



Dangerous Goods - Hazardous Materials Group & Network

Release 2013 – 924 Newsy Stuff

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USA, CA, TRACEY, JANUARY 17 2013. LEAK PROMPTS EVACUATION >> SULFUR DIOXIDE

joel danoy

 **Photo Gallery [7]** [Unloading of Sulfur Dioxide into Plant Storage Area](#)



Fire crews wearing special protective clothing prepare to enter the Tracy Wastewater Facility, 3900 Holly Drive, as they responded to a reported leak of sulfur dioxide at the plant on Wednesday, Jan. 16.

Employees at the Tracy Wastewater Facility were evacuated Wednesday, Jan. 16, when sensors at the plant detected unsafe levels of sulfur dioxide. Alarms at the plant, 3900 Holly Drive, began sounding shortly after 11 a.m. when a leak occurred during the unloading of sulfur dioxide from a tractor trailer and into a storage area at the plant, according to David Bramell, division chief with the Tracy Fire Department. "It was isolated to this one area where that product is stored," he said. "It was a small leak that gave us some readings that are dangerous if you are working in that area. But the general public was never really in any danger." Sensors in the storage area detected levels of sulfur dioxide vapor or liquid at 10 parts per million, which exceeds the standard of 0.5 parts per million, Bramell said. Sulfur dioxide is one of several chemicals used to treat wastewater at the plant. When high levels are detected, an internal system at the plant will begin to scrub the air and the area of any excess chemicals until the levels descend to safe levels again, according to Kevin Tobeck, director of public works for Tracy. About 30 employees were evacuated as part of the plant's preparedness plan, Tobeck said. "The system worked as intended," he said. "We evacuate any time this happens, because it's better to be safe than to be sorry." Tobeck said the excess chemicals were pumped into an on-site emergency pond. He said that the city "doesn't foresee any impact to any of the users and the services." Employees at businesses near the plant were told to shelter in place while the threat was initially assessed, Bramell said. No injuries were reported. Fire crews remained at the scene for nearly three hours before

plant employees were allowed to return to work. Hazmat technicians from the Tracy, Lathrop, Manteca and Escalon fire departments were sent into the plant to secure open valves on the tractor trailer and inside the plant, and to make a final confirmation that the leak was contained. The technicians are part of the San Joaquin County Joint Hazmat Team. Bramell said a team of eight to 10 technicians is needed any time a chemical spill is reported in the county. "Chemical spills have a real potential to be dangerous, so you need the right people who are certified to handle these things," he said. "You never want to rush into the situation, because you don't know what's happening. So we slow things down and take a methodical approach for everyone's safety."

http://www.tracypress.com/view/full_story/21432875/article-Leak-prompts-evacuation?instance=home_news_lead_story

INDIA, MAHARASHTRA, JANUARY 17 2013. 15 INJURED IN CYLINDER EXPLOSION IN THANE

Fifteen people were injured, some of them seriously, in a gas cylinder explosion in the power loom town of Bhiwandi in Thane, police said on Wednesday. The explosion took place late last evening in a godown at Rajnoli Naka on the Bhiwandi-Nashik Highway where waste plastic was stored for re-cycling, they said. Of the injured, 12 are said to be critical and are being treated at the Sion Hospital in Mumbai. Fire tenders around Bhiwandi were rushed to the spot to douse the flames, which engulfed other nearby godowns too. The cause of the fire is still not known, fire brigade sources said.

<http://www.thehindu.com/news/states/other-states/15-injured-in-cylinder-explosion-in-thane/article4311895.ece>

USA, WASHINGTON DC, JANUARY 17 2013. TOXICS & CHEMICAL RELEASE INVENTORY DATA FOR 2011

- [EPA Issues Nevada Toxics Release Inventory Data for 2011](#)
- [EPA Issues Arizona Toxics Release Inventory Data for 2011](#)
- [EPA Toxics Release Inventory Report provides Alaska residents with information on chemical releases](#)



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- [EPA's 2011 Toxics Release Inventory Shows Increase in Great Lakes Basin Pollution](#)
- [EPA Toxics Release Inventory Report provides Northwest residents with information on chemical releases](#)
- [EPA's 2011 Toxics Release Inventory Shows Air Pollutants Continue to Decline / Total toxic chemicals increase as result of mining](#)
- [EPA Analysis Shows Increase in 2011 Toxic Chemical Releases in Vermont](#)
- [EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in Massachusetts](#)
- [EPA Analysis Shows Increase in 2011 Toxic Chemical Releases in Maine](#)
- [EPA Analysis Shows Increase in 2011 Toxic Chemical Releases in Rhode Island](#)
- [EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in Connecticut](#)
- [EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in New Hampshire](#)
- [EPA Issues Guam Toxics Release Inventory Data for 2011](#)
- [EPA Invests \\$2.7 Million to Reduce Air Pollution from Old Diesel Engines in New York and New Jersey](#)
- [EPA Issues CNMI Toxics Release Inventory Data for 2011](#)
- [EPA Issues Hawaii Toxics Release Inventory Data for 2011](#)
- [EPA Issues American Samoa Toxics Release Inventory Data for 2011](#)
- [Media Advisory: EPA Training on Toxics Release Inventory Database for the Media](#)
- [EPA Issues California Toxics Release Inventory Data for 2011](#)
- [EPA Issues Annual Report on Chemicals Released Into Land, Air and Water in the U.S. Virgin Islands](#)
- [EPA Issues Annual Report on Chemicals Released Into Land, Air and Water in Puerto Rico; 4,667,440 Pounds of Toxins—a Decrease of 11%— Released in Puerto Rico](#)
- [EPA Issues Annual Report on Chemicals Released Into Land, Air and Water in New York; 18,904,109 Pounds of Toxins—a Decrease of 13%— Released in New York State](#)
- [EPA Issues Annual Report on Chemicals Released Into Land, Air and Water in New Jersey; 14,149,370 Pounds of Toxins—a Decrease of 14%— Released in New Jersey](#)

<http://yosemite.epa.gov/opa/admpress.nsf/Press%20Releases%20By%20Date?OpenView>

USA, WASHINGTON DC, JANUARY 17 2013. EPA RELEASES 2013 ENFORCEMENT RESULTS

ogletree deakins & elizabeth b. partlow

Under the headline “EPA Enforcement in 2012 Protects Communities from Harmful Pollution,” the [U.S. Environmental Protection Agency \(EPA\)](#) on December 17, 2012, released its annual report of enforcement activities for the 2012 fiscal year (FY 2012). According to the press release issued with the report, EPA enforcement resulted in a reduction of 2.2 billion pounds of air, water, and land pollution; a reduction of 4.4 billion pounds of hazardous waste; and \$252 million in civil and criminal penalties. Additionally, settlements in EPA enforcement actions required companies to invest more than an estimated \$9 billion in actions and equipment. The report is available [here](#). EPA conducted approximately 20,000 inspections and evaluations in FY 2012. The agency initiated just over 3,000 civil judicial and administrative enforcement cases and resolved about the same number. Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) was one of the most active EPA regions, accounting for more than 1.7 billion pounds of claimed pollution reductions and initiating more enforcement cases (492) than any other region except Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations). Of the 1.7 billion pounds of pollution reductions claimed for Region 4, EPA says that 1.4 billion pounds will be reduced as a result of one Resource Conservation and Recovery Act (RCRA) Administrative Order on Consent for cleanup of a site in Birmingham, Alabama. EPA set a new record in FY 2012 for the amount of civil penalties imposed on companies—\$208 million. Companies also agreed to spend more than \$44 million in “[Supplemental Environmental Projects](#),” which are environmentally beneficial projects beyond those required by law. Although it had fewer criminal enforcement agents in 2012 than in 2011, EPA still opened 320 criminal investigations, 44 percent of which resulted in charges filed against one or more defendants. Most criminal cases (70 percent) included individual defendants, and the conviction rate was 95 percent. Criminal defendants were sentenced to a total of 79 years in prison and paid \$44 million in fines. EPA has posted a summary of [major criminal prosecutions here](#). EPA remains focused on



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environmental justice. The agency claims to be incorporating fenceline monitoring into settlement agreements and requiring that the information be made public. EPA has also developed several on-line public information tools, including an enforcement actions map, separate "state dashboards," and a Clean Water Act "pollutant loading tool." These new information sources join the existing Enforcement and Compliance History Online (ECHO), which allows users to search for information by facility name, address, environmental media, and more.

