

HAZ-CHEM NEWS

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INSIDE THIS ISSUE

EPA moves to close loophole.....	2
Chlorine gas leak prompts late night panic.....	5
When workarounds backfire.....	11
North Dakota Hazardous Material Incidents.....	16
Program Staff.....	17

IMPORTANT DATES

September 29 - SERC Meeting

November 30 - December 1, 2010 - ND HazMat Conference - Best Western Ramkota Hotel & Conference Center, Bismarck, ND

For questions or further information about this newsletter, please contact Ray DeBoer.

A big thank you to the Arizona Emergency Response Commission for providing content for this newsletter.



Enforcement Actions Against US Chemical Facilities

BY JOE KAMALICK
Chemical News & Intelligence
Updated: 07-13-2010 3:40 pm

WASHINGTON (ICIS news)--The Department of Homeland Security (DHS) this week initiated its first enforcement actions against US chemical facilities under federal anti-terrorism law, warning that they face fines for failing to comply. Department spokesman Chris Ortman said that administrative orders have been sent to 18

unidentified facilities, warning that they must submit overdue site security plans in compliance with the federal Chemical Facilities Anti-Terrorism Standards (CFATS). The department also confirmed that all 18 of the non-compliant sites are in the top tier of facilities considered by federal officials to be most at risk for an attack by terrorists intent on causing massive off-site casualties.

On one hand, it might seem worrisome that, three years into the CFATS implementation, so many chemical facilities in that highest-risk category still are not with the program.

(Continued on page 4)

Voluntary Program for haz mat incidents

(**Transportation Community Awareness and Emergency Response**) is a voluntary national outreach effort that focuses on assisting communities prepare for and respond to a possible hazardous material transportation incident.

TRANSCAER® members consist of volunteer representatives from the chemical manufacturing, transportation, distributor, and emergency response industries, as well as the government.

Visit: <http://www.transcaer.com/state.aspx> for more information.



EPA moves to close key chemical safety loophole

AOL News – (National) **EPA moves to close key chemical safety loophole.** After years of allowing corporations to withhold vital safety information, the Environmental Protection Agency (EPA) screamed “stop” on Thursday. In the Federal Register, the agency said it will no longer permit the obstruction of safety evaluations by allowing firms to hide behind age-old claims of business secrecy.

The EPA Administrator had told Congress earlier this year that the heavily lobbied for “confidential business information” protection was keeping the agency’s risk assessors from obtaining vital health and safety data on chemical substances awaiting approval. Thousands of chemicals were not properly evaluated because of the withheld information, she told lawmakers. The agency’s new stance has real-world implications.

Chemical leak forces evacuation

WREG 3 MEmphis – (Tennessee) **Chemical leak forces evacuation.** A few hundred people had to be evacuated from homes and businesses after a chemical leak at Lucite International on Fite Road in Millington, Tennessee Tuesday morning.

Highway 51 was also shut down while the company tried to get the situation under control. Traffic was a nightmare for motorists who were forced to turn around. Shelby County deputies, firefighters,

The EPA’s move means that protection may no longer exist, at least within that agency. Other federal safety agencies, such as the Occupational Safety and Health Administration and the Food and Drug Administration, apparently still allow the corporate obfuscation.

A careful legal interpretation of the long maligned but vital Toxic Substance Control Act (TSCA) convinced the agency that it could provide more valuable information to the public by identifying data where information may have been claimed and treated as confidential in the past but is not and was not in fact entitled to confidentiality under the TSCA. The EPA said it expects to begin reviews of confidentiality claims — both newly submitted and existing — August 25.

Source: <http://www.aolnews.com/nation/article/epa-moves-to-close-key-chemical-safety-loophole/19496225>

Tennessee State Troopers and the EMA were all called in after workers at the Lucite plant discovered Co3 or a combination of sulfur dioxide and trioxide vapors leaking from the main stack at the plant.

Plant officials said that even though the levels were never high enough to be considered dangerous, they sounded emergency sirens and emergency responders evacuated homes and businesses within a mile and a half radius of the plant.

During the incident, which lasted about an hour, about 200 employees at the Lucite plant were asked to follow

emergency procedures, but plant officials said there were no health issues. The plant, which makes methyl methacrylate and acrylic sheets, will remain shut down until it finds the problem and fixes it. The plant had just restarted operations Monday morning after being shut down for a month for scheduled maintenance. Plant officials said they have been in contact with the Environmental Protection Agency about what happened, and it will be up to that agency to decide whether it needs to investigate.

Source: www.wreg.com/news/wreg-lucite-story,0,3767565.story

Hazardous materials list offers 1st responders valuable tool in emergency

Information on rail cars' contents available to local agencies, but not all request data

COLUMBIA — Information about the top hazardous materials transported by rail through communities is available to emergency-response agencies but not all agencies ask for it, a spokesman for Norfolk Southern Corp. told The Greenville News .

The disclosure came the day after a 24-car train derailment and chemical spill near Liberty caused the evacuation of nearby residents but no injuries.

Lynn Fisher, director of Pickens County Emergency

Management, said he recently requested the list and hasn't yet received it.

Fisher said he plans to use the list "to prepare for incidents just like this. About 25 trains pass through here every day."

Jerry Mitchell, a University of South Carolina professor who studied the 2005 train derailment and chlorine spill in Graniteville that resulted in 250 people being treated for chlorine exposure and the deaths of nine residents, said the Liberty evacuation appeared to be run by the book.

