

HAZ-CHEM NEWS

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IMPORTANT DATES

March 1, 2009

Deadline for Tier II Reports for RY2008

July 1, 2009

Deadline for Toxic Release inventory Report for RY2008

For questions or further information about this newsletter, please contact Ray DeBoer at 701.328.8112 or rdeboer@nd.gov.

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



EPA Extends the compliance dates for all facilities and establishes new compliance dates for farms subject to Spill Prevention Control and Countermeasure (SPCC) Rule

WASHINGTON - The U.S. Environmental Protection Agency (EPA) has extended the compliance date for all facilities and established a new compliance date for farms subject to the oil Spill Prevention

Control and Countermeasures (SPCC) regulations. This final rule is part of EPA's multi-phased strategy to address concerns with the SPCC regulation. Specifically, this SPCC rule amendment extends the dates by which the owner or operator of an SPCC regulated facility or farm must prepare or amend and implement an SPCC plan to November 10, 2010.

These amendments do not remove any regulatory requirement for owners or operators of facilities in operation before August 16, 2002, to maintain and implement SPCC plans in accordance with the SPCC regulations then in effect. Such facilities are required to maintain their plans until the applicable date for revising and implementing their plans under the new amendments.

More information: <http://www.epa.gov/oem/content/spcc/index.htm>

Cause of chemical spill identified

Door County Advocate – (Wisconsin) Cause of chemical spill identified. A nail from a pallet punctured a 15-gallon drum of hydrochloric acid during transit, causing a chemical spill that shut down seven businesses in Sturgeon Bay's industrial park May 28.

The acid reacted to chemicals previously spilled on the wooden floor of the

semitrailer, said the Sturgeon Bay fire chief, causing the plume of smoke when the semi door was opened.

The truck was sealed when a driver from Premier Trucking, Bridgeview, Illinois, picked up the shipment of pool chemicals from Champion Packaging in Woodridge, Illinois, and delivered them to the wholesaler, Warner-Wexel LLC on Jib Street in Sturgeon Bay.

The driver was not aware of the spill until opening the back door of the semi to unload. The truck was

carrying large quantities of both hypochlorite solution and hydrochloric acid that can be deadly when mixed.

The incident was resolved with no injuries. The scene was cleared later that afternoon with the help of hazardous materials specialists from Veolia.

Source: <http://www.greenbaypressgazette.com/article/20090603/ADV01/906030447&located=RSS>

INREIT Properties and Goldmark Development penalized for Clean Water Act violations at Grand Forks, N.D. apartment complex

Contact Information: Darcy O'Connor, (303) 312-6392; Diane Sipe, 303-312-6391; Richard Mylott, (303) 312-6654

(Denver, Colo. – July 7, 2009) The U.S. Environmental Protection Agency (EPA) has settled an administrative penalty action involving INREIT Properties, LLLP and Goldmark Development Corporation. EPA alleged that these companies violated the Clean Water Act (CWA) by failing to apply for and obtain a storm water construction permit and by discharging storm water without a permit during construction of the Autumn Ridge Apartments in Grand Forks, N.D. The companies have agreed to pay a penalty of \$18,500.

"These alleged actions compromised water quality by ineffectively managing runoff from construction activities," said Diane Sipe, Director of EPA Region 8's Water Enforcement program. "EPA assessed this penalty to INREIT Properties, LLLP and Goldmark Development Corporation to send the message that ignoring storm water regulations will not be tolerated. Storm water runoff

Ethanol tanker truck crash closes interstate - kills driver - fire spreads through storm drains

LONG BEACH, CA -- A tanker truck hauling 8,000 gallons of ethanol crashed on a highway, exploding into an inferno that sent a river of flame into storm drains, officials said. The driver was killed.

The truck crashed around 6 p.m. Saturday when it hit the side rail of eastbound State Route 91 at the transition to Interstate 710, the Long Beach Fire Department said in a statement.

The driver's name was not immediately released.

Witnesses said the heat was so intense it melted guardrails and all that remained of the truck were its axles and small portions of the cab. Crews were on the scene Sunday inspecting and repairing the damage.

A stream of fire flowed from the tanker into a storm drain, causing plumes of flame to spew 20 feet in the

can carry high levels of pollutants such as sediment, oil and grease, suspended solids, nutrients, and heavy metals into our waterways. We will continue to pursue actions against those who violate federal laws that protect North Dakota's waters."

