



Dangerous Goods - Hazardous Materials Group & Network

Release 2013 – 951 Newsy Stuff

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USA, WASHINGTON DC, APRIL 18 2013. I N WIN FOR SHELL, U.S. TOP COURT CURBS HUMAN RIGHTS CLAIMS >> WIN FOR SHELL, U.S. TOP COURT CURBS HUMAN RIGHTS CLAIMS

lawrence hurley



In a major victory for multinational companies, the U.S. Supreme Court on Wednesday limited the ability of human rights plaintiffs to invoke a 224-year-old federal law when suing companies over alleged collusion with violent foreign governments. The nine justices ruled unanimously that a federal court in New York could not hear claims made by 12 Nigerians who accused Anglo-Dutch oil company Royal Dutch Shell of complicity in a violent crackdown on protesters in Nigeria from 1992 to 1995. The ruling immediately sparked another debate, not least in concurring opinions written by justices in response to Chief Justice John Roberts' majority opinion, about exactly what claims can still be made under the Alien Tort Statute. The 1789 law had been dormant for nearly two centuries before lawyers began using it in the 1980s to bring international human rights cases in U.S. courts. What is clear is that the ruling is a major win for multi-nationals such as Royal Dutch that do business in the developing world and become embroiled in local political controversies. Those

companies, which are still subject to lawsuits in foreign courts, fear U.S. courts because of the possibility of large damage awards. The ruling is "good news for businesses all around the globe that were being punished in U.S. courts with costly, reputation-damaging litigation," said Lily Fu Claffee, chief legal officer at the U.S. Chamber of Commerce. The decision does not just benefit foreign-based corporations. U.S. corporations could also find it easier to defend themselves against similar claims, although it could depend on the extent plaintiffs can show actions overseas were directed from the United States, legal experts said. The court also appeared to leave open the possibility of certain claims against individuals over conduct overseas. The ruling is likely to affect other cases, including those involving similar claims against Anglo-Australian mining company Rio Tinto over its conduct in Papua New Guinea; Exxon Mobil Corp <XOM.N> over its activity in Indonesia; and Daimler AG concerning alleged abuses in Argentina. The companies have all vigorously contested the claims. Esther Kiobel, the named plaintiff in the Royal Dutch case and now a U.S. citizen, brought her lawsuit in 2002 on behalf of victims of the crackdown in Nigeria, including her husband, Barinem, who was executed in 1995. Chief Justice Roberts wrote in the majority opinion that a presumption against extraterritorial application of federal laws applies to the Alien Tort Statute. The court did not decide the question originally before it in the case: Whether corporations can ever be liable under the statute.

Differences of Opinion

Although all nine justices concurred with the outcome, only four agreed with the chief justice's reasoning. Justice Stephen Breyer wrote a separate opinion in which he was joined by three other justices. Roberts indicated in his opinion that the court was leaving the door slightly open for some overseas-related claims under the Alien Tort Statute, including against corporations, as long as there is a sufficient connection with the United States. The claims must have "sufficient force to displace the presumption" against extraterritorial application, he added. But he made it clear it would be a high bar, saying it would "reach too far to say that mere corporate presence suffices." Justice Anthony Kennedy and Justice Samuel Alito wrote separately in agreement with Roberts, with both making clear that the court had not resolved for good the question of under what circumstances individuals and corporations can be liable. In his concurring opinion, Justice Breyer said he would not have applied the presumption against extraterritoriality. Regardless, he said, in the Shell case, "The parties and relevant conduct lack sufficient ties to the United States." Sandy Weisburst, one of Royal Dutch's lawyers at Quinn Emanuel Urquhart & Sullivan, said the ruling was a "vindication of Shell's primary position in this case." Future cases against other defendants would, he said, determine "when is there sufficient U.S. conduct" to give U.S. courts jurisdiction. Plaintiffs' attorneys sought to play down the impact, pointing out that claims can still be made in state court, even when federal courts do not have jurisdiction. Paul Hoffman, the lawyer representing the Shell plaintiffs, said it "seems pretty clear" that corporations are covered by the statute and "there will be corporate cases in the future" in some circumstances. Marco Simons, a lawyer with Earthrights International who represents plaintiffs in human rights cases, pointed at one of his own cases, against Chiquita Brand International <CQB.N> as a possible example of a claim that could go forward because there was a sufficient U.S. nexus. In that case, plaintiffs claim the company made decisions in the United States about funding paramilitaries in Colombia. That case is currently before the Atlanta-based 11th U.S. Circuit Court of Appeals. John Hall, a lawyer with the Covington & Burling firm that represents Chiquita, said Wednesday's ruling served to emphasize that "claims like those against Chiquita – which concern violent acts committed by Colombians in Colombia, allegedly with the complicity of the Colombian government



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– should not be heard in an American court.” In a recognition of the creativity of plaintiffs’ lawyers, attorneys representing corporate interests said they expected litigation to continue on a wide array of issues, including the extent of U.S.-based conduct in existing cases. “In the coming months, plaintiffs can be expected to try to re-plead their cases and say that their cases involve conduct taking place in the United States, not abroad, and thus are not governed by today’s decision,” said Neal Katyal, a partner at Hogan Lovells. The case is *Kiobel v. Royal Dutch Petroleum Co*, U.S. Supreme Court, No. 10-1491.

<http://www.euronews.com/business-news/1897206-in-win-for-shell-us-top-court-curbs-human-rights-claims/>

USA, AKA, ANCHORAGE, APRIL 18 2013. FUEL MIX-UP AT BETHEL GAS STATION STRANDS MORE THAN 2 DOZEN VEHICLES, SNOWMOBILES


rachel d'oro

Hector Reyes knew something was wrong with his employer's truck when it started badly ping-ponging a few minutes after he refueled it from an unleaded-gasoline pump at a Bethel gas station. "Instantly, I told the guy that I was with, 'This doesn't sound right,'" Reyes said Wednesday. "I kind of just told him, 'It feels like diesel.'" Turns out that's exactly what it was. The Ryan Air truck was among 24 vehicles that sputtered out after refueling from a gasoline holding tank at NorthStar Gas that was accidentally filled with 3,000 gallons of diesel fuel. Four snowmobiles also were affected. The problem was discovered three hours after a customer discovered the tank was filled with the wrong fuel. Altogether, almost 430 gallons of diesel were pumped into vehicles that are designed to run on gas. NorthStar manager Wesley Bennett said the mishap last Thursday leaves the rural fuel distributor with a mess that could run as high as \$100,000 in vehicle tows, repairs and the possible loss of more than 2,500 gallons of diesel, which was drained out of the tank the same day and replaced by unleaded gas. The diesel is being tested to see if it can be salvaged. "We can't do anything with it until I know," Bennett said. "I don't want any more problems." He said the loss is being covered by insurance. Most of the vehicles have been returned to their owners after repairs that involved draining the diesel from fuel tanks and gas lines, and replacing fuel filters and spark plugs. Bennett said he believes a couple of vehicles are still being worked on. Bennett stopped short of placing blame on the fuel switch, but said the fuel supplier was not at fault. A NorthStar driver was supposed to pick up unleaded gas, but instead picked up diesel. "Let's just leave it as it was a mix-up," Bennett said. The driver was set to start a new job a few days after the incident occurred and is no longer with NorthStar. Reyes, a facility maintenance worker at Ryan Air, said the truck made it back to company grounds about 5 miles from the gas station, probably because the gasoline tank was not "bone dry." The truck has since been repaired, and Reyes took it out for a drive Wednesday. It seems to be running fine again. "So far, so good," he said.