But he said he still believes officials need to broach the subject of disclosing hazardous materials to emergency responders before trains travel through or near communities.

"That is something we can improve upon," he said.

Robin Chapman, a spokesman for Norfolk Southern, which operated the train that derailed Thursday, said the logistics make advance notification of everything being carried impossible.

"We provide to emergency response agencies, when they ask, a list of the top 25 hazardous materials that we haul through their area," he said.

"We cannot provide specific schedules or trains on which they are rolling. That just is not practical. But we do provide lists of what they can expect to be going through their area and that gives them an idea of what they need to be prepared for."

In addition, he said, the railroad does have available for each train a listing of any materials that can be provided to authorities in the event of an emergency.

Chapman said he didn't know if any Pickens County-area agencies have requested hazardous materials lists, but he said agencies throughout the nation ask for the information.

To read the full article go to: www.greenvilleonline.com/article/20100613/NEWS/306130008/-1/CELEBRATIONS08

(Continued from page 1)

And, at a time when many in the US Congress are pressing for much tougher and broader anti-terrorism security controls over chemical plants - including authority to dictate feedstock or process changes - the dilatory response of 18 facility operators arguably lends support to those calling for more aggressive rules. But Evan Wolff, a Washington, DC, attorney whose clients include many firms subject to CFATS regulations, contends that the department's initial enforcement moves are evidence that the program is working.

"I think it is important to put this in perspective," Wolff said of the enforcement proceedings against the unidentified 18 facilities.

"When you consider that some 38,000 facilities went through the top-screen process and about 7,000 of those were identified as high-risk sites subject to the regulations, the 18 facing enforcement action represent a very small percentage," he said.

Wolff, who heads the homeland security practice at Hunton & Williams in Washington, said the relatively small number of operators who have yet to meet department standards for site defenses indicates that the overwhelming majority of operators are in compliance and up to speed.

The CFATS regulations, which

came into force in April 2007, require that certain chemical facilities - those deemed to be at high risk for possible attack by terrorists - must conduct assessments of their security vulnerabilities and submit to the department a formal site security plan designed to remedy shortcomings.

A facility's site security plan (SSP) must meet standards set by the department, but plant operators may select measures they prefer to satisfy the federal criteria in 18 areas, such as perimeter control, visitor access, personnel background checks, safeguards against theft or diversion of hazardous materials or in-house sabotage.

DHS spokesman Ortman said the 18 facilities that have failed to produce security plans have been given several reminders, beginning in late 2009, about their obligations.

The administrative orders sent this week represent the final step before the department begins prosecution.

Under the law, DHS can assess fines of up to \$25,000 (€20,250) per day for failure to comply.

In addition, the law gives the department authority to shut down a chemical facility if its owners fail to respond to DHS requirements for security improvements.

As many as 7,000 US chemical facilities - production sites, storage yards, terminals -

initially qualified as high-risk sites, but that number has since been reduced to something over 6,000.

In addition to chemical production and storage sites, the high-risk facilities include a broad range of other industrial operations, such as natural gas terminals, electric power utilities and minerals mining, among others.

Those high-risk facilities are divided into four tiers, based on the degree of risk posed by the volumes and types of chemicals produced or stored and a given site's proximity to population centers.

For obvious security reasons, the department declined to identify the 18 facilities or to indicate the types of sites involved or even where they are generally located.

It seems odd that any operators with plants or other regulated sites in the highest-risk category would be so slow to respond.

But Wolff was not surprised that the 18 sites found lacking in compliance were all in the top tier of most at-risk facilities.

"It's interesting but not surprising," he said. "It indicates that the department is working and focusing first on the highest priority facilities."

As the department's regulators and on-site plant investigators gradually work their way down

(Continued on page 5)

(Continued from page 4)

through the four tiers of at-risk facilities, additional warning letters and administrative orders are likely.

It remains to be seen whether this opening salvo of federal enforcement actions under CFATS will aggravate or reassure those in Congress seeking tougher regulations.

In either case, the press of other business before

Chlorine gas leak prompts late-night panic

A dangerous chlorine gas leak prompted evacuations, but some Lincoln County, Kentucky, families say the communication breakdown that followed may have caused more harm than the leak. The chlorine leak began at the Stanford water purification plant around 1 a.m. Officials said emergency management and haz-mat teams urged everyone within a 4-mile radius to evacuate, but some said they did not get the message. Emergency responders insist that was never a possibility, but many residents' fear was real when mixed signals led to confusion over whether their homes were

HOS exemption proposed for short anhydrous ammonia transport

The Federal Motor Carrier Safety Administration (FMCSA) is taking comments until August 13 on a proposed two-year exemption of some drivers and motor carriers from the federal hours of service regulations when they transport anhydrous ammonia from any distribution point to a local farm retailer or the ultimate consumer, so long as the trip is 100 air-miles or less from the retail or wholesale distribution point. The chemical compound is stored under high pressure and widely used as fertilizer, with users handling it carefully to prevent spills. FMCSA

the US Senate - where new anti-terrorism legislation is stalled - makes it unlikely that Congress will complete work on a set of new chemical security criteria before the month-long August recess - or before the end of this year.

