

GATEKEEPER NEWSLETTER

Arizona Emergency Response Commission
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Bills would impose tougher chemical security rules:

Senator Frank Lautenberg, D-N.J., has introduced a pair of bills that would impose tougher security requirements on chemical and water facilities that use hazardous substances.

One of the two measures that Lautenberg introduced on Wednesday would impose additional requirements on industry through the Homeland Security Department's 6-year-old Chemical Facility Antiterrorism Standards. The other would authorize the Environmental Protection Agency to regulate security at water facilities that use dangerous chemicals – an area that is exempt from Homeland Security's CFATS program.

The two bills appear aimed at addressing the concerns of some Democrats – along with labor and environmental groups – that the CFATS program in its current form does not sufficiently shield industrial facilities from terrorist attacks that could release lethal materials into the surrounding area. In a press release, Lautenberg cited a report environmental groups released on Tuesday suggesting that 12,440 facilities throughout the country could harm people if damaged during a terrorist attack. The report cites EPA data on wastewater treatment plants, refineries and other facilities that use hazardous chemicals.

“We need to pass my legislation to require facilities to thoroughly review risk and help us move toward more secure plants and safer communities,” said Lautenberg, a senior Democrat on the Senate Environment and Public Works Committee. “Hundreds of plants have already switched to safer and more secure chemicals and processes, and this common-sense legislation would build on these achievements and increase safety nationwide.”

Lautenberg's legislation would require managers of facilities using dangerous chemicals to evaluate whether they could reduce the consequences of an attack by switching to safer chemicals or processes. If reducing risk in this manner is determined feasible, any plant designated as “high risk” by the government would be required to make such a switch.

Industry organizations have long said requiring such a move to so-called “inherently safer technologies” would be too onerous. The requirements of the existing CFATS program are enough to ensure security measures are both sufficient and efficient, they say.

Labor and environmental groups, along with some Democrats, argue that the existing CFATS law lacks teeth by failing to authorize Homeland Security to require any specific security measures. The mandate that facilities develop site security plans to be evaluated by the government is not enough, they argue.

In addition, the CFATS program has been under fire from both sides of the aisle for the slow pace at which it has approved site security plans since its inception in 2007, along with a litany of management problems that were revealed in an internal memo leaked to the press early last year.

In September, the new leaders of the DHS program testified that they had completed 70 of 95 “action items” the memo identified as necessary to fix the management problems. More recently, a major industry group this month rolled out a plan it says will help the government increase the pace at which it can approve site security plans.

Article continued on page 12



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Suggested Topics:

Lean Environmental Practices, Wastewater Treatment Technologies, Vapor Intrusion, Stack Measurement Techniques, Tank Emissions, Groundwater Plume Delineation, Pillars of Sustainability, NSR Rule Revisions, Preparing for EPCRA and CAA 112(r) Inspections, Greenhouse Gas BACT, Alternative Fuels, Sustainable Business Practices, Emergency Planning & Response, NEPA/Wildlife Considerations, Preparing for Environmental Litigation, Pharmaceuticals and/or other Emerging Drinking Water Concerns.

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EPA Announces Settlements with Company for Multiple Violations of Chemical Reporting and Pesticide Laws:

WASHINGTON - The U.S. Environmental Protection Agency (EPA) announced that it reached settlements with two subsidiaries of the Kemira Group for violations of chemical and pesticide laws. The settlement with Kemira Chemicals resolves alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act, including the sale and distribution of an unregistered pesticide, the sale and distribution of misbranded pesticides, and pesticide production reporting violations. The sale and distribution of unregistered or misbranded pesticides can cause serious illness in humans and be harmful to the environment. Under the terms of the agreement, Kemira Chemicals has cor-

rected the alleged violations and will pay a civil penalty of \$301,600.

EPA also reached an agreement with Kemira Water Solutions after an EPA inspection identified 27 violations of the Toxic Substance Control Act's Inventory Update Reporting (IUR) rule for the 2006 reporting period. The IUR rule requires manufacturers and importers of certain chemical substances to report the production volume and location of each facility producing these chemical substances. The information collected is used to support risk screening

and assessment and makes up the most comprehensive source of basic screening-level, exposure-related information on chemicals available to EPA. Kemira Water Solutions has since submitted the required information to EPA and will pay a civil penalty of \$503,110. Kemira Chemicals, Inc. and Kemira Water Solutions, Inc. are both subsidiaries of Kemira Group, a global chemical company with U.S. headquarters in Atlanta, Ga.