<http://www.lexology.com/library/detail.aspx?g=061ecfff-9672-4eae-b52e-4b324c37e702>

USA, N.H, CONCORD, JANUARY 17 2013. MTBE STILL A WATER RISK, WITNESS SAYS AT EXXONMOBIL TRIAL

don jeffrey & sarah earle

A chemical additive to gasoline meant to make it burn more thoroughly poses a long-term threat of contamination in New Hampshire, a witness testified at the trial of ExxonMobil Corp. Dr. Graham Fogg, a professor of hydrology at the University of California, Davis, took the stand yesterday in state court in Concord as the first witness in the state's \$816 million lawsuit. New Hampshire sued oil companies for allegedly using the additive, MTBE, while knowing its potential for groundwater pollution as long as 29 years ago. "A problem like this is not going to disappear in a mere 6 years or 16 years or, I would say, 26 years," Fogg testified. ExxonMobil and Citgo Petroleum Corp. said the additive, meant to reduce air pollution, never caused illness to any resident of New Hampshire. The trial, which began Jan. 14, pits state environmental claims against assertions by companies that they were complying with federal pollution rules. Fogg testified the additive can zigzag through fractured bedrock in unpredictable patterns and remain in groundwater longer than other compounds. Fogg said the additive poses unique risks to drinking water when leaked from underground storage tanks, based on its chemical properties and the state's geology. "The contaminant will tend to move along fractures that are open and connected," he told jurors. "Those fractures can be quite complex."

Creates Hazard

As a result, MTBE creates a hazard that is difficult to detect and equally difficult to clean up, Fogg said, showing jurors slides that demonstrated the way MTBE can bleed into water supplies. The state sought to counter claims by the oil companies that MTBE has largely disappeared from the water supply, as well as claims that the additive is safer than some of the chemicals it displaces when mixed with gasoline. Chemicals such as benzene "don't move very fast or very far, Fogg said. "They tend to stabilize because of biodegradation." The state claimed in opening arguments that the oil companies knew that if they added MTBE to gasoline it would increase the risk and costs associated with contamination. "Exxon decided to disregard the recommendation of its own employees and put MTBE in gasoline," Jessica Grant, a lawyer for the state, told jurors Jan. 14. "In 1984, Exxon anticipated that if it added MTBE to its gasoline, the number of contamination incidents would triple. These incidents would take longer to clean up and cost five times as much." Each cleanup at that time would have cost as much as \$7 million, she said.

Clean Air

The companies said the federal Clean Air Act pre-empts the state claims, and that by adding MTBE to gasoline, they were complying with a U.S. mandate to supply cleaner-burning fuel. Oil refiners began adding MTBE to gasoline in the 1970s to replace lead. From 1995 to 2006, they increased the use of MTBE, which boosts the fuel's oxygen level. "We had no choice but to put oxygenates in our gasoline," Nate Eimer, a lawyer for Citgo, said yesterday in his opening statement. The lawsuit is one of scores of cases involving the additive methyl tertiary butyl ether, or MTBE, filed since 2000 against oil refiners, fuel distributors and chemical makers. The defendants sought to emphasize to jurors that no one has been injured. "This is not a personal-injury case," David Lender, a lawyer for ExxonMobil, said in his opening statement. "There's not any evidence that anyone ever got sick or got cancer from MTBE."

No Gasoline

Lender contended that there has been no gasoline sold in New Hampshire containing MTBE for more than six years. MTBE is produced by combining methanol, which is derived from natural gas, and isobutylene, a byproduct of gasoline refining. It can leak into the ground from gas stations, storage tanks and auto junkyards. It dissolves in water and doesn't biodegrade, so it can be carried with the water great distances from the site of a leak or spill, according to court papers. The chemical is difficult and expensive to find, treat and remove, according to filings. According to New Hampshire case filings, MTBE can render drinking water "foul, putrid and unfit for human consumption." The state said it petitioned the U.S. Environmental Protection Agency in 2001 to get out of its reformulated-gasoline program because of awareness of MTBE's harmful effects. The additive has been banned in the state since January 2007.



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No Warning

"Despite knowing that MTBE posed a greater threat to drinking water, they never posted a single warning," Grant said. New Hampshire sued ExxonMobil and Citgo in 2003 along with Shell Oil Co., Sunoco Inc., ConocoPhillips, Irving Oil Ltd., Vitol SA and Hess Corp. All settled but Irving, Texas-based ExxonMobil and Citgo, the Houston-based unit of Venezuela's state-owned oil company, Petroleos de Venezuela SA. Shell and Sunoco agreed to pay \$35 million in an accord announced in November. New Hampshire said it has identified 228 sites that will require cleanup from contamination by MTBE, which according to court filings can cause cancer in animals. Tests in 2005 and 2006 found MTBE in 9.1 percent of private wells throughout the state, it said. New Hampshire is seeking \$816 million to cover cleanup and monitoring costs, Grant said, and it will ask for damages from ExxonMobil and Citgo based on their market shares of gasoline sold in the state during the period covered by the lawsuit.

Market Shares

ExxonMobil's market share was about 30 percent, she said. That means the state will seek \$245 million in damages from the company. Citgo's market share ranged from 3 percent to 8.7 percent. Lender said yesterday that ExxonMobil's market share in New Hampshire was only 6.1 percent during that time. "The majority of the state's damage claims are based on computer models and projections, not on actual testing or data," Claire Hassett, an ExxonMobil spokeswoman, said in an e-mail. The state said the oil companies could have used safer additives, such as ethanol, and chose not to because MTBE is inexpensive to produce. "If they had an alternative product to use and the alternative is just as good and avoids serious risk to consumers, there's a strong argument the defendants have failed the risk-utility standard and can be held liable," said Keith Hylton, who teaches law and economics at Boston University School of Law.

Short Supply

The oil companies said ethanol wasn't in large enough supply when an additive was being sought, and that it presents its own environmental hazards. ExxonMobil's Hassett said the fault lies with whoever spilled the chemically treated fuel. "MTBE contamination has been found in New Hampshire because someone spilled gasoline in New Hampshire, not because it was added to gasoline in a refinery in another state," she said. "The state should be suing parties responsible for spilling gasoline." The oil companies also said in court filings that a statute of limitations should prevent the litigation from proceeding. The state waited three years from the time it detected MTBE in sites until it sued, they said. New Hampshire Superior Court Judge Peter Fauver in August rejected oil company motions seeking judgment without a trial based on the arguments they raised. Those issues can be brought up again for the jury's consideration.

Water Sources

In January 2011, the New Hampshire Supreme Court denied a motion by the companies to decide the case in their favor and sent it back to the Superior Court. The state's highest court said New Hampshire could seek damages for contamination of nonpublic sources of water, such as wells, and public sources. The New Hampshire case had been moved to federal court in New York, where other lawsuits have been consolidated for pretrial evidence-gathering and motions before U.S. District Judge Shira Scheindlin in Manhattan. In 2007, the U.S. Court of Appeals in New York sent New Hampshire's case back to the state court there. Scheindlin presided over the trial of New York City's case against ExxonMobil. In 2009, the jury in that case ordered ExxonMobil to pay \$104.7 million after finding it liable for polluting wells in the city. ExxonMobil has appealed. The cases consolidated in New York may be tried separately in courts around the U.S. if settlements aren't reached. In the New York litigation, the New Jersey Department of Environmental Protection filed its fourth amended complaint in June. No date has been set for a trial, which would probably take place in federal court in New Jersey. The New Hampshire trial may take more than four months, lawyers said. The case is State of New Hampshire v. Hess Corp, 03- C-0550, New Hampshire Superior Court, Merrimack County (Concord). The federal cases are consolidated as In re MTBE Products Liability Litigation, 00-11898, U.S. District Court, Southern District of New York (Manhattan).

