

HAZ-CHEM NEWS

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IMPORTANT DATES

March 1, 2010

Deadline for Tier II Reports for Reporting Year 2009.

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 content for this newsletter.



\$20.9 million awarded to first responders

Washington, D.C. — The U.S. Department of Transportation today announced that it is awarding \$20.9 million to states, territories and Native American tribes to improve the nation's response to transportation incidents involving hazardous materials. The grants will help train first responders to react to incidents involving hazardous materials and to meet the safety challenges posed by new chemicals and alternative energy products such as ethanol.

North Dakota qualifies for \$233,004. "This program strengthens local emergency response capabilities and serves a vital role in a comprehensive hazmat safety

program," said Secretary LaHood. "Although prevention is our first priority, preparing communities to respond effectively to incidents that do occur is essential to protecting the safety of all Americans."

The grants from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration are funded by user fees paid by shippers and carriers of certain hazardous materials.

Since 1993, over 2.4 million emergency responders and others have received training assistance nationwide using Hazardous Materials Emergency Preparedness grants. Assistance was also given to approximately 1,700 local emergency planning committees each

(Continued on page 5)

Ward County Holds Emergency Exercise

Minot, ND - When a disaster strikes, some of the first people on the scene are typically local emergency personnel.

But that doesn't happen by chance, in fact, it takes a lot of practice to respond in the proper fashion.

Recently, several area emergency groups gathered for a training exercise at Gavin Yards outside of Minot.

Ward County sponsors the event, which includes a train derailment and chemical spill scenario.

An initial response is made by the Minot City, Minot Rural, and Burlington Fire Departments, who secure the contaminated area before a haz-mat team arrives on the scene.

Burlington Fire Chief, Kevin Archer, says Minot's anhydrous derailment is a big reason why they conduct the exercise, and although it doesn't happen every day, it's important to be ready.

"We need to do this, so that if we do have them, we're better prepared. We don't deal with this on a day-to-

day basis, so it's something we need to stay on top of and learn the new techniques of handling situations and it's just good training for us. A lot of them, it's their first time dealing with a major incident like this and they're kind of excited to learn. They've sat in classrooms for years training about them, but they've never actually gotten to do a lot of it, so they're putting what they've learned to use," said Archer.

Archer says the exercise is held about every two years, and they also receive help from groups like Trinity emergency personnel and the American Red Cross.

Source: KX TV

Colorado Department of Public Health and Environment, City of Aurora awarded \$2.8 million in Recovery Act grants for contaminated land clean up and local job creation

Release date: 08/04/2009

Contact Information: Rich Mylott, USEPA, 303-312-6654 Dan Scheppers, CDPHE, 303-692-3398 Moira Dungan, City of Aurora, 303-739-7128

(Denver, Colo. – August 4, 2009) The U.S. Environmental Protection Agency has selected the Colorado Department of Public Health and Environment and the City of Aurora to receive \$2.8 million in Recovery Act funding that will help protect human health and the environment in communities throughout Colorado. The Colorado Department of Public Health and Environment and the City of Aurora will receive \$1.35 million and \$1.45 million respectively. The money will provide loans and subgrants to help carry out cleanup activities and redevelopment projects, and will create jobs for people living near contaminated sites known as "brownfields." These grants, funded through the American Recovery and Reinvestment Act of 2009, will help turn rundown eyesores into revitalized, productive properties.

"These Recovery Act funds will revitalize properties that have fallen to contamination and disuse in communities across Colorado," said Carol Rushin, Acting Regional Administrator in EPA's Denver office. "These resources will jumpstart job creation and create new business opportunities and amenities that strengthen local economies for years to come."

The Colorado Department of Public Health and Environment will use \$1.35 million to provide cleanup grants that encourage the redevelopment of nearly a dozen properties throughout the state. The completion of these projects will help create temporary construction jobs and permanent employment opportunities associated with

Ammonia leak blocks South Nashville roads

WMSV 5 Nashville – (Tennessee) Ammonia leak blocks South Nashville

roads. Nashville firefighters had to block off several streets while cleaning up an ammonia leak from a CSX train overnight. One worker had to be taken to the hospital after breathing fumes from the spill. He is expected to be OK. The spill happened at the same train yard

where two trains bumped into each other Wednesday morning, causing a small hydrochloric acid spill. Authorities said the two accidents are not related.

Source: www.wsmv.com/news/21168482/detail.html

redeveloped sites.

The City of Aurora will use \$1.45 million to advance cleanup and redevelopment projects in the urban renewal area surrounding the Fitzsimons medical and technology campus and in other redevelopment target areas. City planning staff have identified several other potential Brownfield sites which may be eligible for funds.

EPA chose to make this selection on the basis that the Colorado Department of Public Health and Environment and the City of Aurora have previously demonstrated their ability to assist their community through effective brownfields redevelopment loans. Revolving loan funds are generally used to provide subgrants or low or no-interest loans for brownfields cleanups.

Brownfields are sites where expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. In 2002, the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) was passed. The Brownfields law expanded the definition of what is considered a brownfield, so communities may now focus on mine-scarred lands or sites contaminated by petroleum or the manufacture and distribution of illegal drugs.

The Brownfields program encourages redevelopment of America's estimated 450,000 abandoned and contaminated waste sites. Since the beginning of the Brownfields program, revolving loan fund grant recipients have executed 146 loans and awarded 41 subgrants to support brownfields cleanup totaling more than \$76.8 million. The loan funds have leveraged more than \$1.8 billion in public and private cleanup and redevelopment investment and enabled the leveraging of 3,285 jobs in cleanup, construction and redevelopment.

President Obama signed the American Recovery and Reinvestment Act of 2009 on February 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 Recovery.gov.

More information on brownfields cleanup revolving loan fund pilots and grants and other EPA Brownfields activities under the Recovery Act: www.epa.gov/brownfields/eparecovery/index.htm

City of Missoula awarded \$900,000 Recovery Act grant for contaminated land clean up and local job creation

Release date: 08/04/2009

Contact Information: Rich Mylott, EPA, 303-312-6654; John Adams, City of Missoula, 406-258-3688

(Denver, Colo. – August 4, 2009) The U.S. Environmental Protection Agency has selected the City of Missoula to receive \$900,000 in Recovery Act funding to help protect human health and the environment. The money will provide loans to help carry out cleanup activities and redevelopment projects, and create jobs for people living near contaminated sites known as “brownfields.” This grant, funded through the American Recovery and Reinvestment Act of 2009, will help turn rundown eyesores into revitalized, productive properties.

"These Recovery Act funds will help the City of Missoula create jobs and restore contaminated properties to productive reuse," said Carol Rushin, Acting Regional Administrator in EPA's Denver office. "These cleanups will leverage new business opportunities and will have a long-term impact on the economic vitality of the City."

The City of Missoula has identified several properties that are candidates for environmental cleanup, many located in low-to-moderate income neighborhoods. The City will also use funds to build upon cleanup and redevelopment progress that has been made at the former Champion Sawmill site in the heart of downtown.

EPA chose to make this selection on the basis that the

Congress demands FEMA quickly upgrade aging public warning system

Nextgov – (National) House lawmakers demanded on Wednesday that the Federal Emergency Management Agency move quickly to upgrade the nation's Cold War-era public warning system so presidential alerts will reach Americans through

modern communications, including cell phones.

The chairwoman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, asked the director of physical infrastructure at the Government Accountability Office, who would and who would not receive a message, if the president needed to send one out? "There's no assurance that the message would get very far," the director replied. "There's been limited testing of the system." A lack of concrete goals and deadlines have

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delayed installation of a comprehensive system, called the Integrated Public Alert and Warning System (IPAWS), that will interface with Web-based and cellular devices, according to lawmakers and GAO.

The existing relay, called the Emergency Alert System, relies on radio and television broadcasts.

Source: www.nextgov.com/nextgov/ng_20091001_6373.php?oref=topnews

Public health and safety a priority during East Helena Smelter stack demolition on August 14

Release date: 08/12/2009

Contact Information: EPA Montana Office, 406-457-5025; Iver Johnson, Montana DEQ, 406-444-5852

(Denver, Colo.-- August 12, 2009) Many precautions are being taken on Friday, August 14th, to ensure that the demolition of the three historic East Helena Smelter stacks does not pose a hazard to residents or onlookers. The U.S. EPA, Montana Department of Environmental Quality (DEQ) and Lewis & Clark City County Health and Environmental Service Divisions are teaming up to ensure that public health and safety is a top priority and is carefully coordinated with Asarco and its demolition contractors.

As Asarco makes final plans for the demolition of three process unit stacks at the East Helena lead smelter on August 14, EPA, DEQ and Lewis and Clark City County government are coordinating with Asarco and the City of East Helena to make sure that all public safety precautions are taken and public health is considered.

Jon Nickel, Asarco's environmental

Leak of hazardous material cleaned up

Vacaville Reporter – (California) Leak of hazardous material cleaned up. A Solano County Hazardous Materials Response Team member underwent decontamination Thursday in Fairfield after sealing a cylinder that had been leaking pentafluoropropane. The chemical is a propellant that is used to manufacture foam insulation. The Fairfield Fire Marshal said the driver of a

manager, said they expect to detonate explosives to bring down the three stacks simultaneously at 7:30 a.m. Friday, the 14th. Of particular note is the possibility that the date or time of demolition may change if the weather conditions are not favorable i.e., if the wind blows at more than 5 mph. This is a necessary health and safety precaution.

The Director of EPA's Montana Office, John Wardell, emphasized that "taking the stacks down safely is the top priority of public health officials. We will ensure the demolition is completed in a safe manner. EPA understands the historical significance of the stacks to Montana's mining heritage."

Asarco, in coordination with the Lewis & Clark County Sheriff and East Helena Police Department, will set up a perimeter around the demolition area. The public may not enter this "exclusion zone." Several road closures occurring at 6:30 a.m. on Friday should prevent vehicles from entering the exclusion zone. Law enforcement and security officials will also be posted on the perimeter to ensure that the public does get beyond a safe viewing distance.