During a May 2008 inspection, EPA observed excessive sediment in storm drains, missing or inadequate storm water control practices, and large areas of disturbed soil without stabilization measures. Runoff from the Autumn Ridge Apartments site flows to the Red River.

To obtain coverage under North Dakota Department of Health's storm water general permit for construction sites, the owner, or the owner jointly with the operator, must submit a Notice of Intent prior to the start of construction. The owner must also develop and implement a storm water pollution prevention plan (SWPPP). The SWPPP must specify the practices will be used to reduce the amount of pollutants, including sediment, which flow off the construction site in a storm event.

Before starting construction activity, contact the North Dakota Department of Health Division of Water Quality in Bismarck, N.D. at (701) 328 -5239 to determine if a storm water permit is required. Information on permitting requirements may also be found online at: <http://www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm>

For more information on the Clean Water Act, visit EPA's compliance web page: <http://www.epa.gov/compliance/civil/cwa/index.html>

air from other storm drains.

The large quantity of ethanol in the truck fueled a huge fireball that enveloped the overpasses, Long Beach Fire Department Capt. Jackawa Jackson said. Firefighters snuffed the flames with foam, he said.

Officials worried the fire may have weakened the elevated stretch of road, the fire department said.

The cause of the crash was under investigation. The interstate reopened several hours after the crash and all but one lane of the state route were open to traffic Sunday, according to the California Highway Patrol.

\$9.5 million in Recovery Act funds to bolster Tribal water services throughout the Mountains and Plains region

Contact Information: Minnie Adams, 303-312-6624;
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(Denver, Colo. – July 8, 2009) Twelve Indian Reservations in the U.S. Environmental Protection Agency's (EPA) Mountains and Plains region will have improved access to vital water services through \$9.5 million in funds from the American Recovery and Reinvestment Act of 2009. EPA and the U.S. Department of Health and Human Service's Indian Health Service (IHS) today announced \$90 million nationwide in 'shovel-ready' infrastructure projects designed to better protect human and environmental health in Indian Country.

"EPA is pleased to provide Recovery Act funds for much needed improvements to water and drinking water infrastructure on Tribal Lands throughout the Mountains and Plains region," said Carol Rushin, EPA's Acting Regional Administrator in Denver. "These resources will protect public health, improve water quality and help create jobs."

The Indian Country projects are part of \$90 million that EPA and IHS are providing nationwide for 'shovel-ready' infrastructure projects designed to better protect human and environmental health in Indian Country and create jobs. These efforts will help repair and upgrade critical water and drinking water infrastructure such as wastewater lagoon systems, sewer lines, water tanks and pipes.

Continuing a tradition spanning 20 years, EPA and IHS's combined effort to improve water services in Indian Country contributed to their identification of 95 wastewater and 64 drinking water priority projects to be completed by IHS's Sanitation Facilities Construction Program through EPA Recovery Act funds. The projects exceed the Recovery Act requirement that 20 percent of the funds be used for green infrastructure, water and energy efficiency improvements and other environmentally innovative projects.

President Obama signed the American Recovery and Reinvestment Act of 2009 on Feb. 17, 2009, and has directed that the recovery act be implemented with unprecedented transparency and accountability. To that end, the American people can see how every dollar is being invested at www.recovery.gov.

EPA's Mountains and Plains region (Region 8) includes the geographic boundaries of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. Tribal projects receiving Recovery Act funds in the region include:

Drinking Water

- Gros Ventre and Assiniboine Tribes, Fort Belknap Reservation, MT
\$572,700
- Blackfeet Tribe, Blackfeet Reservation, MT
\$29,900
- Crow Creek Sioux Tribe, Crow Creek Reservation, SD
\$1,205,700
- Cheyenne River Sioux Tribe, Cheyenne River Reservation, SD
\$1,010,300
- Sisseton Wahpeton Oyate, Lake Traverse Reservation, SD
\$127,100
- Skull Valley Band of Goshute Indians, Skull Valley Reservation, UT
\$193,900

Clean Water

- Ute Tribe, Ute Mountain Ute Reservation, CO, NM and UT
\$902,080
- Crow Tribe, Crow Reservation, MT
\$1,033,610
- Assiniboine/Sioux Tribes, Fort Peck Reservation, MT
\$589,680
- Chippewa-Cree Tribe, Rocky Boy's Reservation, MT
\$542,710
- Rosebud Sioux Tribe, Rosebud Reservation, SD
\$3,210,000
- Ute Indian Tribe, Uintah and Ouray Reservation, UT
\$139,580

More information about EPA Recovery Act water efforts: <http://www.epa.gov/water/eparecovery/>

Napolitano backs E-Verify

Homeland Security Secretary Janet Napolitano said she is a big supporter of E-Verify, the Web-based system employers can use to check that newly hired employees are legally eligible to work.

