is very important to know the key contacts. She talked about the waste water operator's response plan. Also, local responders are much more capable of handling hazardous materials responses than a few years ago. She stated that law enforcement information is still difficult to get. She states the South Dakota State Emergency Response Commission (SERC) has eight state and local members. Ty Bailey, UDEQ, mentioned that SERC representation should be at the RRT meetings.

Dennis Killinger, General Services Administration (GSA), talked about the GSA roles in finding facilities for emergency responses and its role in Emergency Support Function (ESF) 10 and ESF 11. GSA coordinates with the Department of the Interior (DOI) and Fish & Wildlife with assistance to On-Scene Coordinators (OSCs).

Bill Goetzee, USCG, gave a presentation on the RRT's role during an incident with emphasis on Region 6's experience during the recent BP oil spill in the Gulf. There was discussion about dispersants. It was noted that no dispersants are pre-approved in Region VIII. Some products are being used as firefighting agents, not as dispersants or biodegrading agents, even though they may be presented as such by sales persons. It was noted or questioned whether firefighters need RRT approval before applying foam to waterways. During the presentation it was noted that a formal process (i.e., designation from the Governor) was needed to get a state-designated person on the RRT. Also the Forest Service questioned why they were designated in the regulations

as the representative for the USDA in the NCP? There was noted a need for cross-regional policies on Alternative Response Technologies. There also needs to be a revision to Subpart J to have actual testing on the toxicity of dispersants. During the BP incident, there was high-level pressure to use chemicals and processes that was vendor driven.

Gina Cristiano, EPA, stated the roles and responsibilities of RRT, specific to planning, include:

- 1) Preparedness, planning, and coordination
- 2) Notifying and communicating
- 3) Operations during an emergency response

Neil Taylor, Utah DEQ gave a presentation on the Strawberry River spill; specifically he discussed issues related to the confusion with the NCP response. The County Emergency Manager gave verbal orders to a contractor thinking they'd get a disaster declaration from FEMA and Stafford Act funding to pay for cleanup. Because of this, Duchene County may have to pay nearly \$100k out of pocket for the lackluster work the contractor performed. Also, the County Emergency Manager was unaware of the sub-ACP that covered his county, illustrating a need to get the Sub-ACPs updated and to get the local responders reacquainted with them

It was noted that dispatch centers don't know when to call the NRC.

Kerry Guy, EPA OSC, gave a presentation on ACPs and led a discussion about their usefulness. It was noted that ACPs need to be constantly updated. What elements need to be included in the ACPs and what needs to be eliminated from the plans? An updated contact list needs to be done. Kerry mentioned the updates of the ACPs will be completed by the fall meeting. Bob Stewart, DOI, will send out the updated threatened and endangered species list before the fall meeting.

Duc Nguyen, EPA OSC, gave a presentation on the EPA Emergency Response Unit Salt Lake City Earthquake Plan. Mike Pendergrass also presented FEMA's work on their Catastrophic Earthquake Planning efforts, specific to Salt Lake City. This plan incorporates the "Whole of Community" planning concept. A discussion was held about having preapproved disposal areas for debris and other hazardous and solid wastes.

Curtis Kimbel, EPA, gave two presentations as part one of the Hot Sites Session, one on meth wastes and one on Joyce's metals refining site. The Meth Lab presentation gave briefing on the currently used methods and chemicals used in the illicit manufacture of meth. He talked about what EPA can assist with in Meth lab sites. These include the removal of chemicals from building, segregation of chemicals, and disposal of hazardous chemicals. There was a brief discussion on the future of Drug Enforcement Agency (DEA) funding. This has happened before and funding had been restored within a short time.

Curtis gave a presentation on the precious metal recovery operation that was located in a residence. The process used a chemical known as Aqua Regia, a mixture of hydrochloric acid and nitric acid. Other hazardous chemicals were also discovered throughout the house and possible disposal down the sewer system. The owner was required to cease operations and EPA removed the hazardous chemicals from the residence.