More information about the settlement: <http://www.epa.gov/enforcement/waste/cases/kemiragroup.html>

Chemical leak reported at Pace plant:

Northwest Florida Daily News – (Florida) **Chemical leak reported at Pace plant.** Taminco Pace No. 4 plant reported a DMA60 chemical

leak after a spill during a rail transfer. Multiple people were affected at the scene, and a shelter was put in place as a precautionary measure. Source:

<http://www.nwfdailynews.com/local/update-chemical-leak-reported-at-pace-plant-1.83572>



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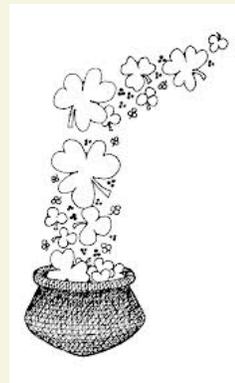
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EPA Requires Nevada Gold Mining Companies to Correct Reporting Violations:

WASHINGTON – The U.S. Environmental Protection Agency (EPA) settled with three gold mining companies, all subsidiaries of Barrick Gold Corporation, for failing to correctly report toxic chemical releases and waste management activities as required by the Emergency Planning and Community Right-to-Know Act (EPCRA).

“The Toxic Release Inventory program is a vital tool for tracking toxic releases across the country, providing transparency about chemicals in communities,” said Cynthia Giles, assistant administrator for EPA’s Office of Enforcement and Compliance Assurance. “The program is undermined if companies do not report or misreport the use or release of chemicals at their facilities.”

The companies, Barrick Cortez, Inc., Barrick Gold US, Inc. and Homestake Mining Company, agreed to pay a total of \$278,000 in penalties and spend an additional \$340,000 to conduct an environmentally beneficial project.

The violations involved incorrect reporting under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) at the Cortez Gold Mine near Crescent Valley, the Ruby Hill Gold Mine near Eureka, and the Bald Mountain Gold Mine near the Ruby Lake National Wildlife Ref-

uge, all in Nevada.

After EPA inspectors analyzed the mines’ records they found that the facilities failed to submit timely, complete and correct Toxics Release Inventory (TRI) reports in 2005, 2006, 2007 and 2008, for toxic chemicals. These chemicals include cyanide compounds used to extract gold from the ore mined at the facilities, and lead and mercury compounds produced during the extraction process. Under the settlement, the Barrick gold companies will audit and correct their TRI reports for 2005 through 2011 to comply with EPCRA. There is no evidence to suggest that the violations posed any immediate danger to workers at the facilities or local communities.

The agreement requires a \$340,000 supplemental environmental project at the Cortez mine to identify the metal compounds formed in its oxide mill process. The gold companies will also perform audits at other Barrick facilities in the U.S. (in Nevada and Montana), correct reporting violations, if any, and pay a \$10,000 penalty per violation, not to exceed \$250,000.

Under EPCRA, facilities that manu-

facture, process, or use toxic chemicals over certain quantities must file annual reports estimating the amounts released to the environment, treated or recycled on-site, or transferred off-site for waste management. These reports are submitted to EPA and the State or Tribe with jurisdiction over the facility. EPA compiles this information into a national TRI database and makes it available to the public.

Metal ore mining accounts for 98 percent of total TRI releases reported to EPA in Nevada. This investigation and enforcement are part of an ongoing national effort that began in 2008 to ensure that gold mining facilities are in compliance, and that the public has accurate and complete information about the facilities in their community. Barrick gold mining facilities in the U.S. produced approximately 3.38 million ounces (105.6 tons) of gold in 2011, and the Cortez Gold Mine is the second largest gold mine in the world.

More information on the Toxics Release Inventory: <http://www.epa.gov/tri>

EPA’s environmental databases, including TRI data, can be accessed at: <http://www.epa.gov/enviro>

EPA Details Results of \$100M Federal Effort to Clean up Navajo Uranium Contamination:

SAN FRANCISCO: The U.S. Environmental Protection Agency announced progress on a coordinated five-year federal investment of more than \$100 million to address health risks posed by pervasive uranium contamination on the Navajo Nation. EPA joined five other federal agencies in releasing a report today outlining the results of their Five-Year Plan. Since 2008, EPA has spent more than \$50 million to clean up mines, provide safe drinking water, and demolish and replace contaminated homes. In addition to federal funds, EPA has used the Superfund law to compel responsible parties to perform an additional \$17 million in mine investigations and cleanups.