Dust control measures will be implemented as a top priority before, during and after the demolition. To minimize the amount of dust generated from the stacks' impact with the ground, the demolition company, Cleveland Wrecking Company (CWC), will use the Godwin Water Distribution System to minimize the dust and make it difficult for the dust cloud to move through the air.

The system will be turned on just prior to the felling of the stack to create a curtain of water mist around the impact area. The system also will be used to wet the stack debris once the stacks are on the ground. DEQ Air Resources Management will locate particulate matter (PM) air monitoring samplers at four separate locations surrounding the demolition area. Continuous monitoring data results will provide documentation of the PM concentration and the monitoring filters will allow for later laboratory analysis.

Air monitoring sites include the eastern (Hwy 518 Site) and western (Rodeo Site) edges of the former smelter site. Monitoring sites will also be located along the southern edge of East Helena (Fire Hall Site) and approximately ¼ mile east of the US 12/287 and Highway 518 junction at East Helena Rental (EH Rental Site). EH Rental and Fire Hall Sites are accessible to the general public and thus represent ambient air.

Anyone with questions about the health and safety precautions can call Iver Johnson at the DEQ at 444-5852 or Asarco's Environmental Manager, Jon Nickel at 227-4529.

Additional information on air monitoring and the demolition process is available at the East Helena Lead Education and Abatement Program Office at 2 South Morton St. (across from the Fire Hall) in East Helena. You may also call Jan Williams or Debb Tillo in that office at 227-8451.

semi-truck (rear) was making a delivery to a business on Enterprise Drive when he noticed the substance leaking from the trailer and melting the asphalt. The fire department was dispatched to the scene around 1 p.m. and called in Solano's hazmat team and the local Office of Emergency Services. Roadways to the area were briefly closed to traffic, and employees of surrounding businesses were told to shelter in place as the canister was sealed. No injuries were reported in the incident.

Source: www.thereporter.com/news/ci_13365207

(Continued from page 1)

year in preparing and exercising hazardous materials emergency response plans, and in conducting commodity flow studies that identify transportation hazards. Effective in 2008, transportation legislation more

than doubled the funding of the HMEP grants program.

All 50 states, one territory, and seven North American tribes received HMEP grant funding this year.

More information on the HMEP grants program can be found at:

<http://hazmat.dot.gov/training/state/hmep/hmep.htm>.

Industrial Builders to pay \$8,690 for damages to Heart River near Mandan

Contact Information: Diane Sipe 303 312-6391; Monica Heimdal 303 312-6359; Sheldon Muller 303 312-6916

(Denver, Colo. - West Fargo-based Industrial Builders, Inc., has reached an agreement with the U.S. Environmental Protection Agency to pay a civil penalty of \$8,690 to resolve the unauthorized placement of fill material into the Heart River and adjacent wetlands in Morton County, ND. These alleged violations of the Clean Water Act occurred in December of 2007 during the replacement of the Heart River bridge west of Mandan on Main Street. The Clean Water Act prohibits the discharge of any pollutant to waters and wetlands unless authorized by a permit issued by the U.S. Army Corps of Engineers.

"The unauthorized placement of fill in rivers and wetlands can destroy aquatic and wildlife habitat, reduce water storage and retention, and degrade water quality," said Diane Sipe, Director of EPA's Water Enforcement program in Denver. "Industrial Builders should have followed the proper Clean Water Act permitting process in advance of conducting any work."

The alleged violations occurred while Industrial Builders was working under a contract from the North Dakota Department of Transportation (NDDOT) to replace the Heart River bridge. The company's plan, as permitted by the Corps, included the construction of a bridge support in the river's bed and specified access for project activities from the western shore of the river.

On December 12, 2007, Industrial Builders, without authorization from the Corps, allegedly deposited fill material into the Heart River and on the river's west bank. After encountering difficulty obtaining access for its equipment in this area, Industrial Builders, again without authorization from the Corps, leveled a section of the east bank and filled adjacent wetlands and approximately two-thirds of the river channel. The fill formed a continuous

roadway which was then used to move heavy machinery into the river.

The illegal fill was removed by Industrial Builders the day after it was discovered by NDDOT and an inspection was conducted by the Corps. The company subsequently applied for appropriate authorization, which was granted, allowing Industrial Builders to complete construction in accordance with conditions imposed by the Corps.

A permit from the Corps is required before performing any work that results in the placement of material into waters, including rivers, lakes, streams, and wetlands. Industrial Builders had prior knowledge of the permitting process as the company has worked on several projects that required Clean Water Act permits and has incurred two prior violations.

The lakes, rivers, streams, and wetlands in this area are important as habitat for local and migratory birds and localized wildlife, water storage and retention, water quality enhancement, flood control, wildlife viewing, and aesthetics. These functions and values were regained upon removal of the fill from the river and adjacent wetlands.

Respondents who fail to comply with terms of consent agreements are subject to additional enforcement actions.

Permits are required before performing any work that results in material being placed into rivers, lakes, streams and wetlands. Any person planning to do such work should contact the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504-6640. Phone: (701) 255-0015.

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

For more information about the importance of wetlands in flood control and habitat conservation, visit:

www.usace.army.mil/
www.epa.gov/owow/wetlands/

LEPC CORNER

NE Ethanol Plant settles RMP and TRI violations

Notice of Lodging of Consent Decree Under the Clean Air Act and the Emergency Planning & Community Right-To-Know Act

Notice is hereby given that on September 23, 2009, a proposed Stipulation of Settlement and Judgment in United States v. Midwest Renewable Energy, LLC, Civil Action No. 8:09CV337, was lodged with the United States District Court for the District of Nebraska.

In this action, the United States sought an injunction ordering the defendant to comply with Sections 112(r) and 113(b) of the Clean Air Act, 42 U.S.C. 7412(r) and 7413(b), and Section 325(c) of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C.11025(c), and the regulations promulgated there under. The United States also sought civil penalties for the past violations of these statutes and regulations, arising out of Midwest Renewable Energy's operations at an ethanol plant it owns and operates Sutherland, Nebraska. Midwest Renewable Energy ("MRE") began production of ethanol at the facility in September 2004. In the stipulation, MRE certifies that it has remedied each of the alleged violations in the complaint and agrees to pay a civil penalty of \$10,000.

Source: Thanks to Timothy R Gablehouse.

U.S. Chamber expresses concern over chemical security legislation

U.S. Chamber of Commerce – (National) U.S. Chamber expresses concern over chemical security legislation. The U.S. Chamber of Commerce today joined 26 associations representing the leading manufacturers, users, and distributors of chemical and petrochemical products in the United States to express their concern to Congress over chemical security legislation that would, among other things, lead to public disclosure of sensitive or classified information in citizen suits. The letter to the leadership of the House Energy and Commerce Committee, in advance of a hearing this

week on chemical security legislation, states that the organizations oppose provisions in the bill that would allow "any person" to bring lawsuits against regulated facilities or the Department of Homeland Security (DHS) to enforce compliance with the act. It echoes the administration's opposition to the citizen suit measure, and notes that the provision would encourage costly litigation and invite disclosure of sensitive information that could be used by terrorists.

Source: www.uschamber.com/press/releases/2009/september/090928_chemical.htm

Hazmat incident leaves worker severely burned, firm facing \$52K penalty

Occupational Health and Safety – (Nebraska) **Hazmat incident leaves worker severely burned, firm facing \$52K penalty.** OSHA has cited Monarch Oil Inc. of Omaha, Nebraska for alleged safety and health violations following an accident investigation. Proposed penalties total \$52,000. The company specializes in asphalt emulsion, surfacing, and paving. OSHA cited Monarch following an investigation into an accident in Omaha where one of three workers, who was transferring asphalt from rail cars into storage tanks, was severely burned. The worker was covered by almost 240-degree asphalt released from an open valve on the transfer system due to a pressure increase that separated the transfer hose from the system. The inspection found six alleged serious and one alleged repeat violation of the Occupational Safety and Health Act. Two serious violations relate to the improper use, storage, inspection, and maintenance of hoses used to transfer hazardous materials and the use of personal protective equipment as needed to address exposure to hazardous materials during the transfer process. One serious violation addresses the lack of guardrails atop storage tanks. The final three serious violations relate to the use of fixed ladders that either had no fall protection cages, inadequate cages, and/or side-rails that did not extend 3 feet 6 inches above the landing. The alleged repeat violation relates to the employer's failure to train workers on the hazards of the chemicals in the work area.

Source: <http://ohsonline.com/Articles/2009/09/25/Hazmat-Incident-Burns-Worker.aspx>

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Final CSB Report on Imperial Sugar Disaster Concludes Inadequate Equipment Design, Maintenance, and Housekeeping Led to Massive Sugar Dust Explosions

Savannah, Georgia, September 24, 2009 – In a final draft report released today, CSB investigators said the February 7, 2008, explosion at the Imperial Sugar refinery in Port Wentworth, Georgia, resulted from ongoing releases of sugar from inadequately designed and maintained dust collection equipment, conveyors, and sugar handling equipment. Inadequate housekeeping practices allowed highly combustible sugar dust and granulated sugar to build up throughout the refinery's packing buildings, CSB investigators concluded.

The first explosion – known as a “primary event” – likely occurred inside a sugar conveyor located beneath two large sugar storage silos. The conveyor had recently been enclosed with steel panels creating a confined, unventilated space where sugar dust could accumulate to an explosive concentration. Sugar dust inside the enclosed conveyor was likely ignited by an overheated bearing, causing an explosion that traveled into the adjacent packing buildings, dislodging sugar dust accumulations and spilled sugar located on equipment, floors, and other horizontal surfaces. The result was a powerful cascade of secondary dust explosions that fatally injured 14 workers and injured 36 others, many with life-threatening burns. The refinery's packing buildings were largely destroyed by the blasts and ensuing fires.