The second day of the RRT meeting began with an update by EPA OSC Craig Myers on the hydrochloric acid spill from a rail tank car near Monument, Colorado.

Paul Peronard, EPA OSC, presented a portion of the OSC Hot Sites Session. This included a briefing on the Enbridge Pipeline Spill in Michigan. He also gave a review of events during the Sheridan Asbestos House Removal in Denver, Colorado.

Kathy Atencio gave a presentation on Emergency Planning and Community Right-to-Know Act (EPCRA) and reporting requirements. Kurt Muenchow, U.S. Forest Service, asked about the release of oil field fracking fluids and their reporting requirements. Currently there is no position on these fluids. Kim McIntosh, SD, noted that the state requires reporting the spill of greater than 25 gallons of fraction fluids.

Neil Taylor gave a presentation and led a discussion about hazmat spills on federal or tribal lands. In a recent meeting in Utah, federal land managers were unaware of regulations and procedures to deal with the incidents on federal land. There was noted a need to educate federal land managers and local emergency responders on the policies and procedures for these incidents.

Issues discussed included:

- 1) Who is in charge at the spill?
- 2) Who can bring in cleanup contractors?
- 3) How clean is clean?
- 4) What agency or authority can direct potentially responsible party (PRP) cleanup contractors?

Paul Peronard, EPA OSC, gave a presentation on EPA response authorities, what triggers an EPA OSC response and the regulations that cover or limit the response. This included overview of the following federal regulations: NCP, CERCLA, Clean Water Act as amended by the Oil Pollution Act, and the Petroleum Exclusion under CERCLA.

More specifically, under CERCLA section 104, EPA can respond to release of hazardous substance (listed at 302.4) or pollutant or contaminants. But there is a higher threshold to justify response to a pollutant or contaminant and there are more restrictions on the Agency (cannot order a PRP to take action nor can EPA recover its costs). Petroleum/oil is explicitly excluded under CERCLA, meaning there is no money or legal authority to clean up petroleum under Superfund.

Under section 311(c) of the Clean Water Act, EPA can respond to discharges of oil to waters (or discharges that threaten water) of the United States. The language also states EPA has authority to respond to discharges onto federally managed land. However, the US Coast Guard does not provide funding for these incidents.

A discussion was held to petition the USCG to provide funds from the Oil Spill Liability Trust Fund (OSLTF) for discharges of oil on federally managed land, per section 311(c) of the CWA. It was agreed R8 should get the number of incidents and other metrics together to determine the uniqueness of this particular issue. Region 8 OSCs will involve EPA Enforcement Support when deemed necessary.

The next scheduled RRT meeting will be in Utah on September 19-20. A Local Emergency Planning Committee (LEPC) workshop will be on September 21 and a SERC meeting the afternoon of the September 20.

The RRT group was invited to tour the Region 8 EPA Emergency response warehouse.

ACTION ITEMS

- 1) How much fire boom is currently available in Region VIII?
- 2) USCG will provide a copy of a recent PowerPoint Presentation on oil spill cleanup lessons learned from the BP Oil Spill
- 3) USCG will provide report on Alternative Technology that was produced from the BP incident.
- 4) Determine if a letter to state and federal agencies about RRT representation should be distributed (specifically letters to the Governor of each state were discussed).
- 5) EPA review of SERC representatives and get them more involved in the RRT.
- 6) Kerry Guy, EPA OSC, will update sub-ACP contact lists.
- 7) Bob Stewart (DOI) will work with Kerry Guy to update Threatened and Endangered Species information in the sub-ACPs.
- 8) Printed updated versions of the sub-ACPs will be available by 6/30/11.
- 9) Further discussion on the Earthquake Response Plan and possible pre-determined disposal areas for earthquake damage debris.
- 10) EPA will collect specific data on the number, type, location of oil discharges to soil occurring on federally managed (BLM, USFS) land.
- 11) BLM will review their leasing agreements in the area of interaction with other federal, state and local agencies with hazardous materials released on BLM property.