After August, all members of the US House and a third of those in the Senate will be almost wholly consumed with campaigning in the run-up to the 2 November US national elections.

affected. Police said chlorine levels were minimal, and they are convinced no one was ever in life-threatening danger. Police had begun knocking on doors within a 4-mile radius of the plant urging evacuations, but many neighbors just outside that radius said calls to 911 led them to believe they too were in danger. Now they say they are grateful no one was hurt in the process, but the incident shows a need for better communication in the future. Haz-mat crews contained the leak within about three hours. Stanford police said water plant officials are investigating what exactly caused the leak and how to prevent it from happening again.

Source: <http://www.wkyt.com/home/headlines/98720644.html>

said it has reviewed crash data and believes the exemption "would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, based on the terms and conditions imposed." The exemption would preempt "inconsistent" state and local requirements applicable to interstate commerce, the agency's Federal Register notice stated. To be eligible, a motor carrier would have to have a "satisfactory" safety rating or be "unrated." Drivers for motor carriers with "conditional" or "unsatisfactory" safety ratings could not take advantage of the exemption.

Source: <http://ohsonline.com/articles/2010/07/16/hos-exemption-proposed.aspx?admgarea=news>

Drill helps responders prepare for the real thing

Park Record – (Utah) **Drill helps responders prepare for the real thing.** A Summit County practice drill involving a hazardous materials spill was held Saturday to help prepare emergency responders for the real thing in Park City, Utah.

Here is the scenario: a tanker truck crashes on Interstate 80 spilling an unknown toxic substance.

“They will transport the patients via ambulance to the [hospital] emergency department where they will have decontamination tents,” said a spokeswoman for the Park City Medical Center.

Several ambulances, fire trucks, and the Summit County sheriff’s office mobile command center were present at the scene.

Truck carrying jet fuel, insecticide lands in Oregon City ditch

Oregonian – (Oregon) **Truck carrying jet fuel, insecticide lands in Oregon City ditch.**

Firefighters tried to keep jet fuel and insecticide from leaking from a truck that went into a ditch, Monday on South Forsythe Road in Oregon City, Oregon.

A small amount of diesel that leaked from the truck’s fuel tanks was contained with absorbent booms.

“It doesn’t look as if any of the chemicals or jet fuel is getting out,” said a Clackamas Fire District 1 spokesman.

“We’ve been able to remove a lot of it from the truck.”

When it comes to hazardous-materials spills, Summit County has had many close calls.

“We did a run last year at Echo Canyon where we pulled trucks in and checked them,” said a spokesman for Summit County’s Local Emergency Preparedness Committee.

“We were surprised that 15 percent of all the trucks on I-80 westbound had hazardous materials in one way or another.”

The simulated spill Saturday injured several people, including firefighters. Fuel spills have occurred on the freeway in Summit County. But potential chlorine and hydrous ammonia spills would be more dangerous. During the drill, crews practiced containing the spill before nearby neighborhoods were contaminated.

No injuries were reported. The truck was headed downhill on Forsythe Road shortly before 8 a.m., when the driver lost control. The truck went into a ditch and then tipped over on its side. The truck was loaded with supplies for helicopters that do crop-dusting and insect control.

Most of the potentially dangerous chemicals were in powdered form in boxes, which firefighters were able to safely remove. The jet fuel was contained in tanks, also removed without incident.

HazMat 3, the state’s hazardous-materials response team, responded from Gresham. Meanwhile, a tow truck is trying to pull the fallen truck out of the ditch. As of May 24, Forsythe Road was temporarily closed between Front Avenue and Clackamas River Drive.

Source: www.oregonlive.com/oregon-city/index.ssf/2010/05/truck_carrying_jet_fuel_insecticide_lands_in_oregon_city_ditch.html

Implementation Guidance on CAFO Regulations – CAFOs That Discharge or Are Proposing to Discharge

The revised provision at 40 CFR 122.23(d) requires all concentrated animal feeding operations (CAFOs) that discharge or propose to discharge to seek National Pollutant Discharge Elimination System (NPDES) permit coverage. Section 40 CFR 122.23(d) also provides that a “CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge will occur.”

This requirement to seek NPDES permit coverage applies to all owners and operators of CAFOs¹ that discharge or propose to discharge regardless of the volume or duration of the discharge. For CAFOs that already have permit coverage, permit coverage must be maintained by applying for a new permit at least 180 days prior to expiration of the existing permit (or as provided by the permitting authority) unless the CAFO will not discharge or propose to discharge when the permit expires. 40 CFR 122.23(g). It is the responsibility of the CAFO owner or operator to seek authorization to discharge at the time they propose to discharge, if they have not already done so. 40 CFR 122.23(f). Any CAFO that is required to seek or maintain permit coverage and fails to do so may be subject to enforcement. See 73 Fed. Reg. 70,418, 70,423-25 (Nov. 20, 2008).

As discussed in the preamble to the 2008 final rule, unlike the 2003 rule, which categorically required a permit for any CAFO with a “potential to discharge,” the revised regulations call for a case-by-case evaluation by the CAFO owner or operator as to whether the CAFO discharges or proposes to discharge based on actual design, construction, operation, and maintenance. “Potential” connotes the possibility that there might—as opposed to will—be a discharge. In

contrast to the 2003 rule, the 2008 revised rule involves a case-by-case assessment by each CAFO to determine whether the CAFO in question, due to its individual attributes, discharges or proposes to discharge. Therefore, 40 CFR 122.23(d)(1) requires only CAFOs that actually discharge to seek permit coverage and clarifies that a CAFO proposes to discharge if based on an objective assessment it is designed, constructed, operated, or maintained such that a discharge will occur, not simply such that it might occur. See 73 Fed. Reg. 70,423.