<http://www.therepublic.com/view/story/9e18931059e44feca52e3a46d89cb70d/AK--Fuel-Mix-Up>

USA, TX, BEAUMONT, APRIL 18 2013. 12 HURT IN EXXONMOBIL REFINERY FIRE IN TEXAS

 **Photo Gallery [22]** [Twelve Injured, Three Severely Burned at Exxon-Mobil](#)

 **Watch the Video** [12 Injured, 3 Severely Burned at Exxon-Mobil](#)



Traffic is stopped at the ExxonMobil refinery in [Beaumont](#), Texas, on Wednesday, April 17, 2013 after a fire that injured 12 contract workers, Wednesday, April 17, 2013 in Beaumont, Texas. ExxonMobil Spokeswoman Rachael L. Moore says in a statement that twelve contract workers were hospitalized Wednesday, and six of those hurt were being transported to hospitals for further treatment. She says their conditions were not immediately known. The fire happened around 10:30 a.m. in a process unit that was down for maintenance at the refinery. All other employees have been accounted for. A fire Wednesday at an ExxonMobil refinery in Southeast Texas left 12 contract workers injured, officials said. Beaumont Fire Department spokesman Brad Penisson said three of those injured were critically burned. Other workers suffered burns and broken bones. ExxonMobil spokeswoman Rachael L. Moore

said the fire happened around 10:30 a.m. in a process unit that was down for maintenance. Such units are involved in processing crude oil into refined products. The company says the fire was quickly brought under control and has been extinguished. Penisson said refinery personnel put out the fire before Beaumont fire department units arrived. ExxonMobil said all employees and contractors working in the area of the process unit have been accounted for. "We sincerely regret this has happened and will conduct a complete investigation to determine the cause of the incident," Moore said in a statement. Seven



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of the injured were taken to Baptist Hospital in Beaumont, said spokeswoman Mary Poole. Three of those workers who had suffered burns were later transferred to the University of Texas Medical Branch at Galveston, with one in critical condition and the other two in stable condition. The four workers who remained at Baptist Hospital were in stable condition and might be released later Wednesday, Poole said. ExxonMobil did not immediately know the conditions of the five other injured workers, who were taken to Christus Hospital-St. Elizabeth in Beaumont. The refinery is part of a 2,400-acre complex near downtown Beaumont, which is about 90 miles northeast of Houston. The complex includes a refinery, a chemical plant and a lube plant. The refinery processes 365,000 barrels of crude oil per day and produces 2.8 billion gallons of gasoline annually. The entire complex has about 2,000 employees and more than 1,000 contract workers.

<http://bronx.news12.com/business/12-hurt-in-exxonmobil-refinery-fire-in-texas-1.5090718?firstfree=yes>

USA, TX, TEXAS CITY, APRIL 18 2013. BP FACES NEW \$1BN TEXAS CITY REFINERY LAWSUIT

Courthouse News says 474 plaintiffs have launched a case against BP alleging a 15-day release of toxic chemicals in 2011 when the company still owned the refinery had damaged their health. The plaintiffs sued BP Products North America and refinery manager Keith Casey for more than \$1 billion in punitive damages in Galveston County Court. "BP has a long history of violating the rights and endangering the health of the people in Texas City, La Marque, and Galveston County," the complaint states. "BP has consistently ignored and violated air pollution laws and guidelines. Because of this, Galveston County now has the worst air quality in the United States." BP completed its sale of the refinery to Marathon Petroleum Corporation on February 1 for an estimated \$2.4 billion. The plaintiffs say: "This case focuses on a single pollution event perpetrated by BP among the thousands of similar acts that occurred during its time in Texas City. In November of 2011, BP released various toxic chemicals for approximately fifteen days. BP was aware of the release, knew of the harm the release could cause, but failed to take proper action to stop or control the release." The plaintiffs allege BP released sulphur dioxide, methyl caraptan, dimethyl disulphide and other toxic chemicals into the atmosphere, but denied the dangerousness of the leak. They say an alarm picked up a sulphur dioxide reading at Dow Chemical's neighbouring plant on November 12, 2011, resulting in a shutdown of most of its operations for that time period and send all non-essential employees home, with essential employees being given respirators. Up to 40 employees reportedly sought medical treatment.

<http://www.hazardexonthenet.net/article/57719/BP-faces-new--1bn-Texas-City-refinery-lawsuit.aspx?AreaID=2>

USA, TX, WEST, APRIL 19 2013. 66 YEARS AGO, TEXAS CITY FERTILIZER BLAST KILLED 600, INJURED THOUSANDS

patrick beach

 **Watch the Video:** [Plant explosion caught on camera](#)

 **Photo's [118]** [West plant explosion, 04.17.13](#)



A smashed car sits in front of an apartment complex destroyed by an explosion at a fertilizer plant in West, Texas, as firefighters conduct a search and rescue Thursday, April 18, 2013. A massive explosion at the West Fertilizer Co. Wednesday night killed as many as 15 people and injured more than 160, officials said overnight.

The deadly explosion in West Wednesday night came within days of the 66th anniversary of an ammonium nitrate fertilizer-bearing freighter explosion in Texas City that caused a chain reaction of fires and blasts that killed almost 600 people, injured thousands, knocked planes out of the sky and was powerful enough to be detected on a seismograph in Denver, roughly 1,000 miles away. The disaster, on the morning of April 16, 1947, was the subject of University of Texas clinical professor of journalism Bill Minutaglio's book, "City on Fire: The

Explosion that Devastated a Texas Town and Ignited a Historic Legal Battle," published in 2003. "Every time you hear this I think, 'I've heard this before,'" Minutaglio said Thursday. "It happens with some awful regularity. It seems like every few years there's something else." The initial fire was aboard the SS Grandchamp, bearing fertilizer heading for Europe as part of the Marshall Plan. Some 2,300 tons of the substance, which had been used in slightly different form in the war for weapons, detonated. the morning of April 16, 1947 "The cruel irony is that it was fertilizer," Minutaglio said. "It was meant to be sent from



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Texas to Europe, where it would help to fertilize and invigorate farmlands that were ravaged through bombings in World War II. Some people who know more about this than me said they work brilliantly to grow things but can be incredibly destructive, too. It's almost as if humankind is playing with some bigger forces with these things." Dozens of the dead were injured so badly they could not be identified. The disaster led to the first class action lawsuit against the federal government. Litigation dragged on for decades before federal legislation provided some relief for the thousands of victims who had made claims.

"My belief is the Texas City explosion remains the greatest industrial disaster in American history," Minutaglio said, "Some people have gone farther and said it might be the greatest man-made disaster on American soil in the 20th century."

Other Non-Natural Texas Disasters

- Another explosion in Texas City killed 15 workers and injured more than 170 at a BP refinery on March 23, 2005. The blast, blamed after an investigation on a number of equipment and procedural flaws at the plant, occurred after hydrocarbons overflowed a tower, collected on the ground and gave off a vapor cloud. The cloud was then ignited when a contractor tried to start his pickup truck. BP later paid at least \$71 million in fines to the federal Occupational Safety and Health Administration and agreed to make \$500 million in refinery improvements.
- On March 18, 1937, a school in the East Texas community of New London became the scene of the deadliest school disaster in American history when a natural gas leak and explosion killed at least 295 students and teachers. More than 600 people were at the school at the time and fewer than 150 escaped uninjured. Like Texas City a decade later, New London was booming in spite of the Great Depression because of finds in nearby oil fields. The school had tapped into Parade Gasoline's line of natural gas, which then was colorless, odorless and regarded as a waste product in oil production. The blast was believed to have been triggered when a shop teacher started an electric sander. After the disaster the Texas Legislature ordered that a strong odor be added to natural gas and implemented more rigorous engineering practices in the state.
- Sections of the 2.5-mile-long Queen Isabella Causeway in the Rio Grande Valley collapsed early on the morning of Sept. 15, 2001, when the causeway was struck by a barge. Eight people, all of them motorists or their passengers on the causeway, died after their vehicles plunged about 80 feet into the Laguna Madre, the bay between South Padre Island and the mainland at Port Isabel. The barge was one of four being pushed by the Brown Water V tugboat, later determined to have been about 300 feet off course when the collision with the concrete bridge supports occurred.

Related Links [Perry declares state of emergency; Firefighters among missing in West blast](#)

<http://www.statesman.com/news/news/66-years-ago-texas-city-fertilizer-blast-killed-60/nXQLC/>

UGANDA, KAMPALA, APRIL 18 2013. NEMA DEVELOPING OIL SPILL CONTINGENCE PLAN

joseph kimbowe



Nema boss Tom Okurut and publicist Naomi Karekaho in Kampala on Tuesday.