<http://www.businessweek.com/news/2013-01-15/exxonmobil-knew-in-1984-mtbe-would-contaminate-ground>

USA, WASHINGTON DC, JANUARY 17 2013. AGENCY CALLS FOR FIREWORKS DISPOSAL GUIDELINES

josh hicks

The U.S. Chemical Safety and Hazard Investigation Board is calling on five government organizations to strengthen federal guidelines and safety standards for disposing of fireworks, an area where no such provisions exist. The board plans to announce its recommendations Thursday with its report on a 2011 accident that killed five employees of a company contracted to dispose of illegal pyrotechnics in Hawaii. The board said federal procurement guidelines should require the government to



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consider a company's safety record and expertise before awarding contracts to deal with explosive materials. No such criteria was in place when Donaldson Enterprises won a subcontract to dispose of Chinese fireworks seized in Hawaii by U.S. Customs officials. The company, which specialized in handling unexploded munitions, had no experience with fireworks. The Chinese pyrotechnics were seized because they appeared to be commercial-grade display fireworks labeled falsely for consumer use. Alexandria-based VSE, a firm hired by the government to deal with seized property, awarded the subcontract to Donaldson based on convenience and cost, according to the board's report. The company was already storing the confiscated fireworks and offered the lowest bid to get rid of them. Contractor trade groups have long said that the government should only hire experienced and qualified companies to deal with hazardous materials, regardless of the cost. "We should all be concerned if low price is being used as the primary award criteria," said Elise Castelli, a spokeswoman for the Professional Services Council. "Clearly, that is not a smart way to procure such services." According to the board's report, the nation faces a growing problem with the accumulation of illegal fireworks in storage facilities around the country. Shipping the fireworks and disposing of them have proven too costly and time-consuming for many local agencies. The fatal Hawaii explosion occurred on April 8, 2011, after Donaldson workers stacked a large quantity of fireworks components near the entrance of a storage facility during a rainstorm, the report said. The workers had disassembled the explosives by hand and soaked the empty shells in diesel fuel to burn them, the report said. The employees then placed the black powder from the shells in cardboard boxes lined with garbage bags. The board did not say how the materials ignited, though its report offered a few potential causes such as a spark from a metal handcart, friction from a rolling office chair or a static charge from the plastic liners. Donaldson did not respond Wednesday to requests for comment about the accident or the report. The Hawaii Department of Health had given Donaldson a 90-day "emergency hazardous waste permit" under Environmental Protection Agency rules, authorizing the company to burn the fireworks at a local shooting range. The permit expired before the fatal explosion occurred, and it did not relate to the disassembling of the fireworks or to their storage, the report said. The accident happened because of "insufficient federal contractor selection and safety oversight requirements" and "a significant gap in regulatory and industry standards," according to the report. The board issued recommendations to five government organizations, including the Treasury Department's procurement office, the EPA, the National Fire Protection Association, and the Bureau of Alcohol, Tobacco, Firearms and Explosives. The report said the EPA should conduct rigorous safety reviews before authorizing companies to dispose of explosive materials and require "the use of best available technology, safe disposal methodologies, as well as safety management practices." The board additionally recommended that the federal procurement office consider a company's safety record before awarding contracts, and require experts to assist prime contractors who sub out the disposal of explosive materials to other firms. "I hope the government puts these recommendations to law so no other family has to go through the pain we've gone through with the boys who lost their lives that day," said Deborah Dulatre, the aunt of one of the accident victims, Justin Kelii, who was 29 when he died. "These regulations weren't in effect at that time." The other victims included Robert Freeman, 24, an Army veteran who served in Iraq; Bryan Cabalce, 25; Neil Sprankle, 24; and Robert Leahey, 50. http://www.washingtonpost.com/politics/agency-calls-for-fireworks-disposal-guidelines/2013/01/16/2897ed3c-6009-11e2-b05a-605528f6b712_story.html

USA, WYO, CHEYENNE, JANUARY 17 2013. NO INJURIES IN CHEYENNE REFINERY FIRE

taylor viydo

A Holly Frontier spokesman says a leak in a refining unit caused a fire at the company's Cheyenne refinery on Wednesday afternoon. Don Finley of Holly Frontier says the blaze started just after noon when leaking petroleum from a coker unit caught fire. A coker unit breaks down carbon chains in sour-crude oil. Finley says on-site first responders acted quickly and extinguished the fire at 1:45 p.m. The Cheyenne Fire Department was not called and did not respond to the fire. No evacuation orders were issued and the fire was contained to the refinery. Finley says the fire had no off-site impacts. No one was injured during the incident.

<http://www.k2tv.com/news.php?id=2568>

USA, IND, MARION, JANUARY 17 2013. CLEANUP ALMOST DONE ON SPILL

mishela wright

Cleanup of 2,500 gallons of jet fuel that spilled at Marion Municipal Airport is almost complete even as work on other airport projects continues. An accidental spill Dec. 31 on the property prompted airport officials to contact Indiana Department of



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Environmental Management. The material traveled into the ground and storm drain and eventually made its way to Deer Creek, where officials were able to insert booms to soak up the fuel.

Related Links

- [Fuel Spills at Marion Municipal Airport, about 2,500 Gallons of Fuel Spilled into a Storm Drain, Eventually Making its Way to Deer Creek](http://www.chronicle-tribune.com/news/cleanup-almost-done-on-spill/article_b3676bb8-6063-11e2-881c-0019bb2963f4.html)

http://www.chronicle-tribune.com/news/cleanup-almost-done-on-spill/article_b3676bb8-6063-11e2-881c-0019bb2963f4.html

USA, N.C, WILMINGTON, JANUARY 17 2013. WORKERS AT ORIENTAL CLEAN UP DIESEL SPILL FROM SHRIMP TRAWLER>> BOAT SINKS WHILE DOCKED BY PACKING HOUSE

charlie hall



The 71-foot Lady Barbara was partially submerged in the harbor beside the docks of Garland Fulcher Seafood packing house.

Workers were busy cleaning up a diesel oil spill near the head of Oriental Harbor Wednesday, the results of a shrimp trawler sinking near Hodges Street on Tuesday. The 71-foot Lady Barbara was partially submerged in the harbor beside the docks of Garland Fulcher Seafood packing house. The boat, which belongs to Ralph Taylor of Marshallberg, had been docked at the seafood company for several months. Taylor said the craft had engine problems and he had planned to move it back to Carteret County. He said there were apparent leaks, and an electric pump was dispersing the incoming water. But the pump apparently failed sometime early Tuesday, and the 35-year-old wooden vessel began to sink. "(The leaks) must have been worse than we thought," said the boat owner. Sherrill Styron, owner of the seafood company, said an absorbent

boom was put around the boat to help contain the spill. He called Taylor and the U.S. Coast Guard, who arrived Tuesday afternoon. "Our main concern is the oil," Taylor said Wednesday, as his son, Steve, and two other workers began the task of pumping the oil off the water from the most concentrated areas around the boat. "Oil rises to the top of the water. We're going to pump it out into tanks." The large tanks are on another of Taylor's boats, the Miss Melissa. Workers also were putting petroleum absorbent pads on the water near the docks to gather more of the visible spillage. Taylor said the Lady Barbara holds 4,000 gallons of fuel, but because of the engine mishap, all but 100 to 150 gallons had been pumped out earlier. Coast Guard Petty Officer William Johnson was on site Wednesday morning, conferring with the boat owner, observing the cleanup and gathering information on the incident. "The Coast Guard is conducting a preliminary investigation," he said. "My main priority right now is working with the owner to mitigate the spill from any further environmental damage." The boat owner could face fines or citations from the incident, although the Coast Guard said that would come after the investigation is complete.