The final report and proposed safety recommendations will be considered for approval by the CSB board members at a public meeting tonight in Savannah. The meeting begins at 6:30 p.m. at the Hilton Savannah Desoto hotel, located at 15 East Liberty Street. The meeting will include a public comment period. The CSB also today released a four-minute computer animation depicting the sequence of events that led to the accident. The 3-D animation will be included in a CSB Safety Video on the Imperial disaster that will be issued

shortly after the final report is approved and will be available on the agency website, www.CSB.gov.

CSB Investigation Supervisor John Vorderbrueggen, P.E., who led the 19-month investigation, said, “Imperial’s management as well as the managers at the Port Wentworth refinery did not take effective actions over many years to control dust explosion hazards – even as smaller fires and explosions continued to occur at their plants and other sugar facilities around the country.”

The CSB report said that the sugar industry was familiar with dust explosion hazards at least as far back as 1925. Internal correspondence dating from 1967 showed that Port Wentworth refinery managers were seriously concerned about the possibility of a sugar dust explosion that could “travel from one area to another, wrecking large sections of a plant.” Precursor events included a 1998 explosion at Imperial’s plant in Sugar Land, Texas; an explosion at the Domino Sugar plant in Baltimore in November 2007; and two sugar dust explosions in the 1960’s that killed a total of ten workers. However, Imperial management did not correct the underlying causes of the sugar dust problem at the Port Wentworth facility, where workers testified that spilled sugar was knee-deep in places on the floor, and sugar dust had coated equipment and other elevated surfaces.

CSB Chairman John Bresland said, “Dust explosions can be among the deadliest of industrial hazards, particularly inside heavily occupied buildings. But these explosions are readily prevented through appropriate equipment design and maintenance and rigorous dust-cleaning programs. I call upon the sugar industry and other industries to be alert to this serious danger.”

The report said the company had not conducted evacuation drills for its employees and that the explosions and fires disabled most of the emergency lighting, making it difficult for workers to escape from the labyrinth of explosion-damaged buildings as the fires continued to spread.

The final report proposed a series of safety recommendations for Board consideration. Imperial Sugar was urged to comply with National Fire Protection Association (NFPA) recommended practices for preventing dust fires and explosions, develop dust training and housekeeping programs, and improve its evacuation procedures. The report also called on industry groups AIB International and the American Bakers Association to develop combustible dust training

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and auditing materials. Imperial's insurer, Zurich Services, and an insurance industry trade association should improve their insurance audit procedures for dust hazards and share their dust hazard training materials with clients, investigators concluded.

A 2006 CSB study identified 281 combustible dust fires and explosions between 1980 and 2005 that killed 119 workers and injured 718, and extensively damaged industrial facilities. The CSB recommended in November 2006 to the U.S. Occupational Safety and Health Administration (OSHA) to develop a comprehensive regulatory standard for combustible dust, based on existing NFPA consensus standards, and improve requirements for dust hazard communication to workers. In April 2009, OSHA announced it would commence the development of a standard.

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 safety regulations, codes, standards, management systems, training, and industry practices.

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. For more information, please visit our website, www.csb.gov.

For more information, contact Daniel Horowitz at (202) 441-6074 or Hillary Cohen at (202) 446-8094.

CSB Releases New Safety Video, "Inferno: Dust Explosion at Imperial Sugar"

Washington, DC, – The U.S. Chemical Safety Board (CSB) today released a new nine-minute [safety video](#) on the combustible dust explosion at the Imperial Sugar refinery in Port Wentworth, Georgia, which claimed the lives of 14 workers, injured 36, and caused extensive property damage on February 7, 2008.

Entitled "[Inferno: Dust Explosion at Imperial Sugar](#)," the video includes a new four-minute 3-D computer animation depicting the first explosion – known as a "primary event" – that likely occurred inside a recently enclosed sugar conveyor, which was followed by massive secondary dust explosions that destroyed the plant's sugar packing buildings.

As CSB Chairman John Bresland noted in the video, "The accident at Imperial Sugar was the deadliest industrial dust explosion in the United States in decades. It illustrates the extremely serious nature of combustible dust hazards."

The video is available for viewing and downloading on the [CSB's website](#) as well as the agency's [YouTube channel](#). Free DVD's can be requested by completing the [online request form](#).

The CSB's [final report](#) on the accident was approved at a public meeting in Savannah on September 24, 2009. At the meeting the CSB recommended that OSHA move forward expeditiously with a new combustible dust standard, as the CSB first recommended in 2006, and urged Imperial Sugar and several trade associations to take other actions to reduce the hazard.

CSB investigators determined that the explosion resulted from ongoing releases of sugar from inadequately designed and maintained dust collection equipment, conveyors, and sugar handling equipment. Inadequate housekeeping practices allowed highly combustible sugar dust and granulated sugar to build up throughout the refinery's packing buildings.

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.

OSHA Updates PPE Standards Based on National Consensus Standards

OSHA has published a [final rule](#) revising the personal

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protective equipment (PPE) sections of its general industry, shipyard employment, longshoring, and marine terminals standards concerning requirements for eye- and face-protective devices as well as for head and foot protection.

OSHA requires that PPE be safely designed and constructed for the tasks performed. OSHA is updating the references in its regulations to recognize more recent editions of the applicable national consensus standards, and is deleting editions of the national consensus standards that PPE must meet if purchased before a specified date. In addition, OSHA is amending its provision that requires safety shoes to comply with a specific American National Standards Institute (ANSI) standard, and a provision that requires filter lenses and plates in eye-protective equipment to meet a test for transmission of radiant energy specified by another ANSI standard. In amending these paragraphs, OSHA will require this safety equipment to comply with the applicable PPE design provisions. These revisions are a continuation of OSHA's effort to update or remove references to specific consensus and industry standards located throughout its standards.

"Workers exposed to occupational hazards requiring head, foot, or eye and face protection will now be provided protection based on a standard that reflects state-of-the-art technology and materials," said acting Assistant Secretary of Labor for OSHA, Jordan Barab. "This final rule is another step in OSHA's efforts to update or remove references to outdated national consensus and industry standards."

The final rule will become effective on October 9, 2009. For technical inquiries, contact Ted Twardowski, OSHA's Directorate of Standards and Guidance, at 202-693-2070.

CSB Issues Final Report on Oleum Release from INDSPEC Chemical Corp. that Forced Thousands to Evacuate in October 2008; Report Cites Use of Pump Power Supply that Lacked Safeguards

Washington, DC,— The Chemical Safety Board (CSB) released a [final report](#) today on the uncontrolled oleum release from INDSPEC Chemical Corporation in Petrolia, Pennsylvania, which forced the evacuation of three surrounding towns in October 2008. In the report the CSB encouraged companies that handle hazardous chemicals to follow proper management-of-change procedures, monitor deviations from written operating procedures, and implement appropriate safeguards to mitigate human errors.

The accident that took place on Saturday, October 11, 2008, forced over two thousand residents of Petrolia, Bruin, and Fairview, to evacuate or to shelter-in-place for approximately eight hours. Oleum, also known as fuming sulfuric acid, was released when a tank transfer operation was left unattended during weekend operations and an oleum storage tank overflowed. The oleum formed a toxic sulfur trioxide gas, which mixed with moisture in the air to form a dense, corrosive, sulfuric acid cloud that threatened the neighboring towns.

CSB Chairman John Bresland said, "The managers of companies that handle highly hazardous substances, such as oleum, need to exercise special care that appropriate process safeguards are in place. In this accident, the CSB found that for many years, operators had been using an auxiliary pump power supply that lacked safety interlocks to prevent tank overfilling." Owned by the Occidental Petroleum Corporation and located approximately 50 miles northeast of Pittsburgh, the INDSPEC facility produces resorcinol, a chemical used for making tires and other products. The CSB report noted that three operators were involved in bulk liquid loading and unloading work from Monday to Friday. However, to maintain operations on a continuous, seven-day-per-week schedule, an operator would regularly perform work on weekends, transferring oleum from pressure vessels to storage tanks used to supply the resorcinol manufacturing process.

The CSB investigation determined that the normal power supply for the three oleum transfer pumps was equipped with a safety interlock, which would automatically shut off the flow of oleum when the receiving tank was full, preventing a dangerous overflow. However, the oleum storage building also had an auxiliary or "emergency" power supply that had been installed in the late 1970s. It was originally intended as a temporary way to keep the pumps functioning during interruptions of the normal power supply but eventually the emergency power supply became a permanent fixture. Facility management never installed interlocks

(Continued on page 10)

for the emergency power and written operating procedures did not address how or when the emergency power supply should be used.

The CSB found that to save time on weekends, operators typically ran two oleum transfer pumps simultaneously, using both the normal (interlocked) and emergency (non-interlocked) power supplies. Current managers and engineers stated they were unfamiliar with the practice. The practice had not been considered or described in process hazard analyses or operating procedures for the transfer operations.

On the day of the accident, an operator began transferring oleum at about 11:45 a.m. using two pumps and both power supplies. Although he shut down one of the pumps, he evidently did not shut down the other pump, which was connected to the non-interlocked emergency power supply, before departing the facility at 2:15 p.m. One of the storage tanks began overflowing with oleum; about an hour later acid mist began escaping from a vent, and by 4:30 p.m. the mist was flowing from the building. Facility personnel were unable to control the release, and both the facility and the surrounding towns were evacuated.

“By installing the emergency power supply without the same safety devices as the normal power supply, former facility managers traded safety for efficiency,” said CSB Investigator Jeff Wanko, P.E., C.S.P., who led the investigation. “Facilities should evaluate changes, even those considered to be temporary, to determine their potential to cause an accident. That which is temporary can easily become permanent.”

The CSB case study report identified four key safety lessons for companies: thoroughly evaluating temporary process changes, ensuring uniform safeguards for different modes of operation, monitoring deviations from operating procedures, and ensuring hazard analysis teams have complete information to perform their tasks. 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, please contact Daniel Horowitz at (202) 261-7613 or (202) 441-6074 cell or Hillary Cohen

at (202) 261-3601 or (202) 446-8094 cell.