As Uganda moves towards the production stages of her oil and gas, the National Environment Management Authority (Nema) is developing a disaster risk response strategy to mitigate any resultant risks of oil spill. Nema Executive Director Tom Okurut told journalists yesterday that the 'Oil Spill Contingence Plan' was being revised by experts from various ministries. It would be finalized in the next one year. "We have decided to be pro-active because we have seen cases of oil spills that led to disastrous events [such as those in] Nigeria and America," he said. Okurut said the plan would entail avoidance, detection and mitigation measures of oil spill – and should clearly state the obligations of the community, the oil companies and the government. While the companies will be required to ensure safe transportation of the oil, the communities will be tasked

to immediately report any case of spills in their localities. "There will be mass sensitization of citizens and oil companies with pipelines ought to have valves to prevent any over spill," Okurut added. Okurut also refuted what he called "speculated potential dangers in waste management" that have recently dominated the media. He said all was well in oil waste management in the Albertine graben. Last July, the authority issued waste management guidelines, which require oil companies to out-source Nema-licensed service providers to transport and treat oil waste. The five transportation companies so far licensed are: Array Services limited, Epsilon (U) Ltd, Green Label Services Ltd, Bio Waste Management (U) Ltd and Eco



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Projects Ltd. "The treatment [companies] have put in their bids and will soon be approved," he said. The 2012, Oil waste management guidelines will cease to work when Uganda gets a law on oil waste management
http://www.observer.ug/index.php?option=com_content&view=article&id=24800:-nema-developing-oil-spill-contingence-plan&catid=34:news&Itemid=114

USA, OH, BERE, APRIL 18 2013. GAS LEAK OUTSIDE CVS IN BERE FORCES EVACUATION

dena greer

A fuel tank leak outside a CVS pharmacy in Berea forced customers and employees from the store on Tuesday. Berea police said the leak was reported around 11:45 a.m. Tuesday at the corner of Bagley Road and Rocky River Drive. Berea fire officials said a contractor filled up his box truck with fuel in Strongsville and drove to the store, where the gas tank fell onto the ground. Fuel went to a low part of the parking lot, but did not enter the sewer system so the Ohio EPA did not have to respond to the scene, fire officials said. However, the EPA was notified. It took fire crews about two hours to clean up the leak. Firefighters said the gasoline was removed with 148 bags of oil absorbent. The store was closed because winds were blowing the fumes back towards it. The CVS and area roads are back open. No one was injured during the incident.

http://www.newsnet5.com/dpp/news/local_news/oh_cuyahoga/gas-leak-outside-cvs-in-berea-forces-evacuation

EGYPT, ASWAN, APRIL 18 2013. ISIS NILE CRUISE SHIP SPILLS DIESEL INTO EGYPT'S RIVER, CONTAMINATING LAKE



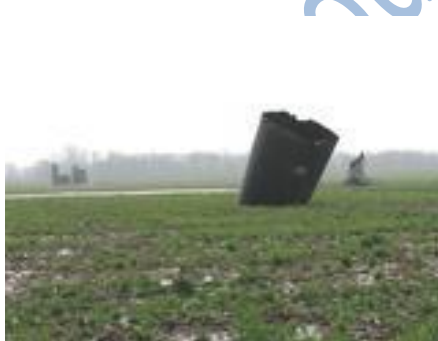
Egypt is not a country that is fond of reporting oil spills – whether they occur on the Red Sea, in the Suez Canal or the Nile. But it has managed to start clean up a worrying diesel spill into the Nile River, a spill which has leaked onto the shores of Lake Nasser, China.org is reporting. The area is near the High Dam in Aswan region, and the Nile waters the breadbasket of Egypt. Despite much of the government being crippled by ongoing conflicts and protests, the Minister of State for Environmental Affairs, Khaled Fahmy, reportedly ordered that the area be surveyed and the oil contained. Currently there are two marine vessels working to clean up the lake. That which didn't evaporate is being sponged up, the groups and marine units working on the spill reported to local media. Legal

action will be taken against the cruise ship, the Environment Ministry promised. Just this past October oil spills were being detected in the Nile by cruise ships and local facilities dumping waste there. It was found contaminating the Nile in Aswan region, which then flowed onto Luxor, Qena, Sohag and Assuit governorates. A special unit has been formed to fight Nile River pollution and tourist ships are starting to be followed and inspected.

Related Links [Egypt is not a country that is fond of reporting oil spills](http://www.greenprophet.com/2013/04/isis-nile-cruise-oil/)

<http://www.greenprophet.com/2013/04/isis-nile-cruise-oil/>

USA, ILL, SHELBYVILLE, APRIL 18 2013. LIGHTNING CAUSES OIL TANK FIRE



The top of an oil storage tank was blown more than 100 yards into a field after being struck by lightning Tuesday afternoon southeast of Shelbyville. Thirteen departments responded to fight the blaze that resulted from the strike.

With the help of 12 other fire departments, Shelbyville Fire Protection District battled a type of fire Tuesday for which it had no experience fighting. That afternoon, lightning struck a large oil storage tank, containing about 3,000 gallons of crude oil southeast of Clarksburg on county road 600N, about a half mile east of county 2050E. The strike caused the top of the tank to be blown into the air, taking out a power line and barely missing a metal storage building before landing more than 100 yards to the east of the fire. The force of the landing plunged the tank three feet into the ground. "It was a confirmed lightning strike — neighbor saw it," said Shelbyville fire engineer William "Perk" Wilson. The department arrived on the scene about 2:20 p.m. and immediately began calling for help from other

departments for water and foam chemical to smother the flames. More than 100 personnel and 25 pieces of equipment,



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including tankers, responded to the call. Local firefighters have not been trained for this kind of incident, but knew that the fire needed to be smothered because water alone would only spread the flames. "In my 31 years as a firefighter, I've never seen anything like that," said Shelbyville Fire Chief Gary Lynch. "We've had small scale barrel training, but this was our first actual oil storage incident. It was pretty fast-paced." Another concern was a nearby tank containing xylene, which is extremely flammable, and other tanks with inhibitors, which were not explosive but also were flammable. The fire was contained to a 30-by-70-foot area thanks to an earthen dam around the storage tanks. It took a little more than four hours to get it under control. "We had to use the water to keep those tanks cool," Lynch said. A storage building on the site was also destroyed in the fire. The oil storage tank is owned by Illini Resources. The land is owned by Russell Slifer. No injuries were reported. "The guys did an outstanding job. It was a dangerous situation and there was a lot of adrenaline flowing," Lynch said. "It was such an unusual incident. I hope to never see anything like that again in my career." Windsor, Strasburg, Stewardson, Shumway, Sullivan, Bethany, Findlay, Tower Hill, Pana, Cowden, Beecher City and Taylorville responded to the scene with mutual aid. "I want to say thank you to all the departments. We couldn't have done it without them," Lynch said.

<http://effinghamdailynews.com/local/x1097426667/Lightning-causes-oil-tank-fire>

SAUDI ARABIA, RIYADH, APRIL 18 2013. SPECIALIZED FIRMS TO RUN HIGHWAY GAS STATIONS



A gas station near a highway in Al Janadriyah, Riyadh, Saudi Arabia.

The government wants highway fuel and service station owners to contract specialized oil companies to run their businesses within two years, according to a Ministry of Municipal and Rural Affairs official. This is part of the ministry's plan to improve services on highways used by Umrah and Haj pilgrims. The project aims to improve conditions at these stations within the next six months. Abdulaziz Al-Abdul Karim, undersecretary of the Ministry of Municipal and Rural Affairs, said at a press conference following the meeting that a special committee headed by Dr. Prince Mansour bin Miteb bin Abdulaziz, minister of municipal and rural affairs, will supervise the project. The government believes that contracted oil companies will create competition in the sector, while

maintaining the individual ownership of the stations, he said. The first meeting to discuss mechanism to implement the Cabinet decision was held yesterday at the ministry's office in Riyadh. Karim added that the project will be implemented with the cooperation of the Saudi Commission for Tourism and Antiquities (SCTA) and other relevant bodies. "It will develop incentive programs for investors, and an integrated franchised program for fuel stations and service centers," the undersecretary said. Owners of existing stations and service centers will be granted a grace period of two years to outsource their operations to specialized oil companies, he said. Commenting on the possibility of foreign investment in the sector, Karim said: "The process will be subjected to the special regulations in this regard, but the opportunity is open for international food chain restaurants to expand and invest in such premises." "The Cabinet has tasked the Ministry of Municipal and Rural Affairs with developing the organizing regulations of this project," he was quoted as saying at the press conference. "This involves developing a list of all gas stations on highways and the necessary equipment needed for oil companies to compete in the field, in coordination with the SCTA." He said the ministry has looked into the best international practices while planning for the development of the Kingdom's fuel stations and service centers. "The project targets fuel stations on highways used by pilgrims and Umrah visitors," Abdulaziz Al-Abdul Karim added.