The system lets employers compare information provided by new employees against records in the Social Security Administration's database and the Homeland Security Department's immigration databases. DHS runs the program in partnership with SSA.

During a speech at the Aspen Institute in Washington on June 3, Napolitano said the system is a way for employers to make sure they haven't hired unauthorized workers in violation of immigration laws.

"We'll be asking the Congress as part

of our ongoing efforts in the immigration field to reauthorize E-Verify to put more money into E-Verify as part of our budget, by the way," she said. "Because I think that if we're going to crack down on employers, we also on the safe side ought to have mechanisms to make it easier for them to comply with the law."

Critics of E-Verify say errors in government databases can cause an unacceptable rate of incorrect results. In general, the system is voluntary and free for employers, but a controversial executive order by former President George W. Bush would have required about 168,000 federal contractors to begin using E-Verify in January.

The Obama administration [has delayed that requirement four times](#), and the date for implementing it is now set for Sept. 8. The U.S. Chamber of Commerce has filed a lawsuit challenging the requirement, and the case is pending in the U.S.

District Court for the District of Maryland.

In prepared remarks to the [Senate Judiciary Committee](#) in May, Napolitano said E-Verify's accuracy was continually improving, and more than 122,000 employers use the system.

She defended the system's accuracy by explaining its statistics this way: The most recent surveys found that 96.1 percent of cases queried through the system automatically authorized the employees for work, and 3.9 percent showed a mismatch or a tentative non-confirmation.

Also, only 0.4 percent of the total number of candidates had successfully contested an adverse initial decision about their eligibility, while the other 3.5 percent remained ineligible.

New Online Forum Promotes Transparency and Openness in Government

Contact: Latisha Petteway, 202-564-3191 / 4355 / petteway.latisha@epa.gov

(Washington, D.C.) The eRulemaking Program, a federal-wide E-Government project led by the U.S. Environmental Protection Agency, has launched Regulations.gov Exchange. Regulations.gov is the one-stop, online source for citizens to search, view and comment on regulations issued by the U.S. government.

In the past, the paper process limited the public's ability to find rules and comment. Today, the public can explore new features for Regulations.gov, post opinions, engage directly with other users and with eRulemaking program staff. Regulations.gov Exchange will be open for public participation from May 21 – July 21, 2009.

"We're always looking for new, innovative ways to engage the public, and get more people involved in the regulatory process," said John Moses, EPA's eRulemaking program director. "Every member of the public can post their opinion directly on Regulation.gov Exchange without boundaries, shaping and improving Regulations.gov."

Regulations.gov Exchange promotes public engagement by actively involving citizens in the development of a major government-wide Web site, and uses new technologies that enhance the transparency of government decision-making. The public feedback will shape on-going updates of Regulations.gov, explore the impact of emerging Internet technologies on the federal rulemaking process, foster government-citizen collaboration, and promote government transparency and openness.

In 2008, Regulations.gov received more than 110 million hits and 450,000 comments on new or existing regulations. It holds 2 million documents from more than 160 federal entities.

For more information: <http://www.regulations.gov/exchange>

Associations urge Congress to renew chemical facility security law

Nick Snow - OGJ Washington Editor

WASHINGTON, DC, - Thirty-four trade associations, including the American Petroleum Institute and six others from the oil and gas industry, asked Congress on June 11 to reauthorize the chemical facility security law without significant changes.

HR 2477, the Chemical Facility Security Authorization Act, would reauthorize US Department of Homeland Security chemical security standards that Congress enacted in 2006 by extending their sunset date to Oct. 1, 2012. This would provide owners and operators of such installations the necessary certainty to protect citizens and contribute to the economic recovery, the letter

said.

“However, we strongly urge you to oppose disrupting this security program by adding provisions that would mandate government-favored substitutions, weaken protection of sensitive information, impose stifling penalties for administrative errors, create conflicts with other security standards, or more away from a performance (or risk-based) approach,” it continued.

The bill was introduced on May 19 by US Rep. Charles W. Dent (R-Pa.) and referred to the Energy and Commerce Committee.