EPA contemplates that CAFO operators will objectively assess whether a discharge from the CAFO, including from the production area and any land application areas under the control of the CAFO, is occurring or will occur for purposes of determining whether to seek permit coverage. 73 Fed. Reg. 70,423. An operator of an unpermitted CAFO is never authorized to discharge from the CAFO under Clean Water Act § 301(a). Under 40 CFR 122.23(e), discharges from the CAFO include discharges of manure, litter, or process wastewater from land application areas under the control of the CAFO that are not exempt as “agricultural stormwater discharges.”

Agricultural stormwater discharges are excluded from the definition of the term “point source” in section 504(14) of the CWA, 33 U.S.C. 1362 (14). The CAFO NPDES regulations provide that precipitation-related discharges that qualify as agricultural stormwater discharges from land application areas at a CAFO are not subject to NPDES permit requirements. For discharges from the land application area to qualify as agricultural stormwater, manure and wastewater must be applied in accordance with site specific practices that ensure appropriate agricultural utilization of nutrients. 40 CFR 122.23(e).

Discharges from CAFOs are not limited to manure or manure nutrients, as the Clean Water Act and its implementing regulations prohibit the discharge of “any pollutant” from a point source. *Pollutant* means “dredged spoil, solid waste,

(Continued on page 8)

(Continued from page 7)

incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste

Your Workers are Dying on the Job and It has to Stop

These were the words of Jordan Barab, OSHA's Deputy Assist Secretary for Occupational Safety and Health, in a speech last week to the National Petrochemical and Refiners Association. He pointed out that refiners learned too few lessons from the BP Texas City explosion in 2005. Since that incident, over 20 serious incidents in refineries across the country. Barab described a few of the recent incidents:

Last year, OSHA completed an investigation of a naphtha piping failure and release, in which the resulting explosion and fire seriously injured three workers; two other workers, relatively young at 49 and 53 years old, died. One of these two workers was killed in the explosion; the other struggled for 13 days in the hospital before dying from severe burns. Within the unit where this rupture occurred, OSHA discovered multiple pipes that were operating below their retirement wall thickness. In fact, the very line that ruptured had previously ruptured and had to be replaced a decade earlier. As this tragedy makes clear, this type of breakdown maintenance is simply unacceptable. Good mechanical integrity programs are absolutely essential to safe refinery operation.

In 2007, water freezing in liquid propane piping resulted in a jet fire and a rapid evacuation of the entire refinery. Three workers, aged 33, 35, and 42 were seriously burned and hospitalized. Investigators found that a Process Hazard Analysis team had recommended installing remotely operable shut-off valves, yet the recommendation was improperly closed as "complete" by the previous owner. In fact, the valves had not been installed at all. The lack of these shut-off valves impeded workers' ability to

discharged into water." 33 U.S.C. 1362(6). See also 40 CFR § 122.2.

To read the entire regulation go to: <http://www.epa.gov/npdes/pubs/caf implementation guidance.pdf>

control the propane release before it ignited. The refinery learned a hard lesson: It is essential to rigorously follow up on PHA findings to ensure that hazards are adequately controlled. Failure to abate serious hazards can have deadly consequences.

In 2008, at another facility, an explosion in a hydrocracking unit blew the head off a process water filter. The debris struck and killed a foreman; he was 53 and had been with the company for 30 years. OSHA's investigation revealed that an inadequate start-up procedure had allowed hydrogen gas and air to accumulate in the top of the filter where it was likely ignited by pyrophoric deposits. OSHA learned that some operators had recognized the hazard and used an undocumented alternate approach that was actually safer, but the procedure had never been updated to incorporate the safer practice. The result of following the faulty procedure was a violent explosion and the needless death of a refinery worker—and a reminder that having safe, complete, and accurate operating procedures is essential to safe operations in process units.

Barab proposed three concepts to save more workers' lives:

- Effective process safety programs and strong workplace health and safety culture are critical for success in preventing catastrophic events
- Industry needs to learn from its mistakes. We know the major causes and we know the remedies. Systemic reform is needed now; and
- Numbers don't tell the whole story. Focusing on low DART rates alone won't protect you from disaster. New metrics are needed.

⁸ For Barab's recommendations on implementing each of these comments, see the [full text](#) of his presentation.

Next Generation HazMat Boots For Emergency Responders

The rubber boots that emergency personnel wear when responding to situations where hazardous materials (HazMat) are present may be functional, but they're not very comfortable. New research coming out of North Carolina State University hopes to provide a next generation HazMat boot that meets both criteria.

"We've learned from firefighters and other first responders that the current rubber boots are slippery and uncomfortable; they'd prefer a leather boot similar to ones they wear during non-HazMat situations," explains Dr. Roger Barker, professor of Textile Engineering Chemistry and Science, director of the Textile Protection and Comfort Center (T-PACC), and lead researcher for this study.

HazMat boots have traditionally been made of rubber so that they can easily be decontaminated and cleaned. Leather boots, which are more comfortable, have not been used because leather absorbs liquids - making decontamination a major technical issue. However, with the availability of new textile materials and surface treatments, researchers at NC State are confident they can develop a comfortable - and functional - leather boot for use in both fire-fighting and HazMat operations.