Fire at fuel plant off Nova Road

Osceola News Gazette – (Florida) Black smoke billowed from a biodiesel plant on Nova Road the afternoon of September 24 as the flames engulfed the business in several popping chemical explosions that residents heard booming every few minutes.

New Eden Energy, which recycles waste to produce biodiesel fuel, a biodegradable and nontoxic alternative fuel, burned for hours after the 911 call reported the first explosion at around 1:30 p.m.

No one was injured in the fire as it raged for hours amid some rain and wind, which was blowing away from the homes in front of the plant. The surrounding neighborhoods were not evacuated. Rescue crews blocked Nova Road for half a mile around the property, which is owned by R&J Site Development.

The Osceola County Fire Rescue chief said firefighters enacted defensive measures at first while the chemicals burned out and as a way not to waste water, which had to be pumped from a canal.

“There were multiple chemical vessels that were exploding,” the chief said. At the site were 4,000 gallons of biodiesel, 3,000 gallons of methanol, 300 gallons of sodium methane, and 55 gallons of sulfuric acid, a county spokeswoman said. Fire crews cut a fire line in the surrounding trees to keep the fires from spreading.

A couple of hours passed before crews were able to get the fires under control. The county's emergency services were on standby. The cause of the fire will not be determined until the state and local fire marshal have completed their investigation.

Crews from Osceola County Fire Rescue, St. Cloud Fire Rescue, and Orange County Fire Rescue responded to the fire. Osceola County Fire Rescue Station 52, which the county considered cutting from the budget earlier this month in an effort to keep the property tax rate low, responded from less than a mile and a half away from the site.

Charleswood, Inc. to resolve Clean Water Act violations at West Fargo, N.D. residential development

Release date: 09/22/2009

Contact Information: Aaron Urdiales, 303 312-6844; Richard Mylott, 303 312-6654

(Denver, Colo. – September 22, 2009) The U.S. Department of Justice, on behalf of the U.S. Environmental Protection Agency, has filed a civil complaint and lodged a consent decree against Charleswood, Inc. to resolve alleged violations of the Clean Water Act in West Fargo, N.D.

Charleswood allegedly violated the Act during the development of a residential subdivision by failing to comply with the terms and conditions of the North Dakota Storm Water Construction General Permit. Specifically, Charleswood failed to implement best management practices to reduce the amount of sediment discharged from construction activities. The company also failed to conduct inspections at the required frequency.

“Charleswood’s 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 will continue to pursue those who violate laws that protect North Dakota’s waters.” Under the consent decree, Charleswood will comply with all storm water requirements for the development, including maintaining permit coverage, implementing an appropriate Storm Water Pollution Prevention Plan, implementing best management practices and conducting inspections at the required frequency. The company will also pay a penalty of \$37,500.

The Clean Water Act storm water regulations, in effect since 1990, were created to protect the nation’s surface waters from polluted runoff. Storm water runoff can carry pollutants, such as fertilizers, pesticides, oil and grease, trash and sediment, from construction sites. Without proper management, these pollutants can enter nearby waters and adversely affect animal and plant life.

Developers, contractors and other landowners who plan to conduct construction activities disturbing one acre of land or greater should contact the North Dakota Department of Health at 701-328-5242 to obtain storm water permit coverage. Information on storm water requirements in North Dakota may also be found online at: www.ndhealth.gov/WQ/Storm/Construction/ConstructionHome.htm

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

OSHA to Adopt the Globally Harmonized Hazard Communication System

A proposed rule to align OSHA’s Hazard Communication Standard (HCS) with provisions of the United Nations’ Globally Harmonized System of Classification and Labeling of Chemicals (GHS) was published in the September 30 [Federal Register](#).

The current HCS requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import and provide information to subsequent users. The current standard requires all employers to have a hazard communication program for workers exposed to

hazardous chemicals. The program includes materials such as container labels, safety data sheets, and employee training.

A number of countries, including the United States, international organizations, and stakeholders participated in developing the GHS to address inconsistencies in hazard classification and communications.

The GHS was developed to provide a single, harmonized system to classify chemicals, labels, and safety data sheets with the primary benefit of increasing the quality and consistency of information provided to workers, employers, and chemical users. Under the GHS, labels would include signal words, pictograms, and hazard and precautionary statements. Additionally, information on safety data sheets would be presented in a designated order.

“The proposal to align the hazard communication standard with the GHS will improve the consistency and effectiveness of hazard communications and reduce chemical-related injuries, illnesses and fatalities,” said acting Assistant Secretary of Labor for OSHA Jordan Barab. “Following the GHS approach will increase workplace safety, facilitate international trade in chemicals, and generate cost savings from production efficiencies for firms that manufacture and use hazardous chemicals.”

Comments on the proposed rule may be submitted through December 29, 2009. See the [Federal Register](#) notice for information about how to submit comments.

EPA Issues Latest Information on Toxic Chemical Releases in North Dakota

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Suzanne Ackerman, 202-564-4355, ackerman.suzanne@epa.gov**

(Denver, Colo.) The U.S. Environmental Protection Agency is making available the most recent reporting on the amount of toxic chemicals released in North Dakota and the U.S.

North Dakota-specific data on facilities and releases to air, land and water can be found by accessing the State Fact Sheets at: www.epa.gov/triexplorer/statefactsheet.htm

Additional information on releases by zip code, county and facility can be found using the TRI explorer tool at: www.epa.gov/triexplorer

According to the EPA's Toxics Release Inventory, data from the calendar year 2007 show an overall decrease of five percent in national releases since 2006. Releases to air decreased seven percent and releases to water decreased five percent.

"This information underscores the need for fundamental transparency

EPA cleans up hazardous Chems at Abrachem facility in NJ

Reliable Plant Magazine – (New Jersey) EPA cleans up hazardous chems at Abrachem facility in NJ. It took a court order, a bomb squad and months of around-the-clock work by the U.S. Environmental Protection Agency (EPA), but now the Abrachem

and provides a powerful tool for protecting public health and the environment," said EPA Administrator Lisa P. Jackson. "Serving the public's right to know is the crucial first step in reducing toxic chemicals in the places where we live, work, and raise children."

"I'm also pleased," Jackson added, "that Congress under the leadership of Senator Lautenberg took action to restore the rigorous reporting standards of this vital program."

The report shows increases in the releases of persistent, bioaccumulative, and toxic chemicals like lead, dioxin, mercury and PCBs. Overall PBTs releases increased one percent. The increases were primarily due to a handful of facilities, and most of the releases reported were not to the air or water.

Total disposal or other releases of mercury increased 38 percent, but air emissions of mercury were down three percent. The majority of mercury releases were reported by the mining industry.

PCB releases went up 40 percent. EPA banned the production of PCBs in the U.S. in 1979 and disposing of it safely to permitted, hazardous waste landfills is the final important step in removing it from use. Dioxin releases or disposal increased 11 percent. Lead releases increased by one percent. The majority of lead released was by the mining industry to land.

This year's annual publication of the data includes 650 chemicals from

Chemical facility in Clifton, New Jersey is completely cleaned up. The former bulk chemical packaging facility had been storing more than 1,600 abandoned, mislabeled and mishandled drums containing hazardous chemicals that posed serious risks to the surrounding community, as well as the environment. An initial investigation in late 2008 revealed that Abrachem was improperly storing drums and bulk containers of known and unknown chemicals in seventeen, 43-foot long shipping containers. EPA observed

22,000 facilities. TRI provides the American public with vital information on chemical releases to communities and is an important tool industry can use to gauge its progress in reducing pollution. TRI reporting includes toxics managed in landfills and underground injection wells as well as those released into water and the air.

TRI tracks the chemicals and industrial sectors specified by the Emergency Planning and Community Right to Know Act of 1986 and its amendments. The Pollution Prevention Act of 1990 also mandates that TRI reports include data on toxic chemicals treated on site, recycled, and burned for energy recovery. Together, these laws require facilities in certain industries to report annually on releases, disposal and other waste management activities related to these chemicals.

Recently, TRI reporting changed with the 2009 Omnibus Appropriations Act, signed into law by President Barack Obama on March 11. The new law returns TRI to the more comprehensive reporting requirements that were in effect before December 21, 2006.

More information on the TRI reporting change: www.epa.gov/tri

TRI 2007 Public Data Release: www.epa.gov/tri/tridata/tri07/index.htm

TRI Explorer tool: www.epa.gov/triexplorer

that drums were leaking, and a strong chemical odor emanated from the facility. Hundreds of the containers were given back to the various companies of origination, while others were disposed of by EPA at licensed hazardous waste disposal facilities. Thanks to EPA's work, the site has been cleaned up and no longer poses a threat.

Source: www.reliableplant.com/article.aspx?articleid=19991&pagetitle=EPA+cleans+up+hazardous+chems+at+Abrachem+facility+in+N.J

EPA Orders Restoration of Little Knife River in Dunn County, North Dakota

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(Denver, Colo.) The U.S. Environmental Protection Agency has issued a compliance order to Dunn County, N.D. for violations of the Clean Water Act. Dunn County allegedly violated the Act by discharging material into the Little Knife River without a permit during road construction. The Little Knife River is a tributary to the Missouri River.

“Dunn County’s actions disturbed approximately 1,300 linear feet of the Little Knife River, which is an important wildlife and aquatic habitat and helps to reduce the force of flood waters,”

EPA Expects to Revise Rules for Wastewater Discharges from Power Plants

Discharges from power plants can have major adverse effects on water quality and wildlife

WASHINGTON – The U.S. Environmental Protection Agency plans to revise the existing standards for water discharges from coal-fired power plants to reduce pollution and better protect America’s water. Wastewater discharged from coal ash ponds, air pollution control equipment, and other equipment at power plants can contaminate drinking water sources, cause fish and other wildlife to die and create other detrimental environmental

said Diane Sipe, Director of EPA Region 8’s Water Enforcement Program. “EPA’s goal is to correct the environmental damage resulting from these unauthorized activities and to deter future violations of laws that protect the integrity of North Dakota’s waters.”