Over the past five years, EPA reduced the most urgent risks to Navajo residents by remediating 34 contaminated homes, providing safe drinking water to 1825 families, and performing stabilization or cleanup work at 9 abandoned mines. The Agency also conducted field assessments of 240 water supplies and 520 mines to gain a more complete understanding of the widespread scope of potential exposures to uranium contamination on the Navajo Nation. EPA also collaborated with the Navajo Nation EPA, which performed field assessments of nearly 800 Navajo homes and other structures.

“This effort has been a great start to addressing the toxic legacy of uranium mining on Navajo lands,” said Jared Blumenfeld, EPA’s Regional Administrator for the Pacific Southwest. “The work done to date would not have been possible with-

out the partnership of the six federal agencies and the Navajo Nation’s EPA and Department of Justice.”

The Navajo Nation encompasses more than 27,000 square miles in the Four Corners area of Arizona, Colorado and New Mexico. The unique geology of the region makes the Navajo Nation rich in uranium, a radioactive ore in high demand after the development of atomic power and weapons at the close of World War II. Approximately four million tons of uranium ore were extracted during mining operations within the Navajo Nation from 1944 to 1986. Many Navajo people worked the mines, often raising their families in close proximity to the mines and mills.

Uranium mining activities no longer occur within the Navajo Nation, but the hazards of uranium contamination remain. More than 500 abandoned uranium mine claims and thousands of mine features, such as pits, trenches and holes, with elevated levels of uranium, radium and other radionuclides still exist. Health effects from exposure to these contaminants can include lung cancer, bone cancer and impaired kidney function.

“On behalf of the Navajo people I appreciate the leadership of Rep.

Henry Waxman and the members of Congress who requested a multi-agency response to the Navajo Nation’s testimony presented at the October 2007 hearing,” said Ben Shelly, President of the Navajo Nation. “While there have been accomplishments that improved some conditions, we still need strong support from the Congress and the federal agencies to fund the clean-up of contaminated lands and water, and to address basic public health concerns due to the legacy of uranium mining and milling.”

In 2007, EPA, in cooperation with the Navajo Nation, together with the Bureau of Indian Affairs (BIA), the Nuclear Regulatory Commission (NRC), the Department of Energy (DOE), the Centers for Disease Control and Prevention (CDC), and the Indian Health Service (IHS) developed a Five-Year Plan to address uranium contamination. All six federal agencies are committed to continue working with the Navajo Nation to further reduce risks and find long term solutions to the remaining uranium issues on Navajo lands.

The current report can be found at:

<http://www.epa.gov/region9/superfund/navajo-nation/pdf/NavajoUraniumReport2013.pdf>



EPA Releases State Enforcement Performance Information and Comparative Maps:

Agency to host webinar demonstrating new data features

WASHINGTON – Today, the U.S. Environmental Protection Agency (EPA) announced the release of state dashboards and comparative maps that provide the public with information about the performance of state and EPA enforcement and compliance programs across the country.

“Transparency and access to information at all levels helps to drive improvements in environmental performance,” said Cynthia Giles, assistant administrator for EPA’s Office of Enforcement and Compliance Assurance. “Today’s release of state enforcement information highlights the important work going on at the state level to address serious pollution problems and also underscores areas where states and EPA may need to strengthen enforcement and compliance efforts.”

Most states and tribes in the United States have the authority to implement and enforce many of the nation’s air, water and waste laws. The dashboards and maps include state level data from the last five years and provide information including

the number of completed inspections, types of violations found, enforcement actions taken, and penalties assessed by state. To ensure data quality, EPA made the maps and dashboards available to the states in advance of this public release, in order to provide an opportunity to make any necessary data corrections.

Users can customize the dashboards to view state activity, EPA activity, or combined activity. Where available, the site also allows users to view national averages and display state enforcement trends over time.

The interactive state performance dashboards are located on EPA’s Enforcement and Compliance History Online (ECHO) website. ECHO is an EPA transparency tool that allows the user to map federal and state inspection, violation, and enforcement information for more than 800,000 regulated facilities. The state dashboards and comparative maps that are available in ECHO are part of EPA’s commitment to increasing transparency and providing data to the public in a format that is easy to

understand and use.