<http://www.starnewsonline.com/article/20130116/ARTICLES/130119748/-1/sports01?Title=Workers-at-Oriental-clean-up-diesel-spill-from-shrimp-trawler>

USA, WASHINGTON DC, JANUARY 18 2013. CSB REPORT SAYS HONOLULU FIREWORKS DISPOSAL EXPLOSION THAT KILLED FIVE WORKERS RESULTED FROM UNSAFE PRACTICES, LACK OF NATIONAL GUIDELINES, AND LACK OF SAFETY PROVISIONS FOR FEDERAL CONTRACTORS

Washington, DC, January 17, 2013 – In a final report set to be considered today, the U.S. Chemical Safety Board (CSB) said an explosion and fire that killed five workers during a fireworks disposal operation in Hawaii in 2011 resulted from unsafe disposal practices; insufficient safety requirements for government contractor selection and oversight; and an absence of national guidelines, standards, and regulations for fireworks disposal. The draft document, scheduled for a board vote at a public meeting in Washington, DC, today, recommends that federal agencies develop a new government-wide safety and environmental responsibility requirement for contractors, and calls for new regulations on the safe disposal of fireworks, a growing problem across the U.S. The CSB also planned to release a new safety video entitled "Deadly Contract" with an animation depicting the tragic sequence of events. The April 8, 2011, accident occurred as employees of Donaldson Enterprises, Inc. (DEI) sought shelter from rain inside a tunnel-like magazine located at Waialeale Self Storage in Waipahu, Hawaii, near Honolulu. The storage facility contained government-confiscated illegally labeled fireworks, which the workers had been dismantling under a subcontract to a federal prime contract. The CSB determined that changes in DEI's fireworks



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disposal process resulted in the accumulation of a large quantity of explosive components just inside the magazine entrance, creating the essential elements for a mass explosion. A large explosion and fire fatally injured all five workers inside the magazine. One worker, who had been standing outside the magazine entrance door, escaped with injuries. CSB Chairperson Dr. Rafael Moure-Eraso said, "Our investigation found that company personnel had no specific expertise in fireworks disposal, that the company's procedures were extremely unsafe, and that there are no national standards or accepted good practices for disposing of fireworks. While fireworks provide entertainment for millions, the disposal of unused fireworks creates enormous hazards for workers because, we were surprised to find, there are no guidelines to do the work." The investigation found that a single, large, federal contractor, the VSE Corporation of Alexandria, Virginia, handles storage, auctions or disposal for large amounts of government-seized property, such as counterfeit goods, livestock, and in this case, illegal fireworks. VSE subcontracted the disposal of three imported fireworks shipments seized by federal law enforcement agencies that had come through Honolulu over a three-year period to DEI. They were labeled for consumer use, but actually contained far more explosive materials typical of those used for professionally-produced public displays. CSB investigator Amanda Johnson said, "DEI was awarded the subcontract from VSE because it was a local company already storing the seized fireworks in the hillside facility, and its proposal was the lowest in cost and considered the most time-efficient. However, VSE was unaware that despite DEI's military ordnance background, the company had no experience with fireworks disposal." The report found that the U.S. Department of the Treasury's contracting regulations did not impose sufficient requirements on VSE for selecting and overseeing subcontractors to handle hazardous materials. DEI began the operation in early summer of 2010 after obtaining an emergency environmental permit for the work from the state. With no good practice standards to follow, DEI improvised a disposal plan and submitted it to VSE, which approved it—believing DEI was competent to do the work. That plan called for soaking the fireworks in diesel fuel and then burning them at a local shooting range. However, some fireworks were not burning, but exploding. The company concluded that the diesel was not sufficiently penetrating the aerial shells and thus altered the procedure, disassembling the individual firework tubes and cutting slits in the aerial shells so the diesel could soak into the shells to reduce the explosion hazard during burning. The process was further altered to speed up destruction of the next batch of confiscated fireworks in early 2011. Workers were told to separate the black powder from the shells, accumulating them in separate boxes and dramatically increasing the explosion hazard, the CSB found. The investigation found the company did not adequately analyze the potential hazards created by making these changes to the disposal plan. Investigator Johnson said, "Disassembling the fireworks was a major change to the disposal process. Good process safety practice would have called for a thorough hazard analysis as well as a comprehensive review of the potential safety impacts of the proposed change." On the morning of April 8, 2011, five DEI employees were taking apart one-inch firework tubes known as "Sky Festivals" under a tent outside the magazine. A sixth worker was cleaning up and organizing items inside. Using various tools the DEI workers cut the firework tubes and separated out the aerial shells and the black powder. The CSB calculated that combining such large amounts of these explosive materials inside boxes increased the explosion hazard by more than 450 times. The CSB also found a lack of regulations or industry standards addressing fireworks disposal. The report found that there are no federal, state, or local regulations or industry standards establishing safety requirements, providing guidance on proper ways to dispose of fireworks, or addressing the hazards associated with the disassembly of fireworks and the accumulation of explosive fireworks components. The report notes that OSHA's Process Safety Management (PSM) standard applies to fireworks manufacturing, but not to fireworks disposal work. Had the standard applied, DEI would have been required to conduct a safety review of the potential hazards involved when it changed its fireworks disposal process. The investigation determined, "DEI would have greatly benefitted from Process Safety Management (PSM) principles and concepts of inherent safety," among them, not accumulating large amounts of highly explosive black powder and aerial shells while awaiting disposal. A contributing factor, investigators found, was that data about the highly explosive compounds in the seized fireworks was not made available to DEI and was not required under the disposal contract, and the companies involved did not treat the fireworks as having the highest level of hazard. Before engaging in the disposal work, DEI did obtain a waste disposal permit from the State of Hawaii. Such permits are granted throughout the country to entities seeking to dispose of seized contraband fireworks because they are considered an imminent threat to human health and the environment. But a CSB finding disclosed that the federal Resource Conservation and Recovery Act (RCRA) does not incorporate PSM-type elements in its hazardous waste permitting process, which would help assure the disposal process is conducted safely. The CSB found that the Federal Acquisition Regulation (FAR), which governs federal agencies' acquisition of goods and services, does not specifically require a federal contracting officer to consider safety performance measures and qualifications when determining the "responsibility" of a potential government contractor. Contracting officers would be



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required to specifically review companies' ability to use safe methods for any work involving hazardous materials, including explosives and fireworks, under the proposal. The draft report – subject to the board's approval – recommends that the Federal Acquisition Regulatory Council and the Treasury Department incorporate rigorous safety-related provisions throughout the federal contracting process dealing with the storage, handling, and disposal of explosive hazardous materials, including fireworks. The draft report makes recommendations to the VSE Corporation, which awarded the subcontract to DEI, to utilize experts for contractor selection and oversight of future contracts involving explosive hazardous materials. The report also recommends that the National Fire Protection Association (NFPA) develop national best practices for the safe disposal of waste fireworks that are consistent with environmental requirements. In addition, the report recommends that the U.S. Environmental Protection Agency (EPA) revise the Resource Conservation and Recovery Act (RCRA) regulations to require a permitting process with rigorous safety reviews to replace the use of emergency permits, as is the practice now, for the disposal of explosive hazardous materials, including fireworks. The draft report also urged the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which regulates fireworks in the U.S., to participate with the NFPA in developing guidance on the safe disposal of fireworks. Though national statistics are not available, CSB investigators learned from various officials across the country that many local agencies have undertaken the task of disposing of seized fireworks themselves because contracting the work out to companies that have the requisite permits is too time-consuming and costly. Investigator Johnson said, "As we state in the report, the CSB has learned that the extensive time and cost necessary for local jurisdictions to ship the fireworks elsewhere has, unfortunately, resulted in the growing accumulation of illegal consumer and display fireworks in magazines in states across the country. This poses a serious hazard because of the lack of national standards and guidelines for safe disposal of these inventories." The report cites a deadly accident that occurred on July 4, 2012, in which a volunteer was killed when he and other volunteers were disposing of fireworks that had not discharged during a fireworks display show in Lansing, Kansas. One of the three-inch diameter aerial shells thrown into a burning pit ejected forcefully and burst near the volunteer. The display operator for the city told the CSB that as much as ten percent of the fireworks used annually failed to function properly and have to be discarded. The report noted disposal methods are inconsistent across the country, including those used by fire departments and local law enforcement agencies. The CSB report concludes, "The wide array of disposal techniques across the country; incidents such as the one in Lansing, Kansas; and the lack of existing regulations and standards that provide safety requirements and guidance to those disposing of fireworks, all support the conclusion that a regulatory gap exists in this country pertaining to fireworks disposal. Closing this gap to prevent fatal incidents requires a combined effort by ATF, EPA, NFPA, state and local agencies, and the fireworks industry to create standards and guidance that clearly indicate the dangers of handling and disposing of fireworks, and discuss how to properly and effectively manage the hazards and safely conduct this work."