Between July and September of 2008, Dunn County completely filled and rerouted approximately 1,300 feet of the Little Knife River to facilitate straightening and realignment of two roads. The realignment resulted in a channel loss of about 200 feet. Dunn County did this without first obtaining a permit from the U.S. Army Corps of Engineers, which is required by the Clean Water Act. The EPA order requires Dunn County to mitigate for the impacts to the river by adding meanders to the existing rechannelized segment in order to achieve a similar length, sinuosity, and grade as the channel segment that was filled, and provide for a vegetated buffer on both sides of the rechannelized segment. Prior to doing the work, Dunn County must submit for EPA’s approval a plan that details how

effects.

Earlier this year, EPA completed a multi-year study of power plant wastewater discharges and concluded that current regulations, which were issued in 1982, have not kept pace with changes that have occurred in the electric power industry over the last three decades. Air pollution controls installed to remove pollution from smokestacks have made great strides in cleaning the air people breathe, saving lives and reducing respiratory and other illnesses. However, some of the equipment used to clean air emissions does so by “scrubbing” the boiler exhaust with water, and when the water is not properly managed it sends the pollution to rivers and other waterbodies. Treatment technologies are available to remove these pollutants before they are discharged to waterways, but these systems have been installed at only a fraction of the power plants.

the mitigation will be accomplished. Failure to respond to an EPA order may lead to additional enforcement.

A permit is required before performing any work that results in discharges of material into rivers, lakes, streams, and wetlands. These alleged violations could have been avoided if Dunn County had applied for and obtained a permit from the Army Corps of Engineers prior to discharging material into the Little Knife River. Any person planning to do such work should contact the U.S. Army Corps of Engineers’ North Dakota Regulatory Office (1513 South 12th Street, Bismarck, N.D. 58504; telephone, 701-225-0015) before beginning work to determine if a permit is needed.

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

For more information about the importance of wetlands in flood control and habitat conservation, visit: www.usace.army.mil/www.epa.gov/owow/wetlands/

As part of the multi-year study, EPA measured the pollutants present in the wastewater and reviewed treatment technologies, focusing mostly on coal-fired power plants. Many of the toxic pollutants discharged from these power plants come from coal ash ponds and the flue gas desulfurization systems used to scrub sulfur dioxide from air emissions.

Once the new rule for electric power plants is finalized, EPA and states would incorporate the new standards into wastewater discharge permits.

More information about EPA’s study is provided in an interim report published in August 2008. A final study will be published later this year.

More information on wastewater discharges from power plants: www.epa.gov/waterscience/guide/steam/

EPA Announces More Than \$19.2 Million in Recovery Act Funds for Wastewater Infrastructure Projects in North Dakota to Boost Economy, Create Jobs and Protect the Environment

Contact Information: Diane Sanelli, 303-312-7822, sanelli.diane@epa.gov;

Laura Niles, 303-312-6281, niles.laura@epa.gov

(Denver, Colo.) In a move that stands to create jobs, boost local economies, improve aging water infrastructure and protect human health and the environment for the people in the State of North Dakota, the U.S. Environmental Protection Agency (EPA) has awarded more than \$19.2 million to the North Dakota Department of Health. This new infusion of money provided by the American Recovery and Reinvestment Act of 2009 will help state and local governments finance many of the overdue improvements to wastewater projects that are essential to protecting public health and the environment across the state.

“EPA is pleased to provide \$19.2 million in Recovery Act funds for much needed improvements to North Dakota’s water infrastructure that will benefit the state for decades to come,” said Carol Rushin, Acting Regional Administrator. “This funding will protect public health and improve water quality while creating hundreds of green collar jobs in North Dakota.”

The Recovery Act funds will go to the state's Clean Water State Revolving Fund program. The Clean Water State

EPA Publishes Voluntary Guidelines for Methamphetamine Laboratory Cleanup

WASHINGTON – EPA has issued a document providing state and local governments technical guidance for methamphetamine lab cleanups. The document, titled Voluntary Guidelines for Methamphetamine Laboratory

Cleanup, is based on an extensive review of the best available science and practices for cleanup. Other issues included are best practices for specific items or materials, sampling procedures, and technical resources.

The production and use of meth across the U.S. continues to pose considerable challenges. Although there is a decline in the domestic production of meth in recent years, vigilance is warranted because of the destructive nature of meth and the environmental hazards caused by meth labs.

Revolving Fund program provides low interest loans for water quality protection projects for wastewater treatment, non-point source pollution control, and watershed and estuary management. An unprecedented \$4 billion dollars will be awarded to fund wastewater infrastructure projects across the country under the Recovery Act in the form of low interest loans, principal forgiveness and grants. At least 20% of the funds provided under the Recovery Act are to be used for green infrastructure, water and energy efficiency improvements and other environmentally innovative projects.

Approximately 45% of North Dakota's Clean Water State Revolving Fund projects funded with this Recovery Act grant will go towards green infrastructure projects. This includes one \$5 million project that will transport treated effluent from a Jamestown, N.D. water treatment facility for reuse by an energy plant near Spiritwood, N.D. The energy plant would otherwise use groundwater for its processed water need.

Since the Clean Water State Revolving Fund program began in 1987, EPA has awarded more than \$26 billion in grants, which states have turned into \$69 billion of financial assistance for water quality projects. The revolving nature of the program ensures water quality projects will be funded for generations to come.

President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA) on February 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 Recovery.gov.

Information on EPA’s implementation of the American Recovery and Reinvestment Act of 2009 in North Dakota, visit www.epa.gov/region8/eparecovery/. Information on the Clean Water State Revolving Fund program, visit www.epa.gov/owm/cwfinance/cwsrf/

The Methamphetamine Remediation Research Act of 2007 required EPA to develop these guidelines, based on the best currently available knowledge in the field of meth lab remediation. EPA reviewed state guidance and regulations to develop these voluntary guidelines. In addition, this document has received extensive review and refinement from a broad array of stakeholders as well as feedback from nationally recognized experts in meth lab remediation.

More information: www.epa.gov/oem/methlab.htm

EPA and BIA extend wait period for final Environmental Impact Statement for proposed clean fuels refinery

Release date: 10/02/2009

**Contact Information: Steve Wharton, EPA, 303-312-6935, wharton.steve@epa.gov
Dana Allen, EPA, 303-312-6870, allen.dana@epa.gov**

Wait period extended to October 28, 2009

(Denver, Colo. -- Oct. 2, 2009) The U.S. Environmental Protection Agency and the Department of Interior-Bureau of Indian Affairs have completed the final Environmental Impact Statement for the Mandan, Hidatsa and Arikara (MHA) Nation's Proposed Clean Fuels Refinery on Fort Berthold Indian Reservation near Makoti in North Dakota.

Publication of the final EIS on August 28 initiated a 30-day waiting period that would have ended September 28. In

EPA sues Parish Chemical for hazardous waste violations

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Sheldon Muller, 303-312-6916, muller.sheldon@epa.gov**

(Denver, Colo. -- September 9, 2009) A complaint has been filed in federal district court in Salt Lake City on behalf of the U.S. Environmental Protection Agency against the Parish Chemical Co. of Vineyard, Utah, alleging noncompliance with federal law regulating the management and storage of hazardous wastes.

The complaint seeks compliance with federal law and civil penalties for violations of the Resource Conservation and Recovery Act (RCRA) and its implementing regulations, including the State of Utah's federally authorized hazardous

response to requests for additional time to review the final EIS, EPA and the Department of Interior have agreed to extend the wait period an additional 30 days or until October 28. Extension of the wait period was published in the Federal Register today.

The federal agencies are accepting comments during the wait period, after which they can make their decisions on the proposed federal actions. Comments should be submitted to Steve Wharton at EPA no later than Wednesday, October 28.

The EIS evaluates, analyzes and discloses to the public potential environmental impacts of the MHA Nation's proposal to build a petroleum refinery and to produce buffalo forage on the Fort Berthold Indian Reservation near Makoti, North Dakota. The MHA Nation has requested that BIA accept 468.39 acres of fee land into trust and that EPA issue a Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit for the process water discharges associated with operation of the proposed refinery.

The final EIS and Response to Comments are available on the Web at: www.epa.gov/region8/compliance/nepa

waste program. EPA also intends to recover more than \$646,000 in costs incurred in responding to the release or threatened release of hazardous substances at the Parish Chemical facility, located at 145 N. Geneva Road.

EPA's complaint is based on several site inspections and a removal action at the facility revealing significant noncompliance with federal laws regulating the management and storage of hazardous wastes. Alleged violations at Parish Chemical include storage of hazardous waste without a permit, failure to have liability insurance, failure to have financial assurance for facility closure, failure to perform air emissions tank assessments, inadequate evaluation of storage tank integrity, and inadequate labeling of hazardous waste containers and tanks, among others.

"The neglect discovered at Parish Chemical represents a continuing threat to the safety of employees, nearby residents and the

environment," said Eddie Sierra, EPA's Assistant Regional Administrator for Enforcement in Denver. "Our goal is to compel this company to comply with all applicable environmental and health and safety requirements."

Parish Chemical is a manufacturing company that specializes in the research, development and production of organic chemicals and materials. The facility encompasses 2.5 acres and includes a two-story building with offices, laboratories, a process area and various storage areas. In addition, the facility includes chemical and drum storage areas adjacent to and outside of the main building, as well as at least two surface impoundments. The following substances, among many others, have been found at the facility: methylene chloride, acetone, dimethyl formamide, petroleum ether, tetrahydrofuran, dichloroethyl ether, benzene, toluene, perchloric acid and phosphorus pentachloride.