"We're currently in the process of creating prototypes of this new HazMat boot. We have been exploring options like providing a finish to the leather that would reduce chemical absorption, while making it easy to clean and decontaminate," Barker says. "So we're not just creating a leather HazMat boot, we're also designing a simple cleaning method to use on

the boot that is readily available to onsite emergency personnel. If they have to send their boots off to a lab to be decontaminated, the boot is no longer functional."

Barker and his team, which includes Dr. Don Thompson, associate director of T-PACC, along with Dr. Keith Beck, Shawn Deaton, Dr. Gerardo Montero, and graduate student Ashley Bradham, have demonstrated the ability of the special leather material to repel toxic chemicals. They are currently conducting their research in T-PACC's state-of-the-art Man-in-Simulant Test (MIST) laboratory - which allows researchers to evaluate the performance capability of protective footwear, gloves, masks and garments against a non-toxic vapor resembling chemical and biological agents in a manner simulating how those garments systems would be used by a first responder. They are also testing the prototype boots for comfort, ergonomic function, traction and stability.

"We'll be doing tests by visiting fire departments and getting first responders to wear the different prototypes while performing activities such as walking up and down steps, on different terrains, and through a simulated task routine " Barker says.

The research on this new tactical chemical, biological, radiological, and nuclear (CBRN) first responder boot is funded by an \$800,000 grant from the Department of Defense through the Combating Terrorism Technical Support Office.

After the final prototype has been demonstrated, it will be evaluated and certified to National Fire Protection Association standards by independent laboratories. Following certification, private footwear companies would be responsible for manufacturing the final product and bringing it to market.

Source: Caroline M. Barnhill, North Carolina State University

Leetsdale Chemical Spill Brings Hazmat Response, School Precautions

LEETSDALE, Pa. - Allegheny County emergency and hazardous materials crews were called to Weatherford's engineered chemistry center on Thursday morning because of a chemical spill. Channel 4 Action News' Bob Mayo reported that it happened at the Leetsdale Industrial Park near Route 65 around 9 a.m.

Bob Full, the county's chief of emergency services coordinator, identified the chemical as ammonium persulfate and said one worker was treated at a hospital and released.

A chemical reaction released a cloud over the area, but Full said the situation is "stabilized" and cleanup work is continuing inside the

2010 Chemical Sector Security Summit

The Office of Infrastructure Protection (IP), as the Chemical Sector-Specific Agency together with the Chemical Sector Coordinating Council, recently co-sponsored the 2010 Chemical Sector Security Summit, which drew more than 400 participants to Baltimore, Md. for a two-day event that kicked off on July 7.

The Summit provides a forum for Department of Homeland Security officials and the private sector to share information. Now in its fourth year, the Summit attracted a diverse array of chemical stakeholder partners, including industry owners and operators, federal, state, and local officials, congressional staff, and representatives from the international community.

Interest in this year's event was unprecedented with record registration numbers. Secretary Napolitano provided the keynote address highlighting the need for a coordinated effort between the public and private sector in combating chemical security threats.

building. The industrial park was evacuated of about 500 people as a precaution.

Photo Slideshow - Hazmat Called To Leetsdale Industrial Plant

Full said the Occupational Safety and Health Administration and the county health department will investigate the chemical spill.

Quaker Valley School District spokeswoman Martha Smith said that the schools were not evacuated, but they took some precautions like closing windows and canceling outdoor activities and a field trip. It was not considered a "lockdown" situation, she said.

According to details posted on a government health website, ammonium persulfate is a colorless or white sand-like powder. It has a mild unpleasant odor and is used as a bleaching agent, food preservative and polymerization inhibitor.

"Securing our nation's chemical sector requires extensive collaboration with our private sector partners," said Secretary Napolitano. "Flexible, practical, and collaborative programs such as DHS' National Infrastructure Protection Plan, the Chemical Sector Coordinating Council, and Chemical Facility Anti-Terrorism Standards (CFATS), play a key role in enhancing the security and resiliency of our nation's chemical facilities and other critical infrastructure."

Deputy Under Secretary Phil Reitingger introduced the Secretary and highlighted the Department's cyber security activities with the chemical sector. Assistant Secretary Todd Keil provided opening remarks on the second day, and focused on IP's regional approach and voluntary programs to enhance chemical facility security.

The plenary and breakout sessions included presentations and discussions on CFATS; threats to the chemical sector; local security resources; transportation risk; personnel surety; research & development in inherently safer technology; and cybersecurity, among others.

When workarounds backfire

Chem Info – (West Virginia; National) **When workarounds backfire.** On August 28, 2008, a runaway reaction inside a pesticide residue treater at the Bayer CropScience facility in Institute, West Virginia resulted in a violent explosion that propelled the treatment vessel 50 feet through the air and caused extensive damage to the surrounding infrastructure.

Two operators were killed in the blast and eight others were sickened by the chemical exposure that followed. The Chemical Safety Board (CSB) identified four areas that could have contributed to the blast.