<http://www.idevmail.net/message.aspx?d=86&m=1058&e=PETENV@OPTUSHOME.COM.AU&r=5269913>

USA, LA, VERNON CO, HAMBURG, JANUARY 18 2013. TWO INJURED IN PICKUP-TANKER CRASH IN VERNON COUNTY

matt johnson



A two-vehicle crash on ice-covered and slippery roads in the town of Hamburg Wednesday morning left two people with injuries. According to the Vernon County Sheriff's Department, a pickup truck driven by Susan K. Hoernel, 45, Viroqua was westbound on Hwy. 14 west of Hwy. 162 at 10:58 a.m. Hoernel was accelerating up the west Coon Valley hill when she lost control of her vehicle due to the slippery road conditions. Her vehicle slid across the road and struck a concrete barrier along the eastbound shoulder. After the Hoernel vehicle struck the barrier, it traveled back onto the eastbound lane and was struck by an eastbound semi-tractor/tanker being driven by Dale Joseph Goergen, 75, Caledonia, Minn. The semi-tractor and tanker traveled across the highway and through a guardrail. The big rig then traveled down a steep embankment, striking several trees and rocks on its long descent. It came to rest near the bottom of the embankment. Hoernel suffered non-life-threatening injuries, including an

injured wrist and a possible head injury. Goergen suffered head, chest and back injuries. Both were transported to Gundersen Lutheran Medical Center in La Crosse by Tri-State Ambulance. Goergen was listed in fair condition Thursday morning at



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Gundersen Lutheran. Lt. Jason Crume of the Vernon County Sheriff's Department said the tanker was carrying "old beer," which was being transported from City Brewery in La Crosse to a Vernon County farm. As of Thursday morning, the semi tractor and tanker remained at the bottom of the embankment, 250 feet off the road. Crume said that very little of the contents of the tanker spilled. Another tanker was being dispatched to the scene today to unload the wrecked tanker. Also, a crane would be needed at the scene to eventually pull the semi-tractor and tanker from the bottom of the embankment, Crume said. Assisting at the scene were the Coon Valley Fire Department, Coon Valley First Responders, Vernon County Highway Department, Wisconsin State Patrol and the Wisconsin Department of Natural Resources. The accident remains under investigation.

http://lacrossetribune.com/news/local/two-injured-in-pickup-tanker-crash-in-vernon-county/article_5a43b000-60b3-11e2-9d19-001a4bcf887a.html

USA, LA, NEW ORLEANS, JANUARY 18 2013. TANKER TRUCK FIRE EXTINGUISHED IN NINTH WARD

Officials are on the scene of a tanker truck fire Wednesday night in the Ninth Ward. The incident happened before 7 p.m. near Poland and Claiborne avenues. The fire has been extinguished and there's no danger of an explosion. There was some leakage on the tanker truck. NOPD spokeswoman Officer Hilal Williams said the tanker truck ran into a pickup truck at the bottom of the bridge. She said the tanker fell off on its side, hit a utility pole and went up into flames. The driver of the tanker truck is in the hospital with non-life threatening injuries. The pick-up truck driver reported only minor injuries. As of 7:30 p.m., the intersection was closed to traffic.

<http://www.wwtv.com/news/Tanker-truck-fire-extinguished-in-Ninth-Ward-187218351.html>

UNITED ARAB EMIRATES, SHARJAH, JANUARY 18 2013. CAR BURNS AT SHARJAH PETROL STATION >> THE FIRE BROKE OUT IN A CAR AT THE ADNOC PETROL STATION IN AL RAMTHA AREA OF SHARJAH

aghaddir ali



The scene of the fire.

A major disaster was averted at a petrol station in Sharjah on Thursday by the speedy response of Sharjah Civil Defence and police to a fire. The fire broke out in a car at the Adnoc petrol station in Al Ramtha area of Sharjah when a fire broke out in a car that stopped in the petrol station, Brigadier Abdullah Saeed Al Sewudi, Director General of Sharjah Civil Defence told Gulf News Thursday. Brigadier Al Sewudi said two cars were burnt one completely burnt and the forefront of the other car before the fire could be contained. The fire was reported at 6 pm. The incident led to a massive traffic jam during the evening rush hour. The fire was brought under control in short time of being reported. The fire was quickly managed with the assistance of the Fire-fighters from Smnan and Mowailah centers which responded to the situation quickly. The

Cladding roof of the petrol station as well completely damaged. No injuries have been reported and the site is currently closed until restoration works. A full investigation is being undertaken by the concerned authorities. Brigadier Al Sewudi advised motorists avoid using any material which might cause fire in petrol station, like cigarrates or other flammable material which caused fire.

<http://gulfnews.com/news/gulf/uae/emergencies/car-burns-at-sharjah-petrol-station-1.1133960>

USA, CT, NORTH HAVEN, JANUARY 18 2013. CONN CREWS STOP FUEL SPILL FROM REACHING RIVER

State environmental officials say a large diesel fuel spill in North Haven has been contained before reaching the Quinnipiac River. A truck transporting about 2,500 gallons of diesel fuel overturned Thursday morning on Route 5, spilling most of its load. Officials with the [Department of Energy and Environmental Protection](#) say the spilled fuel reached catch basins that lead to a tributary of the Quinnipiac River. Cleanup crews put booms in the stream and river to contain the fuel and are vacuuming any fuel that reaches the waters. Crews also are cleaning the catch basins. State officials say an environmental contractor has been hired by the company that owns the truck, Diesel Direct based in Stoughton, Mass. It's not clear what caused the accident. The driver wasn't seriously hurt.

<http://www.sfgate.com/news/science/article/Conn-crews-stop-fuel-spill-from-reaching-river-4201810.php>



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USA, MI, MUSKEGON TWP, JANUARY 18 2013. MARATHON PETROLEUM REFINERY IN MUSKEGON TOWNSHIP LEFT TOXIC LEGACY

john s. hausman

 **Photo's [21]** [The Petroleum Refinery Industry in Muskegon Township through the Years](#)



The Marathon Petroleum refinery pictured in 1966 during its final year of operation. The refinery first started in 1929 as the Old Dutch Refining Co. and was located on East Laketon Avenue in Muskegon Township.

What became the Marathon Petroleum refinery on Laketon Avenue [operated from 1929 to 1966](#), first as Old Dutch Refining Co., from 1953 to 1959 as Aurora Gasoline Co. and in its final seven years under Marathon. At its peak, the plant refined 15,500 barrels of crude oil per day into gasoline, kerosene, home heating oil, propane, butane and other products. Before distribution via trucks, tankers and Marathon's marine terminal on Muskegon Lake -- connected to the Laketon

Avenue refinery by two seven-mile pipelines -- products were placed in storage tanks next to the plant's processing units. The tanks had the capacity to store nearly 50 million gallons. The decades of operation left a lingering legacy of oil in the soil. By the 1980s, it had become a high-profile public issue. Environmental officials said the contamination had seeped into groundwater and possibly into Barnes Drain. Neighbors complained of the strong stench of oil and worried about the safety of their drinking water, which came from wells, although state environmental officials said the wells were safe. Class-action lawsuits, angry yard signs and picketing outside the site resulted. Dozens of households used bottled water for years. In the early 1990s the company paid to connect residents living over the pollution plume to municipal water. In 2005 it proposed, unsuccessfully, a Muskegon Township ordinance that would have required the capping of irrigation wells over and near the plume. Marathon then began paying above-market prices to [buy neighborhood homes](#) one at a time and [raze them](#) -- a project that has removed some \$1.6 million in property value from Muskegon Township's tax rolls. In 2000, Marathon also began a groundwater remediation process near the drain, centered on two small artificial wetlands combined with an aerating process called air sparging to increase oxygen levels in Barnes Drain water. None of that kept the petroleum products out of the drain, and none of it removed the source of the problem: the petroleum-soaked soil and polluted groundwater underneath the Marathon property.