EPA will host two webinars demonstrating how to use the state dashboards and comparative maps now available in ECHO. The first will be held on February 12, at 1p.m. EST (for news media only). The second will be held on Tuesday, February 12, at 3p.m. EST (for the public). The demonstration will highlight the new features added to the tool, important information about the data, and how to compare data by state.

Reserve webinar seat: <https://www1.gotomeeting.com/register/315869032>

View the state performance dashboards and comparative maps: http://www.epa-echo.gov/echo/stateperformance/comparative_maps.html

Visit EPA’s ECHO website: <http://www.epa-echo.gov>



EPA Requires Nevada Gold Mines to Correct Reporting Violations, Pay \$618,000:

SAN FRANCISCO – The U.S. Environmental Protection Agency reached a settlement with three gold mining companies, all subsidiaries of Barrick Gold Corporation, for their failures to correctly report toxic chemical releases and waste management activities. The companies, Barrick Cortez, Inc., Barrick Gold US, Inc. and Homestake Mining Company, agreed to pay a total of \$278,000 in fines and spend an additional \$340,000 to conduct an environmentally beneficial project.

The violations involved incorrect reporting under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) at the Cortez Gold Mine near Crescent Valley, the Ruby Hill Gold Mine near Eureka, and the Bald Mountain Gold Mine near the Ruby Lake National Wildlife Refuge, all in Nevada.

“Cyanide, lead and mercury used at these mines have the potential to pose a health threat,” said Jared Blumenfeld, the EPA’s Regional Administrator for the Pacific Southwest. “We insist on accurate reporting of chemical releases so that citizens have a clear idea of the risk from the facilities near their communities.”

Careful analysis of the mines’ records by EPA inspectors revealed that the facilities failed to submit timely, complete and correct Toxics Release Inventory (TRI) reports in 2005, 2006, 2007 and 2008, for

toxic chemicals. These chemicals include cyanide compounds used to extract gold from the ore mined at the facilities, and lead and mercury compounds produced during the extraction process. Under the settlement, the Barrick gold companies will audit and correct their TRI reports for 2005 through 2011 to comply with EPCRA. There is no evidence to suggest that the violations posed any immediate danger to workers at the facilities or local communities.

The agreement requires a \$340,000 supplemental environmental project at the Cortez mine to identify the metal compounds formed in its oxide mill process. The gold companies will also perform audits at the other Barrick facilities in the U.S. (in Nevada and Montana), correct reporting violations, if any, and pay a \$10,000 penalty per violation, not to exceed \$250,000.

EPA requires reporting of toxic chemical releases under EPCRA, and facilities that manufacture, process, or use toxic chemicals over certain quantities must file annual reports estimating the amounts released to the environ-

ment, treated or recycled on-site, or transferred off-site for waste management. These reports are submitted to EPA and the State or Tribe with jurisdiction over the facility. EPA compiles this information into a national TRI database and makes it available to the public.

Metal ore mining accounts for 98% of total TRI releases reported to EPA in Nevada. This investigation and enforcement are part of an ongoing national effort that began in 2008 to ensure that gold mining facilities are in compliance, and that the public has accurate and complete information about the facilities in their community. Barrick gold mining facilities in the U.S. produced approximately 3.38 million ounces (105.6 tons) of gold in 2011, and the Cortez Gold Mine is one of the largest gold mines in the world. To find information on the Toxics Release Inventory visit: [http://](http://www.epa.gov/tri)

www.epa.gov/tri

EPA’s environmental databases, including the TRI data, can be accessed at: <http://www.epa.gov/enviro>



EPA Releases Comprehensive Information on Chemical Use:

EPA recently released the 2012 Chemical Data Reporting (CDR) information on more than 7,600 chemicals in commerce. The CDR database contains comprehensive use and exposure information on the most widely used chemicals in the United States.

Companies are now required to provide information on chemicals used in children's and other consumer products, along with reports on commercial applications and industrial uses of chemicals. For the first time ever, EPA also required companies to substantiate confidentiality claims in order to ensure that as much information as possible is made available to the public.

"The 2012 Chemical Data Reporting information will help EPA and others better assess chemicals, evaluate potential exposures and use, and expand efforts to encourage the use of safer chemicals," said former EPA Administrator Lisa P. Jackson. "The CDR data also highlight the clear need for TSCA reform. Updating this critical law will ensure that EPA has access to the tools and resources it needs to quickly and effectively assess potentially harmful chemicals, and safeguard the health of families across the country."