Utah man sentenced to 20 years in prison for environmental, other crimes

Contact Information: Deb Berlin, berlin.deb@epa.gov, 202-564-4914, 202-564-4355

(Denver, Colo.) Larkin Baggett, 54, formerly of Salt Lake City, Utah, was sentenced to 20 years in the U.S. District Court in Key West, Fla. jail today for illegally dumping pollutants in violation of federal clean water and hazardous waste regulations and for illegally possessing firearms and aggravated assault on law enforcement officers, the U.S. Environmental Protection Agency and the Department of Justice announced.

This includes the maximum jail term for the Clean Water Act and Resource Conservation and Recovery Act violations. Last March, Baggett assaulted EPA and other law enforcement officers when they attempted to arrest him in Marathon, Fla.

“EPA’s professional and dedicated law enforcement special agents are the ‘line in the sand’ against those who put illegal gain ahead of public health and the environment,” said Cynthia Giles, Assistant Administrator for EPA’s Office of Enforcement and Compliance Assurance. “EPA will continue to vigorously pursue criminal violations of environmental regulations.”

In September 2007, Baggett was indicted on charges related to illegally dumping various pollutants onto the ground and into a drain that led to the treatment plant operated by the South Davis Sewer Improvement District in West Bountiful, Utah between October 2004 and April 2005. The treatment plant had a permit to discharge treated effluent to the Jordan River, which empties into the Great Salt Lake.

According to court records, Baggett instructed his employees to dispose of industrial wastes by dumping them onto the ground and into a sanitary sewer drain, which fed directly to the wastewater treatment plant. One

Byron facility responds to EPA order

Macon Telegraph – (Georgia) Byron explosives company responds to EPA order. Pyrotechnic Specialties, Inc. (PSI) has told the federal Environmental Protection Agency (EPA) that it intends to fully comply with the terms of a September 9 order regarding its Byron, Georgia facility, according to a written response to the

of the wastes, nonylphenol, is a powerful organic chemical and heavy-duty industrial cleaner that is toxic to aquatic life. Baggett’s actions allegedly caused the plant to violate permit limits for acute toxicity 22 times.

Previously, government officials from the local sewer district prohibited Baggett’s company from discharging to the sewer system because its wastes had routinely exceeded limits for certain pollutants.

Baggett owned and operated Chemical Consultants, Inc., North Salt Lake City, Utah, a company that mixed and sold chemical products used in the trucking, construction, and concrete industries.

In April 2008, two months before his trial, Baggett became a fugitive when he failed to appear in court, as required by the conditions of his release and bond. In December 2008, EPA received a tip from the public regarding his potential whereabouts after Baggett was listed on the EPA’s fugitive website www.epa.gov/fugitives.

EPA requires the proper handling and disposal of hazardous wastes to protect human health and the environment. EPA requires that industry pre-treat toxic pollutants chemicals in their wastes in order to protect local sewers and wastewater treatment plants. The pretreatment process also ensures that these pollutants do not pass through the treatment process into rivers, lakes and streams.

The environmental case was investigated by EPA’s Office of Criminal Enforcement. The assault and gun charges were investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Monroe County, Fla. Sheriff’s Office, and the U.S. Marshall’s Service. The case was prosecuted in the District of South Florida by Special Assistant U.S. Attorney Jodi Mazer and Assistant U.S. Attorney Thomas Watts-Fitzgerald and in the District of Utah by Assistant U.S. Attorney Jared C. Bennett.

More information on Baggett case: www.epa.gov/compliance/criminal/fugitives/fugitives-captured.html#baggett

EPA. The EPA had ordered the company to remove hazardous material from factory. In the September 9 order, the EPA alleged that it found leaking hazardous and reactive waste containers during an April and May inspection of the factory, creating an imminent and substantial endangerment to health and the environment. It also found that the factory did not have fire control, spill control, or decontamination equipment, as required by federal law. The chief executive officer of PSI had earlier called the allegations an exaggeration

while acknowledging that the factory was storing more hazardous material than the law permits. The company manufactures munitions, fuses and flares at their Byron factory. This was not the first time the company has garnered the attention of federal authorities. The Byron facility was the site of a large explosion in August 2006, leading to a round of investigations. In 2008 the company faced a federal indictment, later dropped, related to violations of state and federal environmental regulations.

Anadarko Petroleum Co., agrees to pay penalty for oil spills in Wyoming

Contact Information: Richard Mylott, 303 312-6654

(Denver, Colo.) Anadarko Petroleum Co., and two related oil production companies have agreed to pay a civil penalty of more than \$1 million and implement injunctive relief, develop facility response plans, and revise spill prevention as well as containment plans at a cost of more than \$8 million during the term of the settlement in order to resolve violations of the Clean Water Act, the Justice Department and U.S. Environmental Protection Agency (EPA) announced today.

According to the consent decree, filed in U.S. District Court in Cheyenne, Wyo., Anadarko, Howell Corp., and Howell Petroleum Corp., agree to pay \$1.05 million and will upgrade and implement appropriate spill prevention plans and develop and implement facility response plans. The consent decree also requires the companies to implement a multi-phased integrity and mitigation plan that incorporates inspection, monitoring, testing, data collection and failure analysis activities.

"This multi-million dollar settlement will protect water resources and habitat in Wyoming and the West," said Carol Rushin, EPA's Acting Regional Administrator in Denver. "We are pleased that Anadarko and its partners will make significant investments in monitoring and control measures that will ensure compliance with the Clean Water Act and minimize the likelihood and severity of future spills."

"As a result of today's settlement, Anadarko will pay a significant civil penalty and spend an even greater amount

EPA Releases Survey Results on Coal Ash Impoundments

WASHINGTON - The U.S. Environmental Protection Agency is making information publicly available from electric utilities on the management of coal combustion residuals contained in surface impoundments and similar management units. Following the coal ash spill at a Tennessee Valley Authority facility in Kingston, Tenn., EPA requested the information from

electric utilities to inform an assessment of the structural integrity of the surface impoundments. The responses from electric utilities cover 584 units from 219 facilities. In addition, EPA is conducting on-site assessments of the coal ash impoundments and ponds at electric utilities. EPA will assess by the end of the calendar year all of the units that have a dam hazard potential rating of "high" or "significant" in the responses provided by electric utilities to EPA's information request. The hazard potential rating refers to the potential for loss of life or damage if there is a dam failure. The ratings do not refer to the structural stability of the dam. Dams assigned the high

to come into compliance with the Clean Water Act," said John C. Cruden, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "The consent decree will clearly improve Anadarko's preparedness and prevention plans and will ultimately result in a cleaner environment for the people of Wyoming."

According to a complaint filed concurrently with the consent decree, Anadarko Petroleum and the two related companies allegedly discharged harmful quantities of oil from its facility in Wyoming on more than 35 occasions between Jan. 26, 2003, and Oct. 19, 2008. The complaint alleges that more than 31,300 barrels of oily water and crude oil were released during the spills and resulted in an observable film, sheen or discoloration on the surface of the impacted water or shoreline. The spills occurred on oil production fields in Park, Johnson and Natrona Counties and resulted in the pollutants being discharged into the tributaries or drainages of Silver Tip Creek and Salt Creek which, respectively, are tributaries to the Clarks Fork and Powder Rivers.

The Clean Water Act prohibits discharges of oil into waterways and coastal areas in quantities that may be harmful to the environment or public health. Oil spills threaten fresh water and marine environments, harming plant and animal life through physical damage and the toxicity of the oil itself, which may poison exposed organisms. For more information on the effects and cleanups of oil spills, visit: www.epa.gov/oilspill.

The consent decree was lodged in the U.S. District Court for the District of Wyoming and is subject to a 30-day public comment period and subsequent court approval. A copy of the consent decree is available on the Justice Department Web site at www.usdoj.gov/enrd/Consent_Decrees.html.

hazard potential rating are those where failure or misoperation will probably cause loss of human life; dams assigned a significant hazard potential rating are those where failure will not probably cause loss of human life but can cause economic loss, environmental damage, or damage to infrastructure (for example, roads and bridges). The results of this effort will be posted on EPA's Web site as final reports are completed.

More information: www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys/index.htm

EPA fines Firebird International Raceway \$31,851 for hazardous waste violations

SAN FRANCISCO – The U.S. Environmental Protection Agency fined Firebird International Raceway, a venue that hosts racing events, \$31,851 for hazardous waste manifesting and reporting violations.

In July 2006, EPA inspectors discovered four hazardous waste violations at the facility, located at 20000 Maricopa Rd. in Chandler, Arizona.

“Companies must properly store and handle hazardous waste to protect the community, workers and the environment,” said Jeff Scott, director of Waste Programs for the EPA’s Pacific Southwest region. “The EPA will continue to strictly enforce all regulations governing facilities that generate and manage hazardous waste.”

U.S. EPA fines SoCal company for failing to notify response agencies after Torrance, Carson ammonia releases

Linde LLC also agrees to \$415,550 equipment upgrade

LOS ANGELES – The U.S. Environmental Protection Agency has fined Linde LLC \$81,400 for ammonia air releases that occurred in 2007 and 2008 at its Torrance and Carson, Calif., carbon dioxide production plants.

Linde LLC did not immediately notify the National Response Center and the State Emergency Response Commission after five separate ammonia releases occurred between December 2007 through May 2008 -- with reportable quantities ranging from 250 to 665 pounds of anhydrous ammonia. The reportable quantity of anhydrous ammonia is 100 lbs.

The EPA found the facility failed to send their hazardous wastes off-site using hazardous waste manifests, failed to report the types and amounts of hazardous waste generated in 2003, failed to include all required information in its 2005 report and failed to properly identify hazardous waste.

Firebird International Raceway hosts various racing events throughout the year. The wastes generated from racing events include various types of aerosol cans and used oil contaminated with racing fuels, brake and carburetor cleaners, and other engine fluids.

The EPA’s hazardous waste regulations require facilities to properly store, label and manage hazardous waste generated from their activities. These wastes must then be properly sent, using a hazardous waste manifest, to facilities which are permitted to handle the wastes. Additionally, facilities such as Firebird International Raceway are required to submit reports identifying the types and amounts of hazardous waste generated from their activities to EPA every other year.