http://www.mlive.com/news/muskegon/index.ssf/2013/01/marathon_petrolium_refinery_in.html

USA, LA, NEW ORLEANS, JANUARY 18 2013. CHEVRON PROPYLENE PIPELINE SHUT DOWN AFTER LEAK IN JEFFERSON PARISH MARSH

naomi martin

Chevron notified State Police on Thursday about 5:45 p.m. that the company had shut down a propylene pipeline that had leaked into a Jefferson Parish marsh, a State Police spokeswoman said. The line was shut down immediately and company officials told State Police that there was "no environmental impact," according to Trooper Melissa Matey. While State Police did not go to the scene, there is a trooper following the case, Matey said. The State Police Hazmat hotline was also notified. The marsh is on the West Bank in Jefferson Parish. The site of the incident was reportedly at latitude 29 degrees 41 north and longitude 89 degrees 58 west.

http://www.nola.com/traffic/index.ssf/2013/01/chevron_propylene_pipeline_shu.html

NEW ZEALAND, TAURANGA, JANUARY 18 2013. QUICK THINKING LIMITS CHEMICAL SPILL DANGER

amy mcgillivray

Two men were injured during a large chemical spill at Mainfreight in Tauranga this week. Firefighters from Mount Maunganui, Greerton and Tauranga were called to the spill at on Te Marie St about 8.50pm on Wednesday. Two men were taken to Tauranga Hospital to be treated for minor chemical burns but were discharged later that night. Tauranga City Council hazardous substances and new organisms technical specialist Jack Travis was also called to help. A forklift driver was packing a truck for a night delivery when a piece of metal sticking up inside the truck pierced a 1000-litre plastic drum, called an IBC, which was full of caustic soda, also known as sodium hydroxide. The forklift driver quickly backed down the ramp with the drum still on the forks and headed for the secondary containment unit, which another driver picked up and brought towards him. The broken drum was then placed in the other container. Mr Travis said about 100 litres of caustic soda spilled before it



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could be contained. About 200 litres of the substance remained in the original drum but the rest had spilt over into the secondary container. "The whole container was punctured. A lot of it was saved by the forklift driver getting it around to that secondary containment really quickly," he said. "It was a good, helpful thing to do, otherwise it would have been all over the floor." Mr Travis said some of the caustic soda splashed on to one man's leg and another got it on his arm. "It's soapy. It will stick on you and it's hard to wash off." The pair were decontaminated by the fire service before being taken to hospital by ambulance. They were discharged the same night and one of the men was back at work yesterday, Mr Travis said. The substance, called Rezolv, is made of about 45-50 per cent caustic soda, compared to Janola, which contains about 5 per cent, he said. Mr Travis said the fire service used sand to clean up the spill and neutralised the rest with citric acid powder. The contaminated sand and the remaining contents of the punctured drum were picked up yesterday and taken to be disposed of correctly. Firefighters remained on the scene for more than three hours.

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10860024

JAMAICA, ST JAMES, MONTEGO BAY, JANUARY 18 2013. OIL SPILL IN MOBAY



An oil spill from an overturned fuel tanker in the vicinity of the roundabout near the Sangster International Airport in this western Jamaica city, yesterday caused severe traffic delays after the police were forced to close Queen's Drive. The police, an airport emergency response team and the Jamaica Fire Brigade responded quickly to contain the fuel that spilled from the truck and to clean the area. Some airport passengers reportedly missed their flights but MJB Airports Limited's chief commercial officer Elizabeth Scotton said operations at the airport were not seriously affected. "We opened the commercial area of the airport so that passengers could access the airport easily. Red cap porters were there to escort our guests into the airport. We really have to commend our passengers who never complained and made the best of the situation," she said. She added

that persons who missed their flights were subsequently booked on other flights.

http://www.jamaicaobserver.com/news/Oil-spill-in-MoBay_13425777

USA, N.M, ALBUQUERQUE, JANUARY 18 2013. KAFB RAMPS UP FUEL SPILL CLEANUP

john fleck



A new system to suck spilled fuel from beneath Kirtland Air Force Base will expand cleanup efforts, according to base civil engineer Brent Wilson.

A Kirtland Air Force Base crew is in the final stages of testing a new machine it hopes will accelerate cleanup of a fuel spill that has contaminated southeast Albuquerque groundwater. On a concrete pad just north of the base flight line, workers Thursday were testing a garden-shed-sized furnace officials say will begin within the next week to burn off jet fuel sucked from deep underground. "It's the next step in actually cleaning up the contaminants," said Col. John Kubinec, the base commander. Officials note that this is not the final remedy for the longstanding problem, but rather an interim measure to remove some fuel from the ground while the Air Force and state regulators wrestle with the long-term problem of cleaning up the decades-old mess. "We wanted to get after this contamination sooner rather than later," said John Kielling, head of the New

Mexico Environment Department's Hazardous Waste Bureau. Contractors for the Air Force sank two wells six inches in diameter more than 500 feet into the ground adjacent to the base's old fuel loading area, where in 1999 the Air Force discovered that an underground pipe had been leaking for decades. Vacuum units will suck fuel vapors from the layers of soil above the groundwater, and the furnace unit will then burn it off, explained Brent Wilson, Kirtland's civil engineer. The fuel has moved through groundwater more than a mile from the spill site. None has been detected in Albuquerque drinking water wells. Test wells near Phil Chacon Park, between the nearest drinking water wells and the known fuel spill area, recently came back clean, suggesting the risk to drinking water is not imminent, according to the state Environment Department. The Albuquerque Bernalillo County Water Utility Authority is in the midst of developing a network of early warning monitoring wells between the



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fuel spill and the nearest drinking water wells. The water utility is working with the U.S. Geological Survey to determine the best place to put the wells. The agency will pay for the wells but under an agreement with the Air Force, there is a possibility that the Air Force will reimburse the utility for the work, according to John Stomp, the utility's chief operating officer. Smaller "soil vapor extraction" units have been at work for years sucking aircraft fuel vapors from the ground, but the new larger system is designed to work more effectively at removing the fuel from the ground, Wilson said. The cleanup efforts face challenges that officials at the Air Force and the state acknowledge cannot be solved with the systems currently in place. The biggest near-term issue is the fact that the water table in the area has been rising as a result of decreased drinking water pumping from nearby wells run by the water utility. That rising water table has submerged a layer of jet fuel that had been resting in soil on top of the water table, making cleanup harder. In a December report to the Environment Department, the Air Force acknowledged that fuel layer, now trapped under water, "will be an ongoing source of dissolved groundwater contamination indefinitely." The Air Force and Environment Department are in talks about implementing the next cleanup step, which would begin removing some of that fuel submerged in the groundwater layer.

Related Links

- [KAFB Jet Fuel Spill Costs Discussed](#)
- [KAFB Widens Aquifer Search For Jet Fuel](#)
- [Official: Response Slow On Fuel Spill](#)
- [Base's Bill From Fuel Spill May Grow](#)
- [New Wells To Monitor Jet Fuel Leak Delayed](#)

<http://www.abqjournal.com/main/2013/01/18/news/kafb-ramps-up-fuel-spill-cleanup.html>

USA, LA, NEW ORLEANS, JANUARY 18 2013. EX-BP VICE PRESIDENT'S TRIAL OVER SPILL RESET FOR SEPT. 23

allen johnson jr. & phil milford

The trial of a former BP Plc (BP/) senior vice president charged with obstructing federal investigations into the cause of the 2010 Gulf of Mexico oil spill has been reset for Sept. 23. David Rainey of Houston, who was vice president of exploration for the Gulf of Mexico and the company's second-highest official during its response to the worst offshore oil spill in U.S. history, had been scheduled to go to trial Jan. 28. U.S. District Judge Kurt Engelhardt in New Orleans postponed the Rainey trial today following a status conference with defense attorneys and federal prosecutors, according to a court clerk. The blowout and explosion on the Deepwater Horizon drilling rig killed 11 workers and started millions of barrels of crude leaking into the Gulf. It also set off hundreds of lawsuits against London-based BP, its partners and contractors on the project. As BP's deputy incident commander to the oil spill response, Rainey worked on joint efforts with federal agencies to stanch the broken Macondo well, located off the Louisiana coast. He also worked on BP efforts to estimate the amount of oil leaking from the well.