In addition to API, the National Petrochemical & Refiners Association, American Exploration & Production Council, International Association of Drilling Contractors, Petroleum Equipment Suppliers Association, National Propane Gas Association, and Petroleum Marketers Association of America signed the letter.

The groups, which also include agricultural, chemical, transportation and manufacturing associations, said that a bill introduced in 2008, the

Chemical Facility Anti-Terrorism Act, would have disrupted new federal security standards in the short term and weakened infrastructure protection and economic stability in the long run.

“Our top concern is that legislation could go beyond security protections by creating a mandate to substitute products and processes with a government selected technology,” the letter said. “Congressional testimony found that this could actually increase risk to the businesses that the bill is supposed to protect. Such a standard is not measurable and would likely lead to confusion, loss of viable products, prohibitive legal liability, and business failures.”

It also asked that federal lawmakers ensure that any security legislation avoid overlapping or conflicting with existing federal security requirements such as the US Coast Guard’s Marine Transportation Security Act. “Any proposal must also protect from release any sensitive security information on site vulnerability,” the letter said.

Contact Nick Snow at nicks@pennwell.com

EPA fines Phoenix company \$18,200 for failing to protect emergency responders, public - Fisher Sand and Gravel corrects reporting violations

SAN FRANCISCO –The U.S. Environmental Protection Agency fined Fisher Sand and Gravel, a.k.a. Southwest Asphalt, \$18,200 for failing to provide annual chemical inventory reports to emergency planners and responders, a violation of the Emergency Planning and Community Right-to-Know-Act.

Southwest Asphalt, located at 3826 South 28th St. in Phoenix, failed to provide chemical hazard information and submit a chemical inventory for its facility to local emergency responders for the 2006 reporting year. In

2006, the facility converted to an asphalt manufacturing plant which stored asphalt cement, boiler oil and diesel fuel at levels that required reporting. The company has since corrected the violations.

“Southwest Asphalt violated a law that ensures first responders can take appropriate action to safeguard themselves and the community,” said Daniel Meer, the EPA’s assistant Superfund director for the Pacific Southwest region. “Facilities need to be aware of these reporting requirements that protect emergency responders and the public in the event of an accidental release.”

The chemical hazard information and inventory are essential planning tools in the event of an emergency. The Emergency Planning and Community Right-to-Know-Act requires all facilities using hazardous substances above specified quantities to provide chemical hazard information and annual chemical inventory information to state and local emergency planners and fire departments for inclusion in the community emergency plan.

INDUSTRY NEWS

All-Hazards Planning Principles

In an article posted online at www.JEMS.com, "EMS in DHS," the Journal of Emergency Medical Services (JEMS) news director affirmed that the challenges of developing an all-hazards plan for protecting lives, property, and the environment are easier when emergency planners apply particular principles.

The specific principles discussed in the article were abridged by the Emergency Management and Response Information Sharing and Analysis Center (EMR-ISAC), and can be seen as follows for the convenience of Emergency Services Sector departments and agencies:

- Planning is an orderly, analytical, problem-solving process. It includes plan initiation, analysis of objectives, development and comparison of ways to achieve the objectives, and selection of the best solution.
- Plans guide preparedness activities. They provide a common framework by establishing the desired end state, and the tasks and capabilities required to accomplish it.
- Planning helps deal with complexity. The National Strategy for Homeland Security places special emphasis on planning for catastrophic events with "the greatest risk of mass casualties, massive property loss, and immense social disruption."
- Emergency planning addresses all hazards. The causes of emergencies can vary greatly, but many of the effects do not. This means planners can address emergency functions common to all hazards in the basic plan instead of having unique plans for every type of hazard.
- Emergency planning doesn't need to start from scratch. Many states publish their own standards and guidance for emergency planning, conduct workshops and training courses, and assign staff to work with local planners. Planners should take advantage of others' experiences.
- Planning depicts the anticipated environment for action. This promotes early understanding and agreement on assumptions and risks, and provides the

context for interaction. It identifies clear tasks and purposes, fosters interaction among stakeholders, guides preparedness activities, establishes implementation procedures, provides measures to synchronize actions, and allocates or reallocates resources. It can also serve as a partial substitute for experience.

- Planning must involve all partners. The most realistic and complete plans are prepared by a team of representatives of the departments, agencies, and private sector and non-governmental organizations that will execute the plan.

For detailed information about these principles, see [Comprehensive Preparedness Guide 101, January 2009, "Developing and Maintaining State, Territorial, Tribal, and Local Government Emergency Plans."](#) (182 pages).