The CDR rule, the source of this new data, was issued under the Toxic Substances Control Act (TSCA). The rule requires companies that manufacture or import chemicals to report manufacturing and import data every four years when site-specific production volume exceeds 25,000 lb. This report is for calendar year 2011. The EPA received reports on 7,674 chemicals, including 354 that were reported as used in children's products. 1,704 chemicals were reported as used in consumer products and 3,073 were used in commercial applications or products. The remaining chemicals reported were for industrial use only. The CDR information includes data on chemicals that are used in children's products such as toys, playground and sporting equipment, arts and crafts materials, and textiles and furniture.

Chemicals used in consumer products, particularly those intended for children, present potential for direct exposure to the public and are priorities for assessment by the agency. Although reporting on these chemicals is compulsory, currently there are no requirements under TSCA that existing chemicals be evaluated for

safety.

Yet EPA has taken action and begun a process to ensure that chemicals used by the public on a daily basis are safe. The process identifies potential chemicals for near-term review and risk assessment under TSCA. In 2012, EPA released a work plan of 83 chemicals for further review as part of the agency's existing chemicals management program. From that list, seven chemicals were identified for risk assessment development in 2012 and 18 for assessment in 2013 and 2014. In January 2013, EPA released for public comment and peer review an initial set of draft risk assessments of five chemicals for particular uses found in common household products

The 2012 CDR information released recently is available at <http://www.epa.gov/cdr>. Users can download or search the database. You can tailor the search results to view information on specific uses of chemicals, such as those used in products intended for use with children.



Transocean Pleads Guilty, Is Sentenced to Pay \$400 Million in Criminal Penalties for Criminal Conduct Leading to Deepwater Horizon Disaster:

Second Corporate Guilty Plea Obtained by Deepwater Horizon Task Force, Second-largest Criminal Clean Water Act Fines and Penalties in U.S. History

WASHINGTON - Transocean Deepwater Inc. pleaded guilty today to a violation of the Clean Water Act (CWA) for its illegal conduct leading to the 2010 Deepwater Horizon disaster, and was sentenced to pay \$400 million in criminal fines and penalties, Attorney General Holder announced today.

In total, the amount of fines and other criminal penalties imposed on Transocean are the second-largest environmental crime recovery in U.S. history – following the historic \$4 billion criminal sentence imposed on BP Exploration and Production Inc. in connection with the same disaster.

“Transocean’s guilty plea and sentencing are the latest steps in the department’s ongoing efforts to seek justice on behalf of the victims of the Deepwater Horizon disaster,” said Attorney General Holder. “Most of the \$400 million criminal recovery – one of the largest for an environmental crime in U.S. history – will go toward protecting, restoring and rebuilding the Gulf Coast region.”

“The Deepwater Horizon explosion was a senseless tragedy that could have been avoided,” said Assistant Attorney General Lanny A. Breuer of the Justice Department’s Criminal Division. “Eleven men died, and the Gulf’s waters, shorelines, communities and economies suffered enormous damage. With today’s guilty plea, BP and Transocean have now both been held criminally accountable for their roles in this disaster.”

Transocean’s guilty plea was accepted, and the sentence was imposed, by U.S. District Judge Jane Triche Milazzo of the Eastern District of Louisiana. During the guilty plea and sentencing proceeding, Judge Milazzo found, among other things, that the sentence appropriately reflects Transocean’s role in the offense conduct, and that the criminal payments directed to the National Academy of Sciences and National Fish and Wildlife Foundation are appropriately designed to

help remedy the harm to the Gulf of Mexico caused by Transocean’s actions. The judge also noted that the fines and five year probationary period provide just punishment and adequate deterrence.

Transocean pleaded guilty to an information, previously filed in federal court in New Orleans, charging the company with violating the CWA. During the guilty plea proceeding today, Transocean admitted that members of its crew on-board the Deepwater Horizon, acting at the direction of BP’s well site leaders, known as “company men,” were negligent in failing to investigate fully clear indications that the Macondo well was not secure and that oil and gas were flowing into the well.