<http://www.arabnews.com/news/448450>

SCOTLAND, INVERNESS, APRIL 18 2013. FUEL LEAK AT PETROL STATION

Firefighters have dealt with fuel leaking from a supermarket's filling station in Inverness. The incident was reported at about 10.30pm last night (Tuesday) and led to the closure of the Tesco filling station at the city's Stoneyfield Business Park. Highlands and Islands Fire and Rescue Service said two fire appliances and a unit that sprays foam were at the scene. A spokesman said: "We received a report of a fuel leak at 22:26. Crews attended and used a foam blanket to contain the situation until specialist clean-up crews arrived." Staff at the store said that a section of the petrol station forecourt would be excavated to allow repair of an underground pipe that has fractured. The petrol station may be closed for several days. The damage will be assessed by a specialist team from Glasgow today.

<http://www.inverness-courier.co.uk/News/Fuel-leak-at-petrol-station-17042013.htm>



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USA, FLA, MIAMI, APRIL 18 2013. SENATE BILL WOULD PROMOTE MORE PERFORMANCE-BASED CLEANUP OF UNDERGROUND TANK SITES

dave hodges



Replacement of old underground storage tanks has taken place at thousands of sites in Florida, including this location in Tampa. State officials are proposing changes in the tank program that would make cleanup of contaminated sites more efficient.

Florida's decades-long program to clean up underground petroleum storage tank sites could change again under a bill in the Senate that supporters say would make the program more performance based and cost effective. Members of the Senate Appropriations Subcommittee on General Government took up CS/SB 1416 today and voted favorably on the measure, which is sponsored by Sen. Greg Evers. At issue is a program that dates back to 1986 that has spent hundreds of millions of dollars on tank-site cleanups, but only completed about 38 percent of the 18,935 petroleum tank discharges the state has on the books that are eligible for state funding through the program. "We have to do better," says Secretary Herschel Vinyard Jr. of the

Florida Department of Environmental Protection. With Florida relying on groundwater for about 92 percent of its drinking-water needs, protecting the subsurface is a primary goal of regulators, the environmental consulting industry and property owners. "We are always glad to see any effort to improve and streamline the program because as the property owner, your goal is always the cleanup of the property," said Charles Rooney, vice president of Rainey Cawthon Distributor Inc., which owns and operates 11 Shell convenience stores in the Tallahassee area. "It doesn't do anybody any good to have a contaminated site," Rooney added. His company has taken out old tanks and replaced them with all double-walled underground fuel tanks, fuel delivery systems and other upgrades. That process has been repeated thousands of times across the state at gas stations, fleet fueling facilities and convenience stores. Under Vinyard's leadership at the DEP, there has been an effort throughout the department to look for ways that programs could function more effectively. "My catch-phrase is 'Let's make sure the environment gets the biggest bang for the buck,'" Vinyard said. The DEP's inspector general did an analysis of the tank program that showed some areas for improvement. "We have identified long-term problems with the structure of the program and we are going to fix them on our watch," Vinyard added.

http://www.tallahassee.com/article/20130417/BUSINESS02/130417017/Senate-bill-would-promote-more-performance-based-cleanup-underground-tank-sites?nclink_check=1

USA, IN, WOODBURN, APRIL 18 2013. U.S. 24 AT STATE ROAD 101 NOW OPEN AFTER TANKER CRASH

 [Watch the Video Sheriff's Department Investigating Tanker Truck Crash](#)



The Allen County Sheriff's Department is investigating a tanker truck crash on U.S. 24. One lane was closed for about six hours for cleanup and removal of the truck, according to ACSD dispatchers. Just before 2 a.m. Wednesday, emergency personnel were called to U.S. 24 and State Road 101 outside Woodburn. A tanker truck traveling east on the highway left the road for an unknown reason and flipped onto its driver's side in the median. It came to a stop facing the opposite direction of eastbound traffic. The driver was removed from the cabin by firefighters and transported to the hospital in serious condition. Police said the driver was alert and talking to paramedics. A company logo identified as [EPCO](#) on the side of the tanker is a Louisiana based company specializing in carbon dioxide. No fluids from the tanker leaked into the median. Allen County Sheriff's dispatchers said the company needed to remove the product from the tanker before the truck could be removed from the

median. All lanes reopened at about 8 a.m. Arrow boards had been placed in the area to alert drivers. No other vehicles were involved in the crash. The crash remains under investigation.

<http://www.wane.com/dpp/traffic/incidents/tanker-truck-crashes-on-us-24>



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USA, WASHINGTON DC, APRIL 19 2013. SUPREME COURT: JUSTICES BACK ROYAL DUTCH SHELL IN LANDMARK HUMAN RIGHTS CASE

The Supreme Court ruled today that foreigners may not bring lawsuits in U.S. courts against corporations for human rights violations occurring abroad. Justices held that the Alien Tort Statute did not apply to the conduct of foreign companies overseas. The case, *Kiobel v. Royal Dutch Petroleum Co.*, was one of the most high-profile human rights cases before the court in recent years. It was brought by Nigerian plaintiffs who protested the environmental impact of Royal Dutch Shell's operations in Nigeria's Ogoni region. They charged that Shell aided and abetted the Nigerian government during a crackdown in the 1990s that included several human rights violations. The case, one of the first heard by the court this year, has been closely watched by environmental and human rights groups. In a ruling that could have a broad impact on human rights law, Chief Justice John Roberts, writing for a five-member majority, held that there is a "presumption against extraterritoriality" that applies to claims brought under the 1789 Alien Tort Statute, or ATS. Roberts said the alleged abuses at issue fall outside the parameters of U.S. jurisdiction. "[A]ll the relevant conduct took place outside the United States," he said. "And even where the claims touch and concern the territory of the United States, they must do so with sufficient force to displace the presumption against extraterritorial application." Roberts also said there is a high bar to be met in order for the statute to apply to corporations. "Corporations are often present in many countries, and it would reach too far to say that mere corporate presence suffices," he said. "If Congress were to determine otherwise, a statute more specific than the ATS would be required." Roberts' opinion was joined by the conservative wing of the court -- Justices Antonin Scalia, Clarence Thomas and Samuel Alito -- and Justice Anthony Kennedy, the usual swing vote. Kennedy filed a separate opinion adding that open questions remain about the "reach and interpretation" of the ATS. The court's liberal wing concurred with the majority's judgment in favor of the Anglo-Dutch company but disagreed with Roberts' invoking of the presumption against extraterritoriality. Justice Stephen Breyer said the presumption need not apply and set out a criteria for when ATS cases are eligible for court consideration. Breyer said a case would qualify if the alleged abuse occurred on U.S. soil, the defendant was a U.S. national, and the conduct substantially and adversely affected an important national interest. Those standards were not met in this case, he wrote, as Royal Dutch Shell is a foreign corporation and the violations took place abroad. In an unusual twist, the Supreme Court heard arguments in the case twice. In February 2012, the court was to consider whether a corporation can be held liable under the ATS, a law enacted in the first Congress. Justices then ordered another round of arguments in October to consider the broader question of whether that law was intended to encompass U.S. courts considering foreign violations carried out by foreign perpetrators ([Greenwire](http://www.greenwire.com), Oct. 1, 2012).