Hazardous Material Pre-Transport Functions Regulated by the DOT [49CFR 171.1]

The Department of Transportation has established requirements applying to anyone who offers or transports hazardous material for transportation in commerce (49 CFR 171.1)

These requirements apply not only to functions performed when the material is in transit; they also apply to pre-transportation functions.

Pre-transportation functions include but are not limited to:

- Determining the hazard class of a hazardous material Selecting a hazardous material packaging
- Filling a hazardous material packaging, including a bulk packaging
- Transloading a hazardous material at an intermodal transfer facility from one bulk packaging to another bulk packaging for purposes of continuing the movement of the hazardous material in commerce
- Securing a closure on a filed or partially filed hazardous material package or container or on a package or container containing a residue of a

(Continued on page 7)

hazardous material

- Marking or labeling a package to indicate that it contains a hazardous material
- Preparing a shipping paper
- Providing and maintaining emergency response information
- Reviewing or signing a shipping paper to verify compliance with the HMR or international equivalents.

For each person importing a hazardous material into the United States, providing the shipper with timely and complete information as to the HMR requirements that apply to the transportation of the material within the United States:

- Certifying that a hazardous material is in proper condition for transportation in conformance with the requirements of the HMR
- Loading, blocking, and bracing a hazardous materials package in a freight container or transport vehicle
- Segregating a hazardous materials package in a freight container or transport vehicle from incompatible cargo
- Selecting, providing, or affixing placards for a freight container or transport vehicle to indicate that it contains a hazardous material
- Personnel who perform any of the pre-transportation functions described above are subject to the hazardous material regulations, including the training requirements at 49 CFR 172.700

For more information on the DOT hazardous materials regulations, and to be certified under these regulations, attend Environmental Resource Center's DOT Hazardous Materials Training:

How OSHA's HAZWOPER Standard Defines Hazardous Substances [29 CFR 1910.120(a)(3)]

Personnel that respond to releases of hazardous substances are required to be trained under OSHA's HAZWOPER standard. Hazardous substances include

any materials that could have an adverse effect on the health and safety of employees if exposed to these materials.

According to 20 CFR 1910.120(a)(3), hazardous substances include:

- Any substance defined under section 101(14) of CERCLA (42 USC 9601)
- Any biologic agent and other disease causing agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring.
- Materials classified by the DOT as a hazardous materials under 49 CFR 172.101 and appendices
- Hazardous waste defined by the EPA under RCRA

ENVIRONMENTAL PROTECTION AGENCY 40 CFR Part 35 [EPA-HQ-SFUND-2009-0144; FRL-8919-3] RIN 2050-AG53

Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs
AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This final rule revises regulations to include State Response Programs and Tribal Response Programs under Section 128(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as among the Environmental Program Grants eligible for inclusion in a Performance Partnership Grant (PPG). The rule also adds State Response Program and Tribal Response Program specific provisions. DATES: This rule will be effective on June 16, 2009.

Hazmat train rules fuel concerns among officials

York Daily Record – (Pennsylvania)
The Federal Government is requiring railroad companies to reassess how they transport hazardous materials across the country — fueling concerns that such materials could roll through parts of York and Adams counties in Pennsylvania to avoid such populated areas as Baltimore and Washington, D.C.

But, despite indications that something new is coming down the

tracks, local officials say they can not get straight answers to vital questions of public safety. “We’re getting everything second, third or fourth hand,” the director of the York County Office of Emergency Management said Thursday. “No one’s talked to us.” She said she has contacted several federal and state agencies, as well as similar agencies in Maryland. She has also called CSX Transportation, the primary rail carrier through this area.

After months of local officials and others seeking details on the potential for an increase in hazardous materials coming through the area, a CSX spokesman said Thursday it is just a rumor. The fear among local officials is what might be on those rail

cars, regardless of the safety precautions.

Officials from the FRA, TSA, and Homeland Security all say it is up to area rail companies — in this case, CSX — to tell local communities what those hazardous materials are.

The director of the York County Office of Emergency Management said the York County commissioners have been informed of the concerns and rumors. Those concerned about what might be happening — local municipalities, county officials, and the state — should present a unified front to ask CSX what might be happening, she said. Source: http://ydr.inyork.com/ci_12472938

U.S. EPA awards \$450,000 in Recovery Act funding to the Mid-Dakota Education Cooperative to reduce diesel emissions and create jobs

Contact Information: Rebecca Russo, USEPA, (303) 312-6757 Kathryn Pederson, Mid-Dakota Education Cooperative, (701) 857-4448 Laura Niles, USEPA, (303) 312-6281

(Denver, Colo. – June 26, 2009) - In a move that stands to create jobs, boost local economies, reduce diesel

emissions and protect human health and the environment for people of the North Dakota, the U.S. Environmental Protection Agency has awarded \$450,000 to the Mid-Dakota Education Cooperative. This clean diesel project will create jobs while protecting North Dakota’s air quality.