For information on hazardous waste, please visit: www.epa.gov/epaoswer/osw/hazwaste.htm

The federal Emergency Planning and Community Right-To-Know Act and the Comprehensive Environmental Response, Compensation and Liability Act require companies to report releases to the proper authorities to ensure appropriate responses to spills and releases.

"Without accurate information on accidental releases, emergency responders cannot adequately protect our communities," said Keith Takata, the EPA’s Superfund Division director for the Pacific Southwest region. "When accidental releases occur, firms such as Linde LLC, must immediately notify local, state and federal authorities."

In addition to the fine, the company will also spend approximately \$415,550 in equipment upgrades as part of an environmental project that will prevent future ammonia releases into the environment.

Exposure to ammonia can irritate the skin, eyes, and respiratory system. Lung damage and death may occur after exposure to very high concentrations of ammonia.

The Comprehensive Environmental Response, Compensation and

Liability Act requires immediate notification of the release of a reportable quantity of a hazardous substance, such as ammonia, in order to allow emergency response teams an opportunity to evaluate the nature and extent of the release, prevent exposure to the hazardous substance, and minimize consequences to public health and the environment.

For more information on the CERCLA, please visit: www.epa.gov/superfund/policy/cercla.htm.

The Emergency Planning and Community Right-To-Know Act requires that facilities report on-site extremely hazardous substances to ensure emergency responders take proper precautions when an accidental or intentional release occurs.

For more information on the Emergency Planning and Community Right-To-Know Act, please visit the EPA’s Web site at: www.epa.gov/emergencies/content/epcra/index.htm

Formosa Plastics to spend \$12.8M to address EPA violations

Reliable Plant Magazine – (Louisiana; Texas) Formosa Plastics to spend \$12.8M to address EPA violations. Formosa Plastics Corporation, Texas, and Formosa Plastics Corporation, Louisiana, will spend more than \$10 million on pollution controls to address air, water and hazardous waste violations at two petrochemical plants in Point Comfort, Texas, and Baton Rouge, Louisiana, the Justice Department and the Environmental Protection Agency (EPA) announced on September 30. The companies also have agreed to pay a civil penalty of \$2.8 million to resolve violations under the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA) and Emergency Planning and Community Right-to-Know Act (EPCRA). Under the agreement lodged in the U.S. District Court for the Southern District of Texas, both the Texas and Louisiana

Nonpareil Corporation Pays Over \$95,000 for Failure to Properly Report Hazardous Chemicals

Company agrees to spend over \$77,000 to replace pumps at its Teton Valley Ranch facility to reduce risk of ammonia release.

Contact Info: Suzanne Powers, EPA EPCRA Program, (360) 753-9475, powers.suzanne@epa.gov Tony Brown, EPA Public Affairs, (206) 553-1203, brown.anthony@epa.gov

(Blackfoot, Idaho – September 8, 2009) Nonpareil Corporation has settled with the Environmental Protection Agency and agreed to pay an \$18,281 penalty for violating the federal Emergency Planning and Community Right-to-Know Act (EPCRA) by failing to properly report the storage of ammonia at its Teton Valley Ranch facility located in Mountain Home, Idaho.

Nonpareil failed to file Emergency and Hazardous Chemical Inventory Forms with local emergency response entities in Idaho.

"People's safety and preventing chemical accidents are a top priority for EPA," said Edward Kowalski, Director of EPA's Office of Compliance & Enforcement in Seattle. "We're committed to reducing the likelihood and severity of accidental chemical releases by enforcing the law, protecting people and the environment and creating a level playing field for industry."

In addition to the penalty, Nonpareil agreed to provide over \$77,000 to replace five refrigerant recirculation pumps with leak free hermetically sealed pumps at its Teton Valley Ranch facility as part of a supplemental environmental project.

The replacement of the pumps will improve the integrity of the system and reduce the risk of an anhydrous ammonia release into the environment. Ammonia is a colorless gas that can cause severe burns to skin, eyes, throat, and lungs, and with high enough exposure, death.

Facilities that store significant quantities of certain hazardous

facilities will implement a comprehensive CAA enhanced leak detection and repair program, which goes beyond regulatory requirements by requiring more stringent leak definitions, more frequent monitoring and monitoring and repair of additional chemical manufacturing equipment. The leak prevention practices agreed to in the settlement include an innovative program to replace valves with new "low leak" valve technology, which will significantly reduce the likelihood of future leaks of air pollutants. The enhanced program also includes requirements for periodic audits of the companies' leak prevention practices to ensure compliance going forward. The enhanced leak detection and repair program will potentially reduce the annual volatile organic compound (VOC) air emissions from the two Formosa facilities by approximately 6,570,000 pounds per year of VOCs, including hazardous air pollutants such as vinyl chloride.

Source: [www.reliableplant.com/article.aspx?articleid=20310&pagetitle=Formosa+Plastics+to+spend+\\$12.8M+to+address+EPA+violations](http://www.reliableplant.com/article.aspx?articleid=20310&pagetitle=Formosa+Plastics+to+spend+$12.8M+to+address+EPA+violations)

chemicals, including ammonia, are required to submit an inventory of each chemical to the State Emergency Response Commission, the Local Emergency Planning Committee, and the local fire department. Emergency responders rely on this information for their safety and to help protect nearby residents during an emergency, such as a fire or earthquake. Citizens can also access the information to find out what chemicals are being stored and used in their neighborhoods.

Nonpareil's Teton Valley Ranch facility located at 475 E. 6th South, Mountain Home, Idaho, produces a baked potato casserole that is frozen and packaged for retail sale, and uses an ammonia refrigeration system.

For information on EPA's Emergency Planning and Community Right to Know Act, visit www.epa.gov/compliance/civil/epcra/epcraenfstatreq.html

For more about toxic effects of Anhydrous Ammonia (NIOSH GUIDE): www.cdc.gov/niosh/npg/npgd0028.html

EPA Opens Transparency Window into Pesticide Registration Decisions

WASHINGTON — The U.S. Environmental Protection Agency is establishing a new transparent process that will allow the public to review and comment on risk assessments and proposed registration decisions for pesticides. This expanded process will apply to all new pesticide active ingredients and first food uses, first outdoor uses, and first residential uses.

“This new process will give the public greater opportunity to participate and understand decisions about new pesticides,” said Steve Owens, EPA assistant administrator for the office of prevention, pesticides and toxic substances. “The Obama Administration’s emphasis on providing unparalleled transparency at EPA will increase credibility and strengthen the reputation of our pesticide registration program while improving the public

dialogue surrounding controversial pesticide registration decisions.”

Starting October 1, 2009, for certain registration actions, EPA’s risk assessment and proposed decision will be added to the public docket and made available for a 30-day public comment period. Following the comment period, EPA will publish its decision and a response-to-comment document. By focusing public access on new pesticide ingredients and first food, outdoor, and residential uses, the public will have the opportunity to comment on all major new exposure patterns for pesticide registration.

Stakeholders now will get information sooner on reduced-risk pesticides being registered that can replace some of the older and often more toxic pesticides. The user community and the public will benefit from a broader understanding of the risk assessment and risk management processes associated with pesticide registration.

More information: www.epa.gov/pesticides/regulating/index.htm

U.S. EPA and Central California Company agree to settlement of \$23,000 for risk management plan violation

SAN FRANCISCO - The U.S. Environmental Protection Agency today agreed in a settlement of \$23,000 with Pappas & Co. for failing to submit and update federal risk management plans for its anhydrous ammonia process for two of its produce packing facilities in Mendota, Calif.,-- a violation of the nation’s Clean Air Act.

Pappas & Co. submitted a risk management plan three years after bringing in more than 10,000 pounds of anhydrous ammonia onto its facility located at 1431 Lyons Ave. The company also failed to submit an updated risk management plan for its 181 Naples Street location when it

was due for a five-year update.

“It is crucial for companies to provide the EPA with these risk management plans in a timely manner,” said Daniel Meer, assistant director for the Pacific Southwest region’s Superfund program. “These plans are designed to guarantee that businesses do their part to safeguard the environment and impacted communities.”

In addition to the fine, Pappas & Co. will spend approximately \$8,000 on two supplemental environmental projects. The company will donate a hand-held ammonia detector to the fire department with jurisdiction over the facilities. Also, the company will install an ammonia sensor outside of the Naples Street Facility. This sensor will be equipped with an automatic dialer that will alert the company and the fire department of any significant ammonia releases. This equipment will aid in the detection of toxic releases outside of the building to better protect staff and neighbors, which include a school located across the street.

The company must also employ a third-party refrigeration contractor that

will automatically receive notification of an ammonia release to inform the appropriate emergency responders and facility managers.

Exposure to high concentrations of ammonia causes immediate burning of the eyes, nose, throat and respiratory tract. In severe cases, it can result in blindness, lung damage, or death.

When properly implemented, risk management plans help prevent chemical releases and minimize their potential impacts at facilities that store large amounts of hazardous substances and flammable chemicals. Facilities are required to update and resubmit their risk management plan at least once every five years, which is used by the EPA to assess chemical risks to surrounding communities and to prepare for emergency responses.

For information on the Clean Air Act/ Risk Management Plan requirements, please visit the EPA’s Chemical Emergency Prevention and Preparedness Web site at: www.epa.gov/emergencies/content/rmp/index.htm

U. S. EPA settles with Ukiah, Calif., company for failing to provide toxic chemical information needed by communities

Performance Coatings Inc. to pay \$48,600 fine

SAN FRANCISCO – The U.S. Environmental Protection Agency reached a \$48,600 settlement with Performance Coatings Inc. of Ukiah, Calif., for allegedly failing to submit required toxic chemical reports, a violation of the Emergency Planning and Community Right-to-Know Act. The company, located at 360 Lake Mendocino Dr., regularly uses toxic chemicals, such as xylene and ethylbenzene, in its paint and coating manufacturing operations.