Impacts to ATS Cases

The court today seemed to sidestep the issue that first caught its attention: whether corporations can be liable in U.S. court for violations abroad, said John Knox, a Wake Forest University School of Law professor. Knox, a former State Department attorney who has been appointed by the U.N. Human Rights Council to study the intersection of international human rights and environmental law, called that aspect of the ruling "really curious." He added that he was surprised the ruling focused solely on the presumption of extraterritoriality. Roberts, he said, carved out an exception to the presumption for piracy but didn't touch on other issues. "It's an in-between situation," Knox said. "They are saying the presumption is overcome [by] piracy but not enough to apply to anything else." The case will have a major impact on ATS law, he said. Currently, there are other ATS cases on hold at the Supreme Court, including high-profile lawsuits involving mining giant Rio Tinto PLC and Exxon Mobil Corp. Those companies will likely move for immediate dismissal of both cases in light of today's ruling. After that, it remains to be seen whether there are any foreign human rights abuses that would qualify under Roberts' standard, Knox said. "This is going to cut a wide swath through ATS litigation," Knox said. "Are there cases where plaintiffs can meet the extra bar? Maybe with some conduct taking place in other countries and others here? Or on the high seas?" Stanford Law School professor Chip Pitts added that the ruling also puts the United States at odds with much of the international community, which is looking for legal solutions for human rights violations that in many instances cannot be tried in the country where they occurred. The court is "taking a firm stand against the line of meaningful remedy," he said. "It's retreating to a very narrow concern with sovereignty." He added that the ruling is "unfortunate" and said he expects the international community will turn to legislative solutions. The U.S. Chamber of Commerce, however, applauded the ruling, saying that it struck back at a "scheme" used by class action lawyers. "The U.S. Supreme Court's decision today ensures that trial lawyers cannot continue to use the American judicial system to expose global businesses to frivolous and costly lawsuits," chamber President Thomas Donohue said in a statement.

<http://www.eenews.net/public/Greenwire/2013/04/17/1>



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USA, AKA, ANCHORAGE, APRIL 19 2013. FUEL MIX-UP AT BETHEL GAS STATION STRANDS MORE THAN 2 DOZEN VEHICLES, SNOWMOBILES

rachel d'oro

Hector Reyes knew something was wrong with his employer's truck when it started badly ping-ponging a few minutes after he refueled it from an unleaded-gasoline pump at a Bethel gas station. "Instantly, I told the guy that I was with, 'This doesn't sound right,'" Reyes said Wednesday. "I kind of just told him, 'It feels like diesel.'" Turns out that's exactly what it was. The Ryan Air truck was among 24 vehicles that sputtered out after refueling from a gasoline holding tank at NorthStar Gas that was accidentally filled with 3,000 gallons of diesel fuel. Four snowmobiles also were affected. The problem was discovered three hours after a customer discovered the tank was filled with the wrong fuel. Altogether, almost 430 gallons of diesel were pumped into vehicles that are designed to run on gas. NorthStar manager Wesley Bennett said the mishap last Thursday leaves the rural fuel distributor with a mess that could run as high as \$100,000 in vehicle tows, repairs and the possible loss of more than 2,500 gallons of diesel, which was drained out of the tank the same day and replaced by unleaded gas. The diesel is being tested to see if it can be salvaged. "We can't do anything with it until I know," Bennett said. "I don't want any more problems." He said the loss is being covered by insurance. Most of the vehicles have been returned to their owners after repairs that involved draining the diesel from fuel tanks and gas lines, and replacing fuel filters and spark plugs. Bennett said he believes a couple of vehicles are still being worked on. Bennett stopped short of placing blame on the fuel switch, but said the fuel supplier was not at fault. A NorthStar driver was supposed to pick up unleaded gas, but instead picked up diesel. "Let's just leave it as it was a mix-up," Bennett said. The driver was set to start a new job a few days after the incident occurred and is no longer with NorthStar. Reyes, a facility maintenance worker at Ryan Air, said the truck made it back to company grounds about 5 miles from the gas station, probably because the gasoline tank was not "bone dry." The truck has since been repaired, and Reyes took it out for a drive Wednesday. It seems to be running fine again. "So far, so good," he said.

<http://www.therepublic.com/view/story/9e18931059e44feca52e3a46d89cb70d/AK--Fuel-Mix-Up>

ENGLAND, WILTSHIRE, APRIL 19 2013. STAFF STOP DISASTER ON CHIPPENHAM FUEL FORECOURT

anne moore



Sainsbury's deputy manager Dave Owen with members of staff Andrea Edwards and Lyn Wootton on the forecourt, reading the letter of praise.

Senior fire officer Rob Evans has praised staff at Sainsbury's for preventing a potential disaster after a fuel tanker caught fire on its garage forecourt. Staff members Lyn Hall and Warren Entwistle leapt into action on Friday when flames were seen coming from the tanker's engine compartment at 8.45am. They helped to save the Bath Road store, which re-opened last month after nearly ten weeks of refurbishment work, by shutting pumps down and extinguishing the fire. They also ensured the tanker was towed away, rather than risk restarting its engine. Three fire crews were called, from Chippenham, Calne and Corsham, but thanks to Mrs Hall and Mr Entwistle only the fire crew from Chippenham needed to stay to mop up and identify the fault in the engine. Mr Evans, fire crew

manager for Chippenham, was so impressed by the staff members' actions he wrote to Wiltshire's chief fire officer Simon Routh-Jones praising their quick thinking, which, he said, stopped a 'potential disaster'. He said: "When we turned up it was everything we wanted, they had done everything for us. The forecourt was cordoned off with cones and they evacuated members of the public. "They said there were flames and there was a bit of molten mess on the floor but the fire was already extinguished so we just located where the fire was. The most likely cause is a defect in the starter motor. "They did everything in a nice calm manner and they acted professionally – it was brilliant because they averted a serious situation." The deputy manager of the Sainsbury's store, Dave Owen, said he was proud of both members of staff whose actions meant the forecourt was up and running again within 20 minutes. Mrs Hall has worked at Sainsbury's for 25 years and Mr Entwistle has worked there for five years. Mr Owen said: "One colleague stayed inside to phone the fire brigade and the other went out to deal with the flames with the help of a motorist. "I was alerted at 8.50pm and by the time I got over there, in less than a minute, the fire was out. "They had already isolated the forecourt, stopped serving fuel and were in the process of removing the tanker from the site, which fortunately hadn't started delivering fuel. " It really does validate the training that we've given – obviously this is a specialist part of our business and there is specialist training for an emergency but you never think you're going to need it.



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"They have done exactly what they needed to do without thinking twice. We would like to thank the fire brigade for their support and prompt attendance."

http://www.gazetteandherald.co.uk/news/10363493.Staff_stop_disaster_on_Chippenham_fuel_forecourt/

USA, N.C, RALEIGH, APRIL 19 2013. UNDERGROUND STORAGE TANK SITES PART OF N.C. BROWNFIELDS PROGRAM

Michelle Saxton



Quint Ocock of OK Enterprises uses a backhoe to remove one of four gas tanks at Gas Center Incorporated No. 8 on April 16, 2009.

Prospective buyers of former gas station properties would have liability protection from remnant contamination they did not cause or contribute to under a proposed bill to allow underground storage tank sites to be considered for eligibility in the North Carolina Brownfields Program. Old property owners still would be responsible for cleaning up the sites through remediation and monitoring, said the bill's primary sponsor, Rep. Rick Catlin, R-New Hanover. "It does not reduce the requirement of the responsible party to meet all the remediation standards," Catlin said in a phone interview Monday, April 15. The state Division of Waste Management-administered Brownfields Program website defines a brownfields site as "an abandoned, idled or underused property where the threat of environmental contamination has hindered its redevelopment." Underground storage tank sites currently are not eligible for brownfields agreements but are part of the state's UST program, which focuses on remediation but does not include the kind of liability protection in the Brownfields Program, Catlin said. House Bill 789, which would take effect in July if approved, also clarifies that properties could still qualify for the Brownfields Program if substances had previously leaked from USTs. It also called on the state Department of Environment and Natural Resources to report to the Environmental Review Commission by April 1, 2014, on how the changes would affect the Brownfields Property Reuse program and Leaking Petroleum Underground Storage Tank Cleanup program. The Brownfields Program looks at sites individually, including remediation