“This Recovery Act project is part of an ongoing effort to secure clean diesel technologies for our nation’s school buses, construction and farm equipment, long-haul trucks and other diesel vehicles,” said EPA Acting Regional Administrator, Carol Rushin. “The Mid-Dakota Education Cooperative project will impact dozens of school buses and will reduce air toxic emissions, conserve fuel and help create and maintain jobs throughout North Dakota.” Please visit this link for the rest of the media release: <http://yosemite.epa.gov/opa/admpress.nsf/20ed1dfa1751192c8525735900400c30/bb807a4c61e5cb4c852575e1006684d0!OpenDocument>

Town OKs license for hazardous chemical storage

Associated Press and Newbury Port Daily News – (Massachusetts)
Amesbury, Massachusetts has approved a last-minute request by a hazardous chemical storage company to amend the existing storage license for a property, against the wishes of abutting neighbors.

Approximately 30 neighbors, mostly those living on adjacent Monroe and

Portsmouth streets, showed up to voice concerns about what they deemed a hastily arranged license hearing for HaTCM, a Pennsylvania-based chemical management company.

The request was approved a 7-1 vote of the Municipal Council on June 10.

Neighbors are concerned over reports that the materials to be stored by future building occupant Haas are some of the same materials determined to be involved in a massive explosion in 2006 in Danvers at CAI Inc. that damaged more than 90 homes in the middle of the night

and lifted buildings straight off their foundations.

The company specializes in the storage and disposal of hazardous chemical waste for companies such as Lockheed Martin and Airbus, Raytheon, 3 divisions of United Technologies, Hamilton Corp., Sikorsky Aircraft, General Dynamics and the United States Department of Defense.

Source: http://www.newburyportnews.com/punews/local_story_161224359.html

CSB Issues Final Report on Allied Terminals Catastrophic Fertilizer Tank Collapse; Board Calls for Regulation of Similar Tanks Located on the Elizabeth River

Chesapeake, Virginia, – In a final report issued today into the November 2008 fertilizer tank collapse at Allied Terminals in Chesapeake, VA, the U.S. Chemical Safety Board (CSB) recommended that the Commonwealth of Virginia regulate or authorize local jurisdictions to regulate the design, construction, maintenance and inspection of large fertilizer storage tanks located on the Elizabeth River.

On November 12, 2008, an aboveground storage tank catastrophically failed releasing two million gallons of liquid urea ammonium nitrate (UAN) fertilizer and seriously injuring two workers. The release overtopped a containment dike and flooded sections of a nearby residential neighborhood, requiring remediation of the soil. At least 200,000 gallons of spilled fertilizer could not be accounted for, and some reached the nearby Elizabeth River, which flows into the Chesapeake Bay.

CSB Board Member William Wark said, “By recommending regulation of similar storage tanks located on the Elizabeth River, we hope to protect not only communities and workers but also the vitality of the Chesapeake watershed.”

CSB investigators found that the tank involved in the accident – referred to as Tank 201 – had undergone welding work. Contractors removed the vertical riveted seams and replaced them with horizontal welded plates with the intent of strengthening the joints. Similar work was done to three other tanks at the facility.

“The CSB’s investigation found that the welding performed on the tanks did not conform with recommended industry practices,” said Supervisory Investigator Robert Hall. “Additionally the company did not ensure that post welding inspections were conducted prior to refilling the tank to its maximum capacity.”

The report noted that the U.S. Environmental Protection Agency regulates the safety of petroleum storage tanks, but liquid fertilizer and other non-petroleum tanks are regulated by individual states. Virginia is one of 33 states that do not currently have regulations for liquid fertilizer tanks, the CSB said.

In addition to calling for state action to regulate storage tanks, the Board urged the EPA to revise and reissue a safety bulletin on liquid fertilizer tank hazards and asked The Fertilizer Institute (TFI), a trade association, to urge member companies to require appropriate inspections of tanks used to store liquid fertilizer at terminal facilities.