The criminal resolution is structured to directly benefit the Gulf region. Under the order entered by the court pursuant to the plea agreement, \$150 million of the \$400 million criminal recovery is dedicated to acquiring, restoring, preserving and conserving – in consultation with appropriate state and other resource managers – the marine and coastal environments, ecosystems and bird and wildlife habitat in the Gulf of Mexico and bordering states harmed by the Deepwater Horizon oil spill. This portion of the criminal recovery will also be directed to significant barrier island restoration and/or river diversion off the coast of Louisiana to further benefit and improve coastal wetlands affected by the spill. An additional \$150 million will be used to fund improved oil spill prevention and response efforts in the Gulf through research, development, education and training.

Transocean was also sentenced, according to the plea agreement, to five years of probation – the maximum term of probation permitted by law.

A separate proposed civil consent decree, which resolves the United States’ civil CWA penalty claims, imposes a record

\$1 billion civil Clean Water Act penalty, and requires significant measures to improve performance and prevent recurrence, is pending before U.S. District Judge Carl J. Barbier of the Eastern District of Louisiana.

The charges and allegations pending against individuals in related cases are merely accusations, and those individuals are considered innocent unless and until proven guilty.

The guilty plea and sentencing announced today are part of the ongoing criminal investigation by the Deepwater Horizon Task Force into matters related to the April 2010 Gulf oil spill. The Deepwater Horizon Task Force, based in New Orleans, is supervised by Assistant Attorney General Breuer and led by Deputy Assistant Attorney General John D. Burette, who serves as the director of the task force. The task force includes prosecutors from the Criminal Division and the Environment and Natural Resources Division of the Department of Justice; the U.S. Attorney’s Office for the Eastern District of Louisiana, as well as other U.S. Attorneys’ Offices; and investigating agents from: the FBI; Environmental Protection Agency, Criminal Investigative Division; Environmental Protection Agency, Office of Inspector General; Department of Interior, Office of Inspector General; National Oceanic and Atmospheric Administration, Office of Law Enforcement; U.S. Coast Guard; U.S. Fish and Wildlife Service; and the Louisiana Department of Environmental Quality.

This case was prosecuted by Deepwater Horizon Task Force Director John D. Burette, Deputy Directors Derek A. Cohen and Avi Gesser, and task force prosecutors Richard R. Pickens II, Scott M. Cullen, Colin Black and Rohan Virginkar.



EPA Reaches \$1.6 Million Settlement at Operating Industries Superfund Site:

Latest settlement part of total \$600 million in cash and cleanup work

SAN FRANCISCO – The U.S. Environmental Protection Agency has reached a \$1.62 million settlement with 47 parties for contamination at the Operating Industries, Inc. (OII) Superfund Site in Monterey Park, Calif. Each of these parties was responsible for sending a relatively small volume, between 4,200 and 110,000 gallons, of liquid hazardous waste to the OII landfill during decades of operation. This is the last settlement EPA expects to sign for the OII site, paving the way for the community to restore this site to productive use. Over the last 25 years, EPA has secured \$600 million worth of cash and commitments for cleanup work from the parties responsible for contamination at the site. Environmental problems included toxic gas emissions, contaminated surface water runoff, and pollution of the local groundwater.

“With this final settlement for the OII landfill, we’ve reached a key milestone,” said Jared Blumenfeld, EPA’s Regional Administrator for the Pacific Southwest. “Now we are working with the responsible parties to ensure that a portion of the site can be developed for the benefit of the

local economy.”

OII is a 190-acre site divided into two parcels by the Pomona Freeway, the 45-acre North Parcel and the 145-acre South Parcel. Most of the OII’s landfill activities took place on the South Parcel. Most of the North Parcel is currently being remediated in preparation for potential redevelopment.

EPA finalized the cleanup plan in 1996 which selected a comprehensive site-wide remedy. The final plan prevents migration of liquids and gases beyond the landfill perimeter. In addition, a landfill cap and cover has been installed that prevents rainwater from seeping into the landfill and gas from leaking out. These measures will prevent exposure to contaminated groundwater and ensure that contamination levels meet federal cleanup standards.

EPA has entered into a total of nine consent decrees and eight smaller “de minimis” settlements with more than 1,150 responsible parties. EPA will receive \$812,000 from the settlement announced today as reimbursement for federal response costs related to

the site. The remaining funds will be used by the potentially responsible parties to fund cleanup work at the site. The settlement was published in the Federal Register on January 28, 2013, opening a 30-day public comment period.