and exposure concerns, and allows prospective developers to use those sites with certain land use restrictions, such as no children's playgrounds or swimming lakes, for example, Catlin said. "It's a very thoughtful process, but it allows the reuse of properties where there's already infrastructure," Catlin said. Wrightsville Beach has four current or former gas station sites that may be affected by the bill: Earlybird Food Mart and Gas Station on Wrightsville Avenue, Causeway Market/former BP Gas Center on Causeway Drive, Former Wrightsville Beach Food Mart/former Scotchman Store on Salisbury Street, Former Batson filling station in the 500 block of Causway Drive. "I'm not totally sure how the bill is written and what it includes and encompasses, but I would have to say the underground storage tanks here are no different than elsewhere," Wrightsville Beach Public Works Director Mike Vukelich said April 15. Site cleanup in 2009 at the former Gas Center Incorporated No. 8 on Causeway Drive included removing tanks from the ground and hauling away contaminated soil. New Hanover County has several brownfields sites that have been redeveloped or are being redeveloped, including the PPD Headquarters, Wilmington Convention Center, Almont Shipping Co. and Cape Fear Soccerplex, said Sam Watson, a Wilmington-based project manager for the state's Brownfields Program. "Under this bill, if it passes, if there is an old, abandoned gas station that someone wants to buy and turn into, say, a coffee shop, this will allow them a little stronger liability protection under a brownfields agreement than it would under the UST rules," Watson said Friday, April 12. "A lot of these properties, there's a hindrance. They either can't sell it or a buyer can't get financing because there's contamination. So the brownfields agreement helps move that along either by getting the responsible party to move along a little closer with his remediation or setting a limit on what the developer has to spend to make it safe for the use that they intend it for." The responsible party still has to clean it up, and will do so under the authority of either the Inactive Hazardous Sites branch or the Underground Storage Tank branch section, Watson said. "If anything it will help some of these old gas stations you see all over the place, people will be more interested in using them for something else," Watson said.

<http://www.luminanews.com/article.asp?aid=11865&iid=374&sud=30>



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USA, CA, SAN FRANCISCO, APRIL 19 2013. CHEVRON EL SEGUNDO REFINERY PIPES CORRODED

jason dearen

Tests of pipe samples from Chevron Corp.'s El Segundo refinery found corrosion to an extent similar to the pipe that failed and caused a large fire at the company's Richmond facility, a report released Thursday found. The tests found up to 60 percent wall loss in a pipe at the El Segundo refinery that processed the same type of crude as its sister facility in Northern California, according to the [U.S. Chemical Safety Board](http://www.uschemicalsafetyboard.org) and California Division of Occupational Safety and Health. Chevron voluntarily inspected the pipes at its El Segundo facility after an Aug. 6 fire in Richmond caused by a corroded, 1970s-era pipe. The resulting vapor cloud engulfed 19 workers, who escaped injury, and the fire that followed sent a plume of black smoke into the sky which drifted over nearby neighborhoods. Some 15,000 residents sought medical treatment for breathing and eye irritation problems, though just 20 were hospitalized, according to a government investigation. Because the El Segundo and Richmond crude units are nearly identical facilities, Chevron took the El Segundo unit out of service for inspections after the fire. Tests ordered by Cal/OSHA found that corrosion in El Segundo had damaged pipe samples in ways similar to the one that failed in Richmond, though not as extensively. Cal/OSHA also issued 25 violations and nearly \$1 million in fines associated with the Richmond fire. Chevron replaced the pipes in September. Still, [Rod Spackman](http://www.rodspackman.com), a spokesman for Chevron's El Segundo refinery, said the company believed the corroded pipes at the facility were still "suitable for continued operation" even after inspecting them. "However, in an abundance of caution, we nevertheless replaced portions of the piping system," Spackman said. Both the El Segundo and the Richmond refineries were built in the late 1970s. They process crude oil that has sulfur in concentrations that are unsafe for the carbon steel pipes, some of which date back to when the refineries were constructed, according to the chemical board. The sulfur is corrosive to the carbon steel pipes, and was identified as the cause of the damage that led to the accident in Richmond. "The tests underscore the importance of new actions to eliminate this hazard through requiring inherently safer designs and materials, rather than relying on inspections alone to find developing safety problems," [Rafael Moure-Eraso](http://www.rafaelmoire-eraso.com), the chemical board's chairman, said in a statement. Chevron said it believed the CSB was overstating the danger posed by the corrosion in pipes at its El Segundo facility. "While the report determines that the replaced piping components had general thinning consistent with ... sulfidation corrosion, we believe the CSB's characterization of the extent of this corrosion ... is incomplete and leads to the false impression that the El Segundo pipe was in imminent danger of experiencing a failure," Spackman said in a statement. The company said it is cooperating with state and federal investigations, and implementing stricter inspections and oversight of its facilities. Cal/OHSA has also given the go-ahead to Chevron to restart the rebuilt crude unit destroyed in last year's fire. The company expects that to happen before the end of June.

<http://www.sfgate.com/business/energy/article/Report-Chevron-El-Segundo-refinery-pipes-corroded-4446525.php>

USA, TX, BEAUMONT, APRIL 19 2013. 7 STILL IN HOSPITAL AFTER SE TEXAS REFINERY FIRE

A hospital spokeswoman says seven contract workers remain hospitalized after being hurt in a fire at an ExxonMobil refinery in Southeast Texas. University of Texas Medical Branch at Galveston spokeswoman Maureen Balleza says the medical facility on Thursday continued treating the workers for burn related injuries. Four of the workers are in critical condition, two are in serious condition and one is in good condition. The fire Wednesday at the refinery in Beaumont injured 12 workers, who were initially taken to local hospitals. Five were treated and released and the other seven were transferred to UTMB. ExxonMobil spokeswoman Rachael Moore says the company is still investigating what caused the fire at a process unit that was down for maintenance. Such units are involved in processing crude oil into refined products.

http://www.burlesonstar.net/texasnews/ci_23057128

USA, OK, WYNNEWOOD, APRIL 19 2013. OKLA. REFINERY TO CONTEST \$281K OSHA FINE

Officials say the owner of a southern Oklahoma refinery will contest a \$281,000 fine levied by the Occupational Safety and Health Administration after two workers were killed in an explosion. The Oklahoman reports that the Occupational Safety and Health Review Commission will now handle the appeal from CVR Energy Inc., which owns the Wynnewood ((WIN'-ee-wud) Refining Co. Workers Billy Smith and Russell Mann were killed when a large boiler exploded Sept. 28 at the refinery. An OSHA report listed nearly two dozen citations for the refinery, including ones that involved the engineering and hazardous use of the boiler. The company had been cited for similar violations in 2008. CVR Energy Inc. did not respond to a request for comment.

<http://www.kxii.com/news/headlines/Okla-refinery-to-contest-281K-OSHA-fine-203643011.html>



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USA, TX, WEST, APRIL 19 2013. TEXAS FERTILIZER PLANT HAD LAST OSHA INSPECTION IN 1985

sam hananel

 **Watch the Video** ["Caught on Camera" Fertilizer Explosion Rocks a Small Texas Town](#)

 **Photo's [30]** [Texas Fertilizer Plant Explosion](#)



Shown are the remains of a fertilizer plant destroyed by an explosion in West, Texas, Thursday, April 18, 2013. A massive explosion at the West Fertilizer Co. killed as many as 15 people and injured more than 160, officials said overnight.

The Occupational Safety and Health Administration most recently inspected the Texas fertilizer plant that exploded Wednesday night in 1985. Records reviewed by The Associated Press show that OSHA issued the West Chemical & Fertilizer Co., as the plant was called at the time, a \$30 fine for a serious violation for storage of anhydrous ammonia. OSHA cited the plant for four other serious violations of respiratory protection standards but did not issue fines. The maximum fine for a serious violation was \$1,000. It is not unusual for companies to negotiate lower fines. The explosion near Waco, Texas, killed as many as 15 and injured more than 160 others. OSHA has jurisdiction over more than 7 million workplaces. It's not uncommon for some companies to go years without inspection.