Falsifying Estimates

Two counts of the indictment accuse him of obstructing a U.S. House of Representatives subcommittee investigation by falsifying oil spill flow-rate estimates and lying to federal investigators. If convicted, he faces as many as five years in prison on each count. Since his indictment by a grand jury was announced Nov. 15, BP and Transocean Ltd. have pleaded guilty to criminal charges over the spill. BP agreed to plead guilty to 14 criminal counts, including 11 for felony manslaughter related to the 11 deaths that occurred when the Deepwater Horizon drilling rig exploded and sank. The company also pleaded guilty to one misdemeanor count under the Clean Water Act, one misdemeanor count under the Migratory Bird Treaty Act, and one felony count of obstruction of Congress. Transocean, the Vernier, Switzerland-based owner and operator of the rig, pleaded guilty to one misdemeanor violation of the U.S. Clean Water Act. Two BP well-site managers were charged with involuntary manslaughter and Rainey were charged with obstruction and false statements. The criminal case is U.S. v. Rainey, 12-cr-291, U.S. District Court, Eastern District of Louisiana (New Orleans).

<http://www.businessweek.com/news/2013-01-17/ex-bp-vice-president-s-trial-over-spill-reset-for-sept-dot-23>

USA, N.J, FRANKLIN, JANUARY 18 2013. MAN BURNED IN ACID SPILL AT FRANKLIN PHARMACEUTICAL FACILITY

walter o'brien

A man was hospitalized after receiving acid burns on his head and back after a spill at a pharmaceutical manufacturing facility. At about 2:48 p.m. Thursday, police responded to Apicore LLC at 49 Napoleon Court for a reported industrial accident involving a 51-year-old man from the Iselin section of Woodbridge Township, according to Sgt. Philip Rizzo of the Franklin



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Township Police Department. Police have not yet released the victim's name. The victim told police he accidentally spilled hydrazine sulfate, an acid-based liquid, on his head and back, and then immediately began to decontaminate himself, Rizzo said. The spill was contained to a small area within the facility, Rizzo said. Emergency medical personnel from Rutgers University and Somerset Medical Center were on the scene and took the man to JFK Medical Center for partial-thickness chemical burns, Rizzo said. Members of Elizabeth Avenue Fire Company responded to the scene, he said. Apicore LLC is a manufacturer of active pharmaceutical ingredients for the pharmaceutical industry [according to its website](http://www.apicore.com). Representatives of Apicore did not immediately return calls for comment.

http://www.nj.com/somerset/index.ssf/2013/01/iselin_man_burned_in_acid_spil.html

USA, FLA, TAMPA, JANUARY 18 2013. TAMPA TO SEEK \$50 MILLION IN OIL SPILL DAMAGES FROM BP

richard danielson

The city of Tampa announced Thursday it is seeking more than \$50 million in damages from BP to cover past and future losses to tourism, business and local tax revenues caused by the Deepwater Horizon oil spill of 2010. "There are some damages in terms of sales tax revenue and bed tax revenue and gas tax revenue as a result of folks who didn't come to the bay area and didn't come to Tampa specifically," Mayor Bob Buckhorn told the Tampa Bay Times. While no oil appeared in Tampa Bay, the well gushed uncapped for months and experts speculated about whether it would be spread by currents looping around the Gulf of Mexico. The resulting images and alarm discouraged tourism and depressed business generally, said Steven Yerrid, the city's special counsel on the oil spill. Forensic accountants have scrutinized more than a dozen sources of city revenue for effects from the spill and have found a "measurable effect," Yerrid said. The revenues examined include property taxes, sales taxes and taxes on city utilities and communication services, as well as street car, golf course and parking revenues. "It's a broad spectrum," said Yerrid, who also has served as the special counsel to the governor on the spill. "We're talking about significant volumes of dollars." Yerrid's firm also retained an expert in tourism economics to quantify the impact on each revenue stream by modeling what could have come in if the spill had never happened versus what actually did happen. Slightly more than half of the city's claim consists of damages that officials expect Tampa will sustain in the future, said Yerrid, whose firm stands to receive 25 percent of money recovered. Losses could include, for example, the business from an annual visitor who decided to steer clear of Tampa, opted to go to a place like Charleston, S.C., instead and ended up changing his or her vacation routine permanently. "Now not only do you lose the customer, but you lose the repeat business," he said. In addition to Tampa, city officials in Pensacola and Key West are seeking damages, and the Hillsborough County Commission has hired a law firm to file a claim on its behalf. Government claims are being handled by a specialized team and being given a high priority, BP spokesman Ray Melick said in an email Thursday night to the Times. "BP is committed to paying all legitimate claims relating to the Deepwater Horizon oil spill," he said. "BP has paid out more than \$9.8 billion to individuals, businesses, governments and other payments." Of that, \$1.38 billion has been paid to governments through the end of last year, with more than \$83 million going to Florida, according to the company. The Deepwater Horizon rig blew up 50 miles off Louisiana on April 20, 2010. It took BP more than 85 days to cap the well on the sea floor. By that time, an estimated 172 million gallons of crude oil had gushed into the gulf. Under the Oil Pollution Act of 1990, reimbursable losses to governments includes net loss of revenue from taxes, fees or other sources the government was unable to collect and unable to mitigate as a direct result of a spill. "Shifting the burden from the taxpayers ... to the wrongdoer and getting monetary restitution is a priority I think most people would support," Yerrid said. BP and the city have 90 days to resolve the city's claim. After that, if no satisfactory settlement is reached, the city can file suit to press its claim in court. "Litigation is always the means of last resort," Yerrid said. "We hope it's not necessary." But, he said, "We certainly aren't ruling out anything."

<http://www.tampabay.com/news/localgovernment/tampa-to-seek-50-million-in-oil-spill-damages-from-bp/1271086>

CANADA, OCT, TORONTO, JANUARY 18 2013. LANDOWNERS RESPONSIBLE FOR ENVIRONMENTAL CLEANUP, COURT RULES

bob aaron

In one of the scariest court decisions of recent years, the Ontario Divisional Court has ruled that innocent landowners can be held responsible to remedy contamination caused to their properties by a neighbour. Back in December, 2008, Thompson Fuels filled the fuel oil tanks at the Hazel St. home of Wayne and Liana Gendron in the city of Kawartha Lakes (Lindsey). Subsequently, several hundred litres of the oil leaked from the basement of the house onto city property. After noticing the leak, Wayne Gendron informed his insurance company. They hired D.L. Services to remediate the contamination. D.L. soon