Shell Guam fined for not providing required toxic chemical information Company spends more than \$28,000 to provide new equipment for the Guam Fire Department

HONOLULU – The U.S. Environmental Protection Agency recently reached a \$30,590 settlement with Shell Guam for allegedly failing to submit required toxic chemical reports, a violation of the Emergency Planning and Community Right-to-Know Act.

As part of the settlement, Shell Guam will pay a fine of \$7,950 and also spend \$28,300 to provide personal protective equipment to the Guam Fire Department.

Shell Guam, regularly uses toxic chemicals, such as polycyclic aromatic compounds and naphthalene that are components of the fuel which is repackaged at the facility. Shell Guam failed to submit timely, complete, and correct Toxics Release Inventory reports to the EPA detailing the

Performance Coatings failed to submit timely, complete reports to the EPA and the state detailing the amounts of the two toxic chemicals processed at its facility from 2004 through 2006. EPA inspectors discovered the violations during a 2007 routine inspection.

Exposure to high levels of xylene and ethylbenzene can cause a variety of human health effects, including harm to the nervous system, fatigue, general weakness, memory loss and visual problems.

“Companies that use toxic chemicals must provide complete and accurate information about these chemicals so that area residents are aware of possible chemical hazards in the community,” said Enrique Manzanilla, Communities and Ecosystems Division director for EPA’s Pacific Southwest region.

Federal emergency planning laws require facilities processing more than 25,000 pounds of these two chemicals to report releases of the

chemicals on an annual basis to the EPA and the state. Although Performance Coatings processed the two chemicals in amounts more than this threshold in 2004, 2005, and 2006, it failed to submit reports to the EPA for those years.

Each year the EPA compiles information submitted from the previous year regarding toxic chemical releases, and produces a national Toxics Release Inventory database for public availability. The database estimates the amounts of each toxic chemical released to the environment, treated or recycled on-site, or transferred off-site for waste management, and also provides a trend analysis of toxic chemical releases.

For more information on the TRI program, please visit: www.epa.gov/tri.

The U.S. EPA’s environmental databases, including the TRI program data, can be accessed at: www.epa.gov/enviro.

amounts of chemicals processed at its facility in 2007.

“Companies that use toxic chemicals must provide complete and accurate information about these chemicals,” said Enrique Manzanilla, Communities and Ecosystems Division director for EPA’s Pacific Southwest region. “We are pleased that Shell Guam has agreed to a beneficial project that will provide additional equipment to the Guam Fire Department.”

Federal emergency planning laws require facilities processing more than 25,000 pounds of the chemicals at issue in this case to report releases of the chemicals on an annual basis to the EPA and the state.

Each year the EPA compiles information submitted from the previous year regarding toxic chemical releases and produces a national Toxics Release Inventory database for public availability. This database estimates the amounts of each toxic chemical released to the environment, treated or recycled on-site, or transferred off-site for waste management, and also provides a trend analysis of toxic chemical releases.

For more information on the TRI program, please visit: www.epa.gov/tri. The U.S. EPA’s environmental databases, including the TRI program data, can be accessed at: www.epa.gov/enviro.

U.S. EPA fines Kop Coat, Inc. \$126,000 for failing to follow hazardous waste requirements that protect employees, community

LOS ANGELES - The U.S. Environmental Protection Agency has fined Los Angeles-based Kop Coat, Inc. \$126,000 for violating hazardous waste requirements of the Resource Conservation and Recovery Act.

During a 2007 inspection of the facility, EPA investigators found that Kop Coat, Inc., an industrial coatings manufacturer, had multiple hazardous waste violations. The plant, located at 5431 District Blvd., is no longer

U.S. EPA fines defunct Artesia ice manufacturing company for failing to notify authorities after 2007 ammonia release

Southern California Company faces \$2500 fine

LOS ANGELES – The U.S. Environmental Protection Agency fined Orange County Ice, doing business as Artesia Ice, \$2,500 for releasing 4,500 pounds of ammonia into the air at its former Artesia, Calif., ice production plant in 2007.

According to the EPA, on December 18, 2007, Orange County Ice accidentally released approximately 4,500 pounds of ammonia to the air. However, Orange County Ice did not notify the National Response Center until May 27, 2008. The federal Comprehensive Environmental Response, Compensation and Liability Act requires that releases be immediately reported to the proper authorities to ensure the appropriate response to spills and releases.

manufacturing.

"Hazardous waste generating companies, such as Kop Coat, Inc., must follow all federal regulations to protect their employees, surrounding communities and the environment," said Rich Vaile, associate director for the Waste Management division in the EPA's Pacific Southwest region. "Proper storage, handling, and preparation for emergencies involving hazardous waste are critical responsibilities for all firms, regardless of their size."

Kop Coat, Inc.:

- stored hazardous waste without a permit;
- failed to meet emission standards for tanks and containers;
- failed to provide an internal communications or alarm system capable of furnishing immediate emergency instruction to facility personnel or local first

responders;

- failed to perform weekly inspections; and
- failed to properly provide and maintain personnel training.

During the 2007 inspection, EPA staff found acetone and toluene, being stored improperly at the facility. Exposure to solvents such as acetone and toluene can affect breathing and cause vomiting.

The EPA's hazardous waste rules require facilities to properly store, label and seal hazardous waste containers. Facilities must also have properly trained staff, as improperly stored hazardous waste can potentially spill and pose a risk to workers and the environment.

For more information on U.S. EPA's hazardous waste program visit: www.epa.gov/epaoswer/osw/hazwaste.htm.

Soon after the incident, Orange County Ice closed its Artesia facility.

"Companies need to understand the importance of providing accurate and timely information about chemical releases and take steps to make that happen, so emergency planners and responders can adequately prepare to protect their communities," said Daniel Meer, assistant director for the EPA Pacific Southwest Region's Superfund program.

Exposure to ammonia can irritate the skin, eyes, and respiratory system. Lung damage and death may occur after exposure to very high concentrations of ammonia.

The Comprehensive Environmental Response, Compensation and Liability Act requires immediate notification of the release of a reportable quantity of a hazardous substance, such as ammonia, in order to allow emergency response teams an opportunity to evaluate the nature and extent of the release, prevent exposure to the hazardous substance, and minimize consequences to public health and the environment.

For more information on the CERCLA, please visit: www.epa.gov/superfund/policy/cercla.htm.

EPA acts to protect public from Granite Marketing, Inc.'s unregistered pesticides

Peoria company facing penalty for selling antimicrobial products without registration

SAN FRANCISCO - The U.S. Environmental Protection Agency today filed a complaint against Peoria, Ariz.-based Granite Marketing, Inc. for the alleged sale and distribution of an unregistered pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act.

The EPA is seeking up to \$5,200 in civil penalties from Granite Marketing, Inc., located at 8190 W. Deer Valley Road, for offering for sale the unregistered antimicrobial pesticide known as Titania Antibacterial System.

"Companies must ensure that products that claim to act as

DOT Proposes Fine for Enterprise Products Following Investigation into Kansas Pipeline Failure

The U.S. Department of Transportation today proposed to fine Enterprise Products Operating, LLC for alleged violations of federal pipeline safety regulations. The proposed \$466,200 fine follows the Department's investigation into the pipeline company's September 2007 failure near Englewood, KS.

"Today's action reinforces a message the Department has communicated for years to owners and operators of pipeline systems and other freight and commodity transporters - - Safety First," said Transportation Secretary Ray LaHood.

The proposed fine and finding of probable violation are a result of an accident investigation recently

completed by the Department's Pipeline and Hazardous Materials Safety Administration (PHMSA). During the investigation, PHMSA investigators discovered possible failures by Enterprise to ensure pipeline workers were adequately trained to perform necessary system repairs as required by federal operator qualification regulations. Proper implementation of operator qualification programs by pipeline companies is vital to preventing system failures, injury to people, property damage, and other serious consequences. Other probable violations include failures to conduct required drug testing of maintenance personnel following the accident.

"America expects pipeline operators to use highly skilled and qualified people to construct, maintain, and operate its energy pipeline networks," Secretary LaHood added. "The goal is not to punish operators, but to hold them accountable for protecting the health, welfare and safety of American communities."

On Sept. 11, 2007, PHMSA inspectors responded to an

antimicrobials are registered with the EPA," said Katherine Taylor, Associate Director of the EPA's Communities and Ecosystems Division for the Pacific Southwest region. "Without the required registrations, we have no information on the potential effects of these products, which could result in serious harm to public health and the environment."

The violation was identified through an inspection conducted by U.S. EPA Region IX on November 21, 2008. The sale or distribution of a pesticide that has not been registered with the EPA is a violation of federal pesticide law, which requires registration of pesticide products and pesticide-production facilities, as well as proper pesticide labeling. These requirements protect public health and the environment by minimizing the risks associated with the production, handling, and application of pesticides.

For more information on pesticide regulation and enforcement, please visit the EPA's Web site at: <http://www.epa.gov/compliance/civil/fifra/>

Enterprise Products pipeline rupture and release of approximately 14,700 barrels of natural gas liquid (a highly volatile product). Post-accident failure analysis determined the failure was due to the improper installation of pipeline system components following recently conducted maintenance activities. Although the release did not result in any deaths or injuries to the public, the event closed State Highway 283 for five days, seriously affecting daily commuters as crews worked to secure and clean-up spilled product.

Enterprise Products operates approximately 35,000 miles of pipelines in 19 states. PHMSA inspectors and their state pipeline safety partners are committed to ensuring the safety of America's pipeline transportation system and will continue to carefully monitor Enterprise Products' activities.

Operators may request an administrative hearing to contest proposed violations identified by PHMSA investigators before any findings and fines from an investigation are deemed final.

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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.

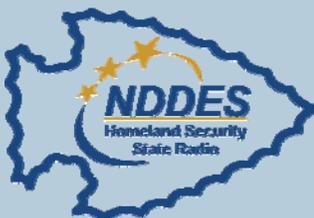
OUR VALUES ■■■

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