 **Related Links** [OSHA Last Inspected Texas Fertilizer Plant in 1985](#)

http://www.huffingtonpost.com/2013/04/18/texas-fertilizer-plant-ha_n_3113117.html#slide=2352957

USA, CA, MOFFETT FIELD, APRIL 19 2013. MILITARY FAMILIES TALK TOXIC CONTAMINATION WITH EPA

daniel debolt

Military families living on and around a toxic groundwater plume at Moffett Field aired their concerns Monday about toxic vapors entering their homes and brown water that continues to run out of their faucets. The residents, many of whom are Army personnel stationed at Moffett (some wore Army fatigues), attended a public meeting Monday and asked EPA officials why there was no requirement that they be notified of the toxic trichloroethylene (TCE) groundwater plume that runs under a part of the 181-unit housing complex. "If this has been going on for 20 years, how come nobody told me about this when I moved in?" asked one resident after EPA officials said the plume at Moffett has been monitored for decades. The contamination comes from chemicals dumped or released over many years by the Navy, NASA and early silicon chip makers south of Highway 101. EPA's Vicki Rosen explained that "there is no requirement" that renters be notified about proximity to Superfund sites like Moffett's TCE plume, though state law requires such information be disclosed when a home is sold. The concern followed weeks of news about the recent discovery of toxics on Evandale Avenue, a residential street south of Highway 101. Residents of Wescoat were assured that the levels of TCE near their homes was much lower than what was found on Evandale Avenue, where levels were as high as 130,000 parts per billion in the shallow groundwater. Most of Wescoat's shallow groundwater is below 5 parts per billion, the level at which EPA will test a building for toxic vapor intrusion. "There's potential for vapor intrusion into any of those buildings in the green area," said Alana Lee, EPA project manager, pointing to a map. She offered indoor air testing to residents living above portions of the plume where TCE levels in the shallow groundwater are higher than 5 parts per billion. A number of attendees signed up for indoor air tests after the meeting. The homes at Wescoat were built in 2006 with "passive sub slab ventilation systems" that draw the vapors away before they can be drawn into the homes above. Lee said the homes were tested for TCE vapors after they were built and elevated levels were not found, but residents questioned whether the systems were properly installed and tested because the EPA didn't oversee the tests or the construction. Lenny Siegel, director of the Center for Public Environmental Oversight, said it is "reasonable" to request indoor air sampling at Wescoat and he would do so "if I were in your position," he told the crowd. But he added that "chances are the air is just as safe as the air I'm breathing in downtown Mountain View." "I'd be concerned if I was going to be here a long time, but I'm a military guy, I'll be here three years, maybe longer," said one Wescoat resident. EPA toxicologist Gerry Hiatt said EPA limits for TCE vapors -- 1 microgram per cubic meter for residences and 5 for offices are based on a long-term exposure of 25 years and are designed to confine cancer risks from TCE to a "risk range" of one cancer case per million people to 100 cases per million. He added that 35 percent of people get cancer in their lifetimes. The limits also protect against possible heart defects in a developing fetus if mothers are exposed during the first trimester. "Can we get a test of the outdoor air or is that not possible?" said one woman. She said that she wanted to know what the levels were at the playground in the



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Wescoat housing complex that a portion of the plume runs underneath. Lee said such tests are "not uncommon for us to do." The groundwater is close to the surface at Moffett -- within 5 to 10 feet -- shallow enough to flood the basement of a 1937 Westcoat home where one attendee said she lives. While outside of the plume area, testing the indoor air of the cluster of historic homes is "something we'd consider," Lee said. She said the historic homes were tested in 2004 and no TCE was found.

Tap Water Still a Concern

While EPA assured residents that the TCE contamination couldn't enter their pressurized water pipes, some residents are still wondering whether the brown tap water they began to see in early March is safe to use. The water comes from "municipal sources" and not the groundwater, EPA said, but "sediment" is apparently being picked up somewhere and making its way to Wescoat. One woman said her tap water continues to run brown and has a "strong smell of fish." She held up a picture on her cell phone of brown water in a bathtub. A Wescoat resident had previously reported to the Voice that seven people in an online forum reported getting rashes from the water. EPA handed out a water quality report from NASA and EPA groundwater cleanup manager Penny Reddy advised residents to "run tap water for 30 minutes to see if it (the brown water) stops." Reddy added that Pinnacle Family Housing, the Army contractor that built and manages Wescoat, was responsible for the water pipes at Wescoat. "I knew that would be a concern but unfortunately we are not the authority on that," Reddy said. Residents expressed ire at their property managers at Pinnacle, with one attendee turning to the audience at one point to ask if anyone representing the Pinnacle was at the meeting to which no one responded.

http://mv-voice.com/news/show_story.php?id=6855

CANADA, CHANGE ISLANDS/FOGO ISLAND, APRIL 19 2013. INVESTIGATION CONTINUES INTO OIL SLICK

carolyn r. parsons

The number of stories from Change Islands and the surrounding area of hundreds of eider ducks with feathers full of oil flocking into harbours and beaches is growing daily. The number of stories from Change Islands and the surrounding area of hundreds of eider ducks with feathers full of oil flocking into harbours and beaches is growing daily. "I was on Change Islands on April 6," Alice Parsons relayed, "before I even knew about the oil slick, and there were three ducks in Salt Water Pond, near the highway. I noticed them there and remarked at the time that I had never seen that before." One Change Islands resident who wishes to remain anonymous due to the hunting regulations forbidding the possession of the birds, said how her husband tried to wash the oil from one birds he found sitting forlornly on an ice pan in the harbour. "When he got him he didn't struggle at all like you would expect," the woman recalled. She explains that they Googled the concentration for the wash and "did what we thought was right." They washed him in the laundry tub of their home in suds and cold water as per the recommendation they found online. She worried they had done something wrong because although he tucked his head under his wing and went to sleep after he was cleaned up, he died the next day. "Sadly, he was just too far gone when we got him I guess," she adds. In the following days there were several more birds in the harbour where the bird they tried to save was found. Another man tells of how the ducks are dying on the beach now and the eagles are carrying them away to eat. "That can't be good for them to eat that." He observes saying people are concerned that perhaps now the eagles too will be affected. And there has been one unconfirmed report of an oil-soaked seal spotted in Cobb's Arm by a local man. According to Dr. William Montevecchi from Memorial University's Departments of Psychology, Biology and Ocean Sciences, eider ducks come to shore only when there is something wrong with them. In this situation it is contamination due to an oil slick that he confirms was spotted by Coast Guard near Baccaieu. This is perhaps evidence of the locals' theory that the oil is from the vessel Mandola L that went upon a shoal then subsequently sunk just three miles from Change Islands in 1985. Several sources say the amount of fuel in the Manolis L was substantial, would have included light diesel and bunker (crude) and been an amount of perhaps several hundred tonnes in total. After 28 years the vessel would likely have rusted considerably and the storm on Easter weekend that caused so much damage to fishing property could very well have disturbed the wreck and caused the spill. According to the Canadian Coast Guard there were no commercial vessels in the area on or about the time the birds first were spotted coming to shore, which was almost immediately after the big storm. Whatever the source of the oil, all of the residents are rightfully concerned. They are looking for answers as to the source of the slick, exactly what type of oil it is and what its effects will be to the surrounding wildlife, shoreline and industry of the area. The area where the oil slick was spotted is on prime fishing ground which is a grave concern. According to Environment Canada, two dead eiders collected by a Fogo resident on April 4 were provided to a Canadian Wildlife Services (CWS) biologist. Samples from the birds have been sent to an Environment Canada laboratory for analysis to determine if they were oiled and if so, to identify the type of oil. CWS will continue to liaise with the