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discovered that the oil had travelled into the storm sewers and was winding up in Sturgeon Lake. When the Ministry of the Environment (MOE) heard about the spill, they sent a provincial officer to visit the site. The officer formally ordered Gendron to assess the extent of the spill, eliminate any adverse effects, and restore the natural environment. Environmental remediation is hugely expensive. Three months later, Gendron's insurance coverage ran out, and the ministry was notified. Since Gendron did not have the financial resources to continue the remediation work, cleanup efforts were discontinued. By this point, the Gendron property itself had been remediated, but contamination on the adjoining city property still had the potential to adversely impact Sturgeon Lake. In March, 2009, the MOE issued an order to the city requiring it to take all necessary steps to prevent discharge of contaminant and to remediate its own property. The city appealed the MOE order to the Environmental Review Tribunal but it was dismissed in July, 2010. The city then launched a further appeal to the Divisional Court, claiming it shouldn't have to clean up contamination on its own property since it was an innocent party and hadn't caused the pollution in the first place. The case came before a three-judge panel of the court last May. The stated purpose of the Environmental Protection Act is "for the protection and conservation of the natural environment." Under the legislation, a provincial officer may order anyone who owns property to prevent, reduce or eliminate contamination, whether or not that person caused the contamination. Before the Gendron case got to court, the city had performed all the remediation work required, making the appeal proceedings to determine responsibility moot. In an unusual move, the court decided to hear the appeal anyway, citing the public interest in clarifying future contamination cases. The issue for the Divisional Court was whether the review tribunal was correct in refusing to hear evidence of who was responsible for the spill. Essentially, the tribunal's position was that it didn't matter who caused the spill. The most important goal is to protect the environment. Writing for the Divisional Court, Justice Harriet Sachs ruled that the review tribunal was correct and that it was reasonable for it not to hear evidence showing it was not responsible for the oil spill in the first place. At the tribunal, no one disputed the fact that the city was an innocent party when it came to the contamination. As a result, the Divisional Court has now underscored the law that innocent parties may be forced to cover the costs of pollution caused to their land by a neighbour. The fact that the innocent party here was a municipality does not change the importance of the ruling — innocent parties are responsible for cleaning pollution on their properties, no matter who caused it. The remediation costs of the Kawartha Lakes cleanup are still up in the air. The city is suing the MOE, the homeowners, the cleanup company and others in order to recover its costs. The big issue here is insurance protection. Most homeowner policies exclude some or all coverage for pollution conditions, but now that the bar has been raised significantly, homeowners will be looking to their insurers for protection from a Kawartha Lakes-type scenario.

<http://www.thestar.com/living/realestate/article/1315964--landowners-responsible-for-environmental-cleanup-court-rules>

USA, WASHINGTON DC, JANUARY 19 2013. CSB RELEASES NEW SAFETY VIDEO ON 2011 EXPLOSION AND FIRE THAT KILLED FIVE WORKERS DURING A FIREWORKS DISPOSAL OPERATION IN HAWAII

Investigation Details: [Donaldson Enterprises, Inc. Fatal Fireworks Disassembly Explosion and Fire](#)

The U.S. Chemical Safety Board today released a new [safety video](#) depicting the events leading up to an explosion and fire that killed five workers during a fireworks disposal operation in Waipahu, Hawaii. The new video, entitled "[Deadly Contract](#)" features a new HD animation depicting highly explosive firework components igniting inside a tunnel-like magazine. The video, which details the findings and safety recommendations resulting from the Board's final report, was approved January 17 at a public meeting in Washington, DC. The DEI investigation report concludes that the explosion and fire resulted from unsafe disposal practices, insufficient safety requirements for government contractor selection and oversight and an absence of adequate federal regulations, standards, and guidelines for safe fireworks disposal. In the video CSB Chairperson Rafael Moure-Eraso says, "Fireworks have been around for centuries, so we were surprised to learn that there are no good-practice procedures for their disposal. And we also found that the federal government did not require fireworks disposal contractors to demonstrate that they could perform the work safely." The April 8, 2011, incident occurred as employees of Donaldson Enterprises, Inc. (DEI) sought shelter from rain inside a storage magazine located in Waipahu, Hawaii, near Honolulu. The storage facility contained government-confiscated, illegally labeled fireworks, which the workers had been dismantling under a subcontract to a federal prime contract. To conduct this work, DEI personnel cut into the fireworks and separated out the aerial shells and black powder – a highly explosive mixture of chemicals used to propel the fireworks into the air. The accumulation of aerial shells and black powder greatly increased the explosion hazard. The video includes an interview with Mr. Ali Reza, an explosives expert that worked with the CSB on its investigation. In the video Mr. Rezas says, "As you're physically breaking up the fireworks...you're exposing yourself to the black powder. Once you have loose black powder in contact with materials that can create friction, an ignition is extremely likely." CSB Investigator Amanda Johnson states, "While the exact ignition source



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could not be determined, strong possibilities include friction from an office chair rolling over the loose explosive powder on the magazine floor, or a metal spark from a hand truck, which was blown over 100 feet from the magazine entrance when the explosion occurred." The [final report](#) notes that OSHA's Process Safety Management (PSM) standard applies to fireworks manufacturing, but not to fireworks disposal work. The investigation determined, "DEI would have greatly benefitted from Process Safety Management (PSM) principles and concepts of inherent safety," among them, not accumulating large amounts of highly explosive black powder and aerial shells while awaiting disposal. Investigator Amanda Johnson said, "The CSB found the root causes of the explosion went far beyond DEI's flawed procedures. For instance, we found there are no federal, state or local codes, regulations or standards that establish safety requirements or provide guidance on proper ways to dispose of fireworks." As a result of the report's findings the CSB is recommending that federal agencies develop a new government-wide safety and environmental responsibility requirement for contractors, and calls for new regulations on the safe disposal of fireworks, a growing problem across the US. The CSB released its final report and formal safety recommendation at a public meeting in Washington, DC on January 17, 2013. The video is available to stream or download on www.csb.gov and may be viewed on the CSB's YouTube channel, USCSB (www.youtube.com/uscsb).

www.csb.gov

USA, TX, PORT ARTHUR, JANUARY 19 2013. NO LEAK FOUND IN OVERTURNED TANKER IN PORT ARTHUR

julie garcia

Traffic was shut down Thursday night when a tractor towing a tank trailer containing molten sulfur crashed into a Toyota Camry in the 4300 block of Memorial where TX 69 connects with SH 73 in Port Arthur. At about 6 p.m., police were dispatched to the location and discovered that the tractor had failed to merge into the correct lane from SH 73 onto TX 69 and struck the Camry that was in the inside lane, according to Sgt. C. Segler with the Port Arthur Police Department. Segler said the Toyota hit the concrete retaining wall, while the tractor attempted to steer away from it by overcorrecting the wheel, which caused it and its connected trailer to overturn. Due to the Haz-Mat conditions of the wreck, the roadway was closed and traffic was diverted for a few hours while the Port Arthur Fire Department and emergency services inspected the overturned tractor for any leaks, which were not found. Both drivers had minor injuries and were taken to local hospitals for treatment, Segler said. At press time, no sulfur leakage was found and all compartment hatches were secure, he said. Via Blackboard and the Southeast Texas Alerting Network, PAPD was able to notify area media and the public about the wreck in hopes to stop any further traffic problems.

<http://panews.com/local/x1633455965/Truck-carrying-molten-sulfur-overturned-at-clover-leaf-in-PA>

USA, LA, NEW ORLEANS, JANUARY 19 2013. TUG BOAT CARRYING 4,000 GALLONS OF DIESEL SINKS IN MISSISSIPPI RIVER; OFFICIALS SAY NO CHEMICALS LEAKED YET

naomi martin



A tug boat carrying 4,000 gallons of diesel and 100 gallons of lube oil sunk in the [Mississippi River](#) around 5:30 p.m. Thursday, officials said. No one was on the vessel at the time and no injuries were reported, said [U.S. Coast Guard](#) Petty Officer Alex Washington. The chemicals were contained and had not released into the water as of 9:50 p.m., Washington said. The Coast Guard was on the scene at mile marker 135 near LaPlace, about 200 feet from the West Bank, to monitor the potential pollution. According to initial reports, the crew in charge of the GE Capital Commercial Inc.-owned tug boat "Saint Paul" was in the process of changing shifts while "dewatering" the vessel's stern, Washington said. It was unclear why there was water in the stern in the first place, Washington said. At some point, the pumps failed to remove the water from the stern fast enough and the vessel began to sink, he said. The Coast Guard has a response team assessing the situation; if a visible sheen appears, a boom will be deployed to contain the spill, Washington said. Addressing the pollution issue is the top priority, Washington said. Once the chemicals are taken care of, the next step will be to lift the boat out of the water, which is the company's responsibility. GE Capital Commercial Inc. will submit their salvage plan to the Coast Guard for approval. The Coast Guard will likely observe the operation but not assist with it, Washington said.

http://www.nola.com/traffic/index.ssf/2013/01/tug_boat_carrying_4000_gallons.html#incart_river



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