The first was equipment deficiencies. The residue

Napolitano makes push for CFATS

Speaking the week of July 5 at the Chemical Sector Security Summit in Baltimore, the Department of Homeland Security (DHS) Secretary lauded progress made by partnerships forged between government and the private sector in ensuring chemical plant security, citing in particular the efficacy of “flexible, practical and collaborative programs such as DHS’ National Infrastructure Protection Plan, the Chemical Sector Coordinating Council and, especially, the Chemical Facility Anti-Terrorism Standards (CFATS).” Going forward, the Secretary added that cybersecurity, in addition to physical security

treater was fitted with an undersized heater that required operators to break procedure and use a workaround solution.

The safety interlocks controlling the flow of chemicals into the vessel were sidestepped, which resulted in a methomyl concentration 20 times the recommended maximum level.

Workers attempted to check the unit’s venting system when the internal pressure became elevated, but it is not clear why the system did not mitigate the pressure buildup.

The second was improper procedures. The workaround procedures were not subject to formal management-of-change safety reviews required by the Occupational Safety and Health Administration’s process safety management standard.

The third area was lack of training on new computerized control equipment due to the fact that Bayer upgraded its computerized controls with a system that used a completely different user interface. The control screens looked completely different and a mouse was used instead of a keyboard.

Operators were not fully trained to use the complex system, and written operating procedures were significantly out of date. The fourth and final area was operator fatigue. It was common for operators to work 20 hours of overtime a week, with 12- to 18-hour shifts regularly occurring.

Source: <http://www.chem.info/Articles/2010/06/Safety-When-Workarounds-Backfire/>

measures, would emerge as a key part of any critical infrastructure security strategy. The Secretary’s remarks came only a week after DHS began a major offensive on enforcement of CFATS against chemical companies failing to conform with the security regulations, established by DHS in 2007. In late June, DHS sent 18 chemical companies orders to complete site-security plans for their facilities within 10 days. CFATS regulations mandate that private companies must make a full inventory assessing their potential vulnerabilities. Companies found to be at highest risk then are required to develop site-security plans and take other protective measures, after which they are periodically audited by DHS. Since the creation of CFATS, DHS has received site-security plans from more than 1,000 companies.

BP: 500,000 pounds of emissions released

Galveston Daily News – (Texas) **BP: 500,000 pounds of emissions released.** At BP's Texas City, Texas refinery, more than 400 pounds a day of benzene — 40 times the state reportable levels — was released during a 40-day period while a subunit of the refinery's ultracracker unit was offline, according to a company filing with the state's environmental agency Friday.

In all, BP officials said more than 500,000 pounds of pollutants and nonpollutants were released while the company increased flaring as they tried to repair a compressor on the faulty unit.

Missouri to host National Guard Homeland Response Force

The Department of Defense (DOD) has selected Missouri to host a National Guard Homeland Response Force. Ten Homeland Response Forces will be located across the nation in each of the 10 Federal Emergency Management Agency (FEMA) regions. The creation of the Homeland Response Force is a part of DOD's larger reorganization of its domestic chemical, biological, radiological, nuclear and high yield explosive (CBRNE) consequence management enterprise, initiated during the 2010 Quadrennial

A refinery spokesman said in its follow up reporting with the Texas Commission on Environmental Quality (TCEQ), BP estimated 36,000 pounds of nitrogen oxides and 17,000 pounds of benzene were released in the 40 days.

State law requires 10 pounds or more of benzene and 200 pounds or more of nitrogen oxide during a 24-hour period must be reported through the commission's air emissions database. However, neither of the levels of the emissions reached levels that required self-reporting to the U.S. Environmental Protection Agency, the spokesman said.

The EPA requires any nitrogen oxides release of more than 1,000 pounds a day be reported, while the federal agency does not require reports of benzene emissions.

According to BP's filing with the TCEQ, the ultracracker's hydrogen compressor went offline April 6 and was not repaired or restarted until May 16.

Because of the malfunction, the subunit was shut down, and materials were purged and gasses were rerouted to a flare, according to the company's filing.

The bulk of the emissions during that time included an estimated 189,000 pounds of carbon monoxide and 61,000 pounds of propane, according to the company's report to the TCEQ.

Source: <http://galvestondailynews.com/story.lasso?ewcd=98cf5a2c858437b5>

Defense Review. This reorganization will ensure DOD has the ability to respond rapidly to domestic Chemical, Biological, Radiological, Nuclear and Enhanced Conventional Weapons incidents while recognizing the primary role that the governors play in controlling the response to incidents that occur in their states. The Missouri Homeland Response Force will be established in Fiscal Year 2012. Each Homeland Response Force will be comprised of approximately 570 personnel and will respond within 6 to 12 hours of an event. Its mission will be to provide life-saving medical, search and extraction, decontamination, security, and command and control capabilities. Source: <http://www.globe-democrat.com/news/2010/jul/13/missouri-host-national-guard-homeland-response-for/>

Secretary Napolitano Announces New Standards For Private Sector Preparedness

The Department of Homeland Security (DHS) Secretary Janet Napolitano today announced the adoption of the final standards for the Voluntary Private Sector Preparedness Accreditation and Certification Program (PS-Prep)—a major milestone in DHS' implementation of a program recommended by the 9/11 Commission to improve private sector preparedness for disasters and emergencies.

"Private organizations across the country—from businesses to universities to non-profit organizations—have a vital role to play in bolstering our disaster preparedness and response capabilities," said Secretary Napolitano. "These new standards will provide our private sector partners with the tools they need to enhance the readiness and resiliency of our nation."