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Canadian Coast Guard and remains ready to take further action if new information becomes available. Dr. Montevecchi himself spent a weekend recently walking along shores from Cape Freels to Ladle Cove where another two male eiders were spotted covered in oil. He reports that he has gotten reports of oiled ducks found in Fogo, Seldom, Tilting, Ladle Cove, Change Islands and Musgrave Harbour. "Think just how big an area that is," he says. The feathers of the ducks are like a wet suit. Even a small amount of oil causes the water to penetrate and once the water gets in the birds get cold. Hypothermia sets in and that is why they head for land. But even on land the cold will eventually kill them. The number of seabirds in the area number in the thousands and already it is estimated that 700 have been spotted coming to shore due to oil exposure. "Those are just the ones we see," Barry Brinson of Island Harbour points out, "but what about the ones we can't see all out in the bays and islands where nobody lives. There could be thousands." And that is just the eider. Other potentially affected species of sea bird include turrs, noddies, baulks, gulls, pigeons and puffins. When asked what action other than the collection of birds has been taken by authorities, Environment Canada stated that since the initial reports of oiled birds were received, Transport Canada, the Canadian Coast Guard and Environment Canada have done number of over-flights in the area and that Environment Canada's Enforcement Branch has opened an investigation into the matter. Also, Environment Canada's Wildlife Enforcement officers are working with Department of Fisheries and Oceans Conservation and Protection officers on Fogo Island to monitor the situation, until such time as they can do an onsite survey. Dr. Montevecchi expressed his concern on another aspect. "Because of all of the Federal and Provincial (Government) cutbacks in the environmental protection services there are no longer eyes on the water the way there used to be," he said. "They just don't have that manpower anymore." He advises hunters and fishermen and other residents of the area to continue to watch and report everything they see to Environment Canada and make it a part of the public discussion so that it gets addressed. He says that "vigilance is the best protection" and is also very pleased with how the people in the communities have taken it upon themselves to be the custodians of the environment by taking action and making sure the proper authorities have been informed thus far. He would encourage everyone to continue to report findings on a continual basis to Environment Canada and to keep public dialogue open until the matter is dealt with to an acceptable conclusion. Residents spotting oiled birds should report them via the Environmental Emergency reporting line at 1-800-563-9089. Please note that the public is advised not to approach or handle the birds or to take any other actions as this could be dangerous and could further harm the birds.

<http://www.lportepilot.ca/News/2013-04-18/article-3222461/Investigation-continues-into-oil-slick/1>

ZIMBABWE, BULAWAYO, APRIL 19 2013. FIRE DESTROYS BULAWAYO PETROL STATION

 **Photo's [7]** [Totally Destroyed ... What Remains of a Petrol Tanker which Caught Fire](#)



Intense ... Petrol tanker on fire at Bulawayo garage. T35 truck was pushed away by onlookers.

A petrol station exploded in a ball of fire in the Bulawayo City Centre on Independence Day. Police said no-one was injured in the mid-afternoon blaze at the Redan Garage on Main Street and Fifth Avenue which also destroyed two fuel tankers. Investigators were looking into claims that the fire was sparked by welders laying water pipes just meters from the garage at the same time as the two trucks were delivering petrol and diesel. Police struggled to control swelling crowds as fire fighters battled the flames for over an hour with the help of six fire engines – including four trucks recently donated to the City of

Bulawayo by the UK-based organisation, Operation Florian. In the chaos, Nduduzo Tshuma, a journalist from the NewsDay newspaper said on Twitter that he had been beaten with a baton stick by a female police officer, who also attacked the newspaper's pregnant female photographer, Resta Nyamwanza. Afternoon shoppers looked to the skies in horror after large plumes of smoke shot up in the middle of the city. The petrol station is next to the busy Unity Village Flea Market. Eye witness accounts varied. Some claimed that sparks from a welding machine triggered a fire when they came into contact with petrol, while others claimed that fuel leaked into a tunnel where welders were laying waterway pipes which were hot from the welding, igniting the fire. Bulawayo's chief fire officer Richard Peterson said one the fuel trucks which was destroyed was carrying 18,000 litres of petrol valued at US\$27,000. The truck itself was valued at US\$95,000. The second truck had 5,000 litres of diesel valued at US\$75,000. The value of the truck was estimated at about US\$90,000. Peterson said their first fire engine had arrived at the burning petrol station within four minutes of getting the call. By then, the two fuel trucks were already on fire but all the workers and drivers had safely made it to safety. A T35 truck which at one time appeared in danger of catching the



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flames was pushed away to safety by brave onlookers who risked their lives against the better advice of fire fighters. After the fire was put under control, police drove away with workers from the petrol station and two welders who were handcuffed. It was not clear last night if anyone had been charged.

<http://www.newzimbabwe.com/news-10872-Fire+destroys+Bulawayo+petrol+station/news.aspx>

USA, N,Y, COLONIE, APRIL 19 2013. CONTAMINATION FOUND AT TROY INDUSTRIAL SOLUTIONS >> PLANS FOR EXPANSION PUT ON HOLD AS DEC GETS INVOLVED IN BROWNFIELD CLEANUP

The Department of Environmental Conservation is investigating contamination at Troy Industrial Solutions in Colonie. Four different types of waste – dichloroethylene, tetrachloroethylene (PCE), trichloroethene (TCE) and vinyl chloride – were found at the industrial repair and maintenance company, formally known as Troy Belting and Supply Company, during an environmental review. The exact extent of the contamination is still unknown and a remedial investigation needs to be conducted to determine the nature and extent of the contamination, DEC spokesman Rick Georgeson said. The DEC has designated a 2.4-acre portion of the property a brownfield cleanup site. Troy Industrial Solutions President Jason Smith said the company was looking to expand the footprint of the building at 70 Cohoes Road by about 10,000 square feet. The company has 68 employees and Smith said the company hopes to bring in more jobs. After conducting tests while drilling, Smith said they noticed the contamination in the testing and immediately reported it to the DEC. "If there's a problem, we want to fix it and we don't want to cover it up," Smith said. Smith said he was fairly certain the contamination came from some processes the company used more than 30 years ago. Troy Industrial Solutions is celebrating its 151th anniversary this year, and has made its headquarters in Colonie since 1965. "This is an inherited, long term issue," Smith said. While the site is not being shut down, plans for the expansion are on hold until the contamination is cleaned up. There are no fines associated with the contamination, Georgeson said. He added the issue does not pose a threat to residents because the area is served by public water. "Vapors from the solvents in the ground could pose an issue if they were to migrate into buildings," he said in an email. "This issue will be addressed with input from the NYS Department of Health once more is known about the full nature and extent of the contamination." It is not clear how long the cleanup will take because more information about the contamination is still needed, Georgeson said.

<http://www.spotlightnews.com/news/2013/apr/18/contamination-found-troy-industrial-solutions/>

CHINA, HEBEI PROVINCE, LAOTING COUNTY, BOHAI BAY, APRIL 19 2013. OIL SLICK FROM CNOOC VESSEL: OFFICIALS

Chinese oceanic authorities confirmed that an oil slick spotted in the waters of Bohai Bay off Laoting county, Hebei Province, is crude oil from a vessel owned by State-owned China National Offshore Oil Corporation (CNOOC). The North China Sea Branch of the State Oceanic Administration said in a statement posted on its website Monday that tests found the oil in the slick is basically identical to the crude oil transported by CNOOC's Floating Production Storage and Offloading (FPSO) vessel, Bohai Friendship. The statement also ruled out the possibility of an oil spill related to offshore drilling in the waters, where between early June and late August in 2011 700 barrels of crude leaked into the Bohai Sea and 2,500 barrels of mineral oil and oil-based slurry sank to the sea floor in the oilfield jointly owned by the American oil giant ConocoPhillips and CNOOC. CNOOC denied there had been an oil spill in the Bohai Bay and it was inspecting the vessel, China Business News reported. The official statement also said oil and gas exploitation facilities in the bay are operating normally. "Oil slicks were spotted (offshore) in the county some 10 days ago," Yang Jizhen, head of the county's aquaculture association, told the Global Times Thursday, adding that the oil stretched some 25 kilometers in the water and solid particles were also found on the beach, marking it as crude oil, not fuel, that spilled. Shao Wenjie, a researcher with NGO Nature University, who investigated the spill, told the Global Times that the situation was shocking. "Oil particles were all around the beach, and large oil stains can be clearly seen in the waters. The smallest ones were as big as a fist," Shao noted. Shao said that the quantity was more than what he saw during the previous spill in July 2011, adding that small scale oil stains in the water were not conspicuously spotted. ConocoPhillips paid about 1 billion yuan (\$160 million) to cover losses to fishers for the 2011 spill. A local environmentalist in the county who required anonymity told the Global Times Thursday the current oil spill occurred just as this year's aquatic production has begun, adding that some fishers have complained that fish fry were growing abnormally and were dying at a high rate. "CNOOC should release related information in a timely manner and take the initiative in cleaning up the oil stains," said the environmentalist. Yang said that he has seen the authorities clear away the oil slicks.

http://www.globaltimes.cn/content/776022.shtml#_UXDnybX-GM4



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