In December 2008, the board issued an urgent recommendation calling on

Allied Terminals to take immediate action to reduce the risk of a catastrophic failure of three tanks located at its facility -- one about 250 feet from the South Hill Neighborhood. The CSB also recommended that Allied Terminals select an independent engineering firm to evaluate the specified tanks and within 30 days provide a report prepared by the independent tank engineering firm to the City of Chesapeake. The independent report resulted in Allied Terminals significantly reducing the maximum liquid levels of the remaining tanks.

The CSB investigation identified sixteen other tank failures at nine facilities in other states between 1995 and 2008. These sixteen failures resulted in one death, four hospitalizations, one community evacuation, and two releases into waterways.

The CSB is an independent federal agency charged with investigating industrial chemical accidents. The agency's board members are appointed by the president and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

The Board does not issue citations or fines but does make safety recommendations to plants, industry organizations, labor groups, and regulatory agencies such as OSHA and EPA. Visit our website, www.csb.gov.

For more information, contact Public Affairs Specialist Hillary Cohen at (202) 261-3601, 202-446-8094 cell.

Terror suspect caught 'staking out' Bristol shopping center

Bristol Evening Post – (International) Terror suspect caught 'staking out' Bristol shopping center. A security camera picture shows the moment a student accused of terror offences allegedly staked out a Bristol shopping center.

The jury hearing the case of the Westbury-on-Trym student was shown images caught by the CCTV cameras at the Mall Bristol shopping center in Broadmead, United Kingdom, in April 2008.

The 20-year-old, who changed his name after converting to Islam, is accused of making a bomb and planning to explode it at the center, formerly known as the Galleries.

A Winchester Crown Court jury has heard that the man had home-made explosives in the fridge at his home in Comb Paddock, along with a "suicide vest", allegedly to wear when detonating them.

The Crown claims the moving footage and stills from

Federal Emergency Responders Investigate Salinas Explosion

SAN FRANCISCO -- Emergency responders from the U.S. Environmental Protection Agency, California Department of Fish and Game, Monterey County, and the Salinas Fire Department are working together to cleanup, investigate and assess environmental hazards that resulted from a May 29th explosion at a large warehouse in a Salinas, California industrial park.

Following the explosion, a structure on Dayton Street caught fire Friday evening. Fire crews responded to the incident within 5 minutes and acted quickly to fully contain the fire. One person received minor injuries and several buildings in the vicinity of the explosion were damaged.

CCTV cameras shows the man carrying out a reconnaissance mission at the center on April 7, days before his arrest by armed police.

The man denies making an explosive substance with intent to endanger life or cause serious injury to property. He also denies preparation of terrorism acts. He has pleaded guilty to simply making an explosive substance. The trial has already heard that when the man, a chemistry student at a local college, was arrested, a quantity of home-made high explosive, hexamethylene triperoxide diamine, was found in a biscuit box in his fridge, along with an electrical circuit capable of detonating it.

The prosecution told the jury on the first day of the trial that the man spent about an hour walking around the center without entering any of the 100 shops located over three floors.

The prosecution said that as the man walked he made a note on his mobile phone of the location of bins, lifts, escalators and exits, and described the food court as a "dense area." He also made a note of the time it would take to exit the mall without running, the prosecution said. The case continues.

Source: <http://www.thisisbristol.co.uk/news/Terror-suspect-caught-camera-staking-Bristol-shopping-centre/article-1068615-detail/article.html>

Approximately 500 thousand gallons of liquids were discharged into a nearby storm drain, which leads to a reclamation ditch and eventually to Elkhorn Slough in Moss Landing. The affected section of the ditch extends from Dayton Road to near Work Street.

Emergency responders have contained the contaminated water and are evaluating how to quickly cleanup the affected area in advance of predicted rain. Officials are taking water samples to monitor the green liquid in the ditch that runs for nearly 4 miles through Salinas.

Federal, state and local experts from multiple agencies are working together to quickly asses and complete clean up efforts. The EPA is providing technical assistance on issues including sample collection and analysis, assessment activities and water treatment system design.

The affected area is posted and

people are encouraged to stay away. Businesses and residents in the immediate vicinity of the ditch have been asked to temporarily curtail water discharge to the storm drain system.