PS-Prep is a partnership between DHS and the private sector that enables private entities to

Chemical accident sickens workers

Tulsa World – (Oklahoma) **Chemical accident sickens workers.** Corrosive chemicals affected more than a dozen people at a Tulsa, Oklahoma trucking company Friday morning when an industrial solvent spilled during transport. Authorities cordoned off part of the Old Dominion Freight Line facility at 2921 Dawson Road after a 55-gallon drum of chloromethyl naphthalene spewed dangerous vapors, a fire department spokesman said. Emergency crews responded shortly before 10 a.m. and decontaminated 15 workers. Medics took nine of them to hospitals. The spokesman noted that even slight chemical contact is potentially dangerous. The workers

receive emergency preparedness certification from a DHS accreditation system created in coordination with the private sector.

The standards—developed by the National Fire Protection Association, the British Standards Institution and ASIS International—were published for public comment in the Federal Register in Oct. 2009. The adoption of the final standards was published in a Federal Register notice today following a series of regional public meetings and the incorporation of public comments.

DHS will continue to accept comments on PS-Prep, the three adopted standards, and/or proposals to adopt any other similar standard that satisfies the target criteria of the December 2008 Federal Register notice which announced the program.

Comments may be submitted to www.regulations.gov or FEMA-POLICY@dhs.gov, in Docket ID FEMA-2008-0017).

For more information, visit www.fema.gov/privatesectorpreparedness/.

stripped off their clothes in a blue decontamination tent and firefighters doused them with soapy water to remove any chemical residue. Meanwhile, other area businesses were warned about the spill, and employees were told to stay indoors. The barrel apparently sprang a leak when it rubbed against a piece of sharp metal while being moved. It was inside a trailer, which kept the gas from dispersing over a wide area, a fire captain said. The situation was brought under control about two hours later, and a restoration company arrived to finish the cleanup.

Source: www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20100605_11_A13_ESeisl972408

OSHA cites Enbridge G&P following worker fatality from hydrogen sulfide

The Occupational Safety and Health Administration (OSHA) has cited Enbridge G&P LP with two alleged willful and five alleged serious violations following a chemical release at the company's Bryans Mill plant in Douglasville, Texas, which resulted in a worker's death. OSHA began its investigation January 10 following the fatality that occurred when four workers were replacing a faulty valve on the waste heat boiler in the sulfur plant. One employee died and another was left in critical condition when hydrogen sulfide was released from the boiler. The willful violations were issued for failing to develop and implement safe work practices for workers who process

equipment or piping or who are exposed to airborne concentrations of hydrogen sulfide in excess of 50 parts per million, and for failing to provide workers with the required personal protective equipment. In this case, the company did not provide respirators. Alleged serious violations include failing to review current operating procedures; to inform contract workers of the known potential fire, explosion or toxic release hazards related to the contractor's work; and to use flame-resistant clothing when breaking lines, valves and/or opening equipment. For these violations, OSHA has assessed penalties totaling \$152,100. Enbridge G&P has 15 business days from receipt of citations to comply, request an informal conference with the OSHA area director in Dallas or contest the citations and penalties before the independent Occupational Safety and Health Review Commission. Source: <http://ehstoday.com/standards/osha/osha-enbridge-gp-worker-fatality-hydrogen-sulfide-8237/>

Training kept pipeline blast from being bigger disaster

The McDuffie County, Georgia fire chief had never worked a pipeline fire before last week, but he was prepared when he got the call. Each August,

firefighters gather to learn about the dangers and strategies for working pipeline disasters. "Because of that we were able to minimize the situation a little bit," said a Dixie Pipeline spokesman. "That was a tremendous help." Firefighters already knew where emergency valves were located when they arrived at a Thomson propane pipeline explosion July 5. After quickly

getting permission from Dixie representatives, the fire chief was able to shut down the valves. Firefighters cased the perimeter and determined an evacuation of the area wasn't necessary.

Source: <http://chronicle.augusta.com/news/metro/2010-07-10/training-aided-dousing-pipeline?v=1278846722>

INDUSTRY CORNER

EPA's TRI Reporting Thresholds for Dioxin and Dioxin-like Compounds [40 CFR 372.28]

If your facility manufactures, processes, or otherwise uses certain toxic chemicals, an annual Toxic Release Inventory (TRI) report is due on July 1 of each year. Although for most toxic chemicals, the thresholds used to determine if you must report is 25,000 lb (for manufacture or process) and 10,000 lb (for otherwise use), the TRI reporting requirements for dioxin and dioxin-like compounds is triggered at just 0.1 gram ([40 CFR 372.28](#)). Facilities that meet or exceed this threshold are subject to TRI reporting as long as the facility has 10 or more employees ([40 CFR 372.22](#)) and is either a Federal facility or is classified within a covered SIC or NAICS code listed at [40 CFR 372.23](#).