The cause of the chemical explosion is currently under investigation. Work being done at the site today includes:

- Building an additional earthen dam to restrict reclamation water and contain overflow in a holding pond
- Reinforcing earth dams which are keeping the water from flowing out of the reclamation ditch
- Mobilizing equipment for filtering and treatment of the tainted water
- Key culverts are being blocked to prevent water from heading toward the Monterey Bay Marine Sanctuary
- Reducing additional waters from flowing into the reclamation ditch
- Monitoring weather issues as rain will impact the water levels in the reclamation ditch.

Danger to first responders from suicide by hazardous chemicals

According to a recent report seen at PoliceLink.com, a way of committing suicide popular in Japan has now occurred at least twice in the United States.

The Emergency Management and Response—Information Sharing and Analysis Center (EMR-ISAC) learned that the methodology involves mixing two chemicals (i.e., Bonide (a pesticide) and hydrochloric acid) purchased without restrictions in local stores.

When the chemicals are mixed, they quickly produce heat and a flammable, noxious gas causing loss of

consciousness and heart stoppage within minutes.

Usually concentrated within a small space (e.g., car, bathroom, closet), the resulting hydrogen sulfide gas could easily compromise an emergency response if the gas is released without the proper safeguards in place by trained and equipped hazardous materials personnel. Therefore, the EMR-ISAC agrees that awareness regarding this suicide method is essential to mitigate or eliminate the threat to the health and safety of emergency responders.

For more information and precautions to promote awareness, see the PoliceLink web site at

<http://www.policelink.com/news/articles/100793-officer-safety-caution-method-for-committing-suicide>.

Thanks to Timothy R. Gablehouse

Chemical Safety Board Redesigns Website and Releases New Safety Video

The U.S. Chemical Safety Board (CSB) unveiled a redesigned website, www.csb.gov that includes imbedded flash videos, a photo gallery, and a new accident news feed. Upon review of this website, the Emergency Management and Response—Information Sharing and Analysis Center (EMR-ISAC) found that it included easier access to investigation information and an enhanced search capability.

In addition, the homepage includes an improved news feed of recent chemical accidents throughout the country, as well as, direct access to CSB's safety videos. In many cases, the lessons from CSB investigations are applicable to many organizations beyond those investigated.

CSB's new safety video, entitled "Emergency Preparedness: Findings from CSB Accident Investigations," depicts a series of chemical accidents that illustrate the need for effective training, communications, and community planning. The video is available online at www.safetyvideos.gov.

In this video CSB Chairman John Bresland notes, "Preparations by companies, emergency responders, government authorities and the public

are critical to reducing injuries and saving lives. It's not only important to be prepared, but everyone must communicate, have an up-to-date plan in place and practice that plan regularly. We hope that our findings will help keep communities safe."

CSB is an independent federal agency charged with investigating industrial chemical accidents. The Board strives to be a leader in the online communication of safety information and recommendations. Board members are appointed by the president and confirmed by the Senate. The EMR-ISAC confirmed that interested personnel can view any of CSB's video's at <http://www.csb.gov/videoroom/videos.aspx?cid=1>

Guidance on the Use of Chemical Countermeasures on Inland Oil Spills

The U.S. Environmental Protection Agency (USEPA) recognizes the major role of local government responders, such as firefighters, as the first line of defense for mitigating threats to public health and the environment from spills of oil and hazardous substances, and tries to provide them with the tools necessary to safely and effectively mitigate such incidents.

Chemical countermeasures (CCMs) are one of those tools, but their use must be authorized and carefully managed. This article describes that process where countermeasures are proposed for use on inland events such as fuel spills that may affect navigable waters.

These may include surface waters and conduits to them, including road ditches and storm drains, though the exact definition remains in flux.

To read the full article go to: <http://iesollc.com/wordpress/2009/05/29/guidance-on-the-use-of-chemical-countermeasures-on-inland-oil-spills/>

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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.

UPCOMING EVENTS ■■■

October 19-22, 2009 – HazMat Expo,

This years conference will be at the Orleans Hotel & Casino, Las Vegas, Nevada.

Early Bird Registration - \$199: June 5-September 25, 2009

Regular Registration - \$249:

September 26 - October 22, 2009

Through experienced instructors and demonstrations, this conference will feature training classes related to first responders, emergency planners, medical personnel, environmental workers, industry personnel, radiological and homeland security workers. For more information visit:

<http://www.hazmatexplo.org/>

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.

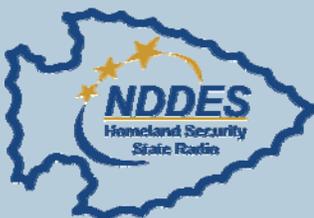
OUR VALUES ■■■

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