The 17 chemicals in this category include those in the table below when they are manufactured or when they are processed or otherwise used, if they are present as contaminants in a chemical or are created during the manufacturing of that chemical:

CAS#	Chemical Name	Abbreviation
01746-01-6	2,3,7,8-Tetrachlorodibenzo- p-dioxin	2,3,7,8-TCDD
40321-76-4	1,2,3,7,8-Pentachlorodibenzo- p-dioxin	1,2,3,7,8-PeCDD
39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo- p-dioxin	1,2,3,4,7,8-HxCDD
57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo- p-dioxin	1,2,3,6,7,8-HxCDD
19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo- p-dioxin	1,2,3,7,8,9-HxCDD
35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo- p-dioxin	1,2,3,4,6,7,8-HpCDD
03268-87-9	1,2,3,4,6,7,8,9-Octachlorodibenzo- p-dioxin	1,2,3,4,6,7,8,9-OCDD
51207-31-9	2,3,7,8-Tetrachlorodibenzofuran	2,3,7,8-TCDF
57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran	1,2,3,7,8-PeCDF
57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran	2,3,4,7,8-PeCDF
70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran	1,2,3,4,7,8-HxCDF
57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran	1,2,3,6,7,8-HxCDF
72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran	1,2,3,7,8,9-HxCDF
60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran	2,3,4,6,7,8-HxCDF
67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran	1,2,3,4,6,7,8-HpCDF
55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran	1,2,3,4,7,8,9-HpCDF
39001-02-0	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	1,2,3,4,6,7,8,9-OCDF

To conduct a TRI threshold determination for this category of chemicals, the total amount of the chemicals listed above that were manufactured, processed, or otherwise used over the previous calendar year is aggregated with the total for each of these activity types then compared to the 0.1 gram threshold ([40 CFR 372.25\(d\)](#)). See the [April 1, 2010, Reg of the Day™](#) for more information about completing threshold determinations for PBT chemicals under TRI.

To learn more about how these and other environmental factors at your facility may trigger reporting requirements, attend Environmental Resource Center's [Environmental, Health, and Safety Laws & Regulations](#) seminar or the [Environmental Regulations—Webcast](#). Environmental Resource Center's expert staff is available to complete the SARA TRI reports for your facility. Contact Amy Knight at 919-469-1585, ext. 224 or aknight@ercweb.com to find out more about consulting services.

Hazardous Materials Incidents for March and April 2010

<u>Date Reported</u>	<u>County</u>	<u>Incident</u>
4-6-2010	Renville	Gasoline Spill
4-6-2010	Ward	Hazardous Waste Spill
4-13-2010	Tri-County	Transformer Oil Spill
4-13-2010	Cass	Gasoline & Fuel Oil Spill
4-13-2010	Bowman	Oil & Brine Spill
4-13-2010	Williams	Train Derailment
4-15-2010	Billings	Oil & Brine Spill
4-19-2010	Richland	Vehicle Accident w/Fuel Spill
4-20-2010	Foster	Ammonia Leak
4-20-2010	Cass	Contaminated Soil
4-26-2010	Dunn	Pipeline Spill
4-26-2010	Mercer	Ammonia Release
4-27-2010	Stark	Crude Oil Spill
4-28-2010	Wells	Fertilizer Spill
4-29-2010	Ransom	Unleaded Gasoline Spill
5-3-2010	Dunn	Pipeline Spill
5-3-2010	Mercer	Ammonia Release
5-3-2010	Stark	Crude Oil Spill
5-8-2010	McKenzie	Train Derailment
5-10-2010	Cass	Transformer Oil Leak
5-17-2010	Trails	Fertilizer spill
5-18-2010	Grand Forks	Ammonia Release
5-21-2010	Dickey	Fertilizer Spill
5-24-2010	Mercer	Ammonia Release
5-30-2010	Morton	Hydrogen sulfide Release
6-14-2010	Dunn	Brine Release
6-14-2010	Richland	Concrete Chemical Spill
6-14-2010	Grand Forks	Fertilizer Spill
6-16-2010	Mercer	Ammonia Release
6-22-2010	Walsh	Chemical Spill
7-15-2010	Logan	Ag Chemical Spill
7-19-2010	McKenzie	Crude Oil Spill
7-19-2010	Cass	Hydraulic Fluid Spill
7-21-2010	McKenzie	Crude Oil spill
7-26-2010	Cass	Barn Waste Release
7-28-2010	Williams	Crude Oil Spill
7-29-2010	McHenry	Diesel Fuel Spill

Oil Spill Total of (128) - Environmental Incident Reports (EIR) - Total of (56) - NRC Flash Faxes - Total of (16)

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Let's Hear From You!

Send us your inputs and feedback on the newsletter; including, exercises and other LEPC related activities in which you've been involved. Let us know what you'd like to see in future editions. Talk to us!

We appreciate your input and look forward to hearing from you!

Ray DeBoer

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Help us reduce "snail" mail. Send us your email address and tell us to switch you to electronic notification.

OUR VISION ■■■

A respected team investing in and contributing to a safe and secure homeland through coordinated emergency services.

OUR MISSION ■■■

The ND Department of Emergency Services (NDDDES) conducts planning, coordination, communications, and operations for the safety and security of all citizens in North Dakota.

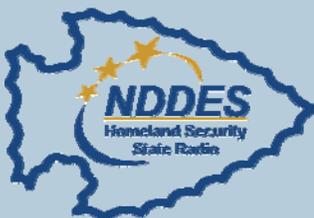
OUR VALUES ■■■

Integrity - Our words match our actions, we will strive to do what is right.

Respect - We will treat others as we want to be treated.

Honesty - We will truthfully communicate our thoughts and feelings.

Excellence - We will perform professional to the best of our ability.



ND Department of Emergency Services

Ensuring a safe and secure homeland for all North Dakotans