The OII Site operated as a landfill from 1948 to 1984. EPA identified the OII Site as an environmental problem in the early 1980s and placed it on the National Priorities List in 1986. Over the course of its operation, the landfill accepted industrial solid, liquid and hazardous wastes, as well as municipal solid waste. The landfill has received more than 300 million gallons of manifested waste from approximately 4,000 entities.

For more information, please visit:

<http://www.epa.gov/superfund/accomp/success/oi.htm>

Link to Federal Register notice: <https://www.federalregister.gov/articles/2013/01/28/2013-01593/operating-industries-inc-superfund-site-monterey-park-ca-notice-of-proposed-cercla-administrative-de>

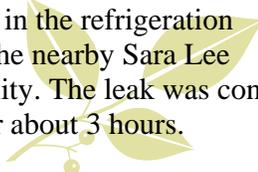


San Lorenzo: Ammonia leak at Sara Lee plant Tuesday night forces evacuations:

San Jose Mercury News – (California) **San Lorenzo: Ammonia leak at Sara Lee plant Tuesday night forces evacuations.** Law enforcement personnel evacuated over 100 employees from workspaces in

San Lorenzo, California February 12 after an ammonia leak was discovered in the refrigeration system at the nearby Sara Lee Foods facility. The leak was contained after about 3 hours.

Source: http://www.mercurynews.com/breaking-news/ci_22582462/san-lorenzo-ammonia-leak-at-sara-lee-plant

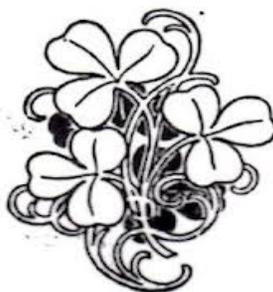


1 dead, 1 injured after explosion at Texas chemical plant:

KPRC 2 Houston– (Texas) **1 dead, 1 injured after explosion at Texas chemical plant.** A fire caused an explosion at the Air Liquide cylinder plant

in La Porte seriously injured one person and left another unaccounted for. Authorities are still investigating the cause of the explosion. Source:

<http://wtvr.com/2013/02/10/1-dead-1-injured-after-explosion-at-texas-chemical-plant/>



Hazardous 1600 pound battery acid spill on Wyoming Street:

Pleasanton Patch – (California) **Hazardous 1600 pound battery acid spill on Wyoming Street.** A large commercial battery that overturned inside a delivery truck

leaked battery acid in Pleasanton. Local emergency responders contained the spill to prevent entry into the storm drain, and the two people exposed to the acid engaged in

self-decontamination. Source: <http://pleasanton.patch.com/articles/firefighters-stop-battery-acid-spill-on-wyoming-street>

Bills would impose tougher chemical security rules: (Continued)

In consultation with DHS officials, the American Chemistry Council unveiled a boilerplate template that its member facilities could use to devise so-called alternate security programs under the CFATS regime. Creating alternative security programs is more efficient than submitting a conventional site security plan, which ACC officials describe as “a cumbersome document containing a series of yes/no questions regarding measures to minimize the risk of a terrorist attack or other security threat.” They argue that an alternative security plan is more clear than the question and answer format.

The Society of Chemical Manufacturers and Affiliates, another industry group, is also developing an alternative security program template for its members,

vice president of government affairs Bill Allmond told Global Security Newswire on Thursday.

Rick Hind, legislative director for Greenpeace, argued that the joint efforts to create alternative security programs was “just another sign” that Homeland Security is anxious to “appease the industry in the hope of greater cooperation because there is very little they can really make them do.” Hind, along with other environmental and labor activists, has been lobbying the Environmental Protection Agency to create chemical security requirements under the Clean Air Act that go beyond DHS authority.

Congressional Republicans are

strongly opposed to EPA involvement in the matter, and have vowed to prevent the agency from creating such requirements. Republican-backed efforts to pass chemical security legislation in recent years have favored keeping the relevant authorities within the Homeland Security Department.

The House Energy and Commerce Committee is in the “planning stages” on potential legislation that would continue CFATS authority at the Homeland Security Department, Charlotte Baker, spokeswoman for the panel’s Republican leadership, told GSN. The current authorization for the program expires in March.



3 sickened by chemical leak:

KPRC 2 Houston – (Texas) **3 sickened by chemical leak.** Three people were taken to the hospital as a precaution following exposure to a leak

of pivaloyl chloride at the AkzoNobel plant in Harris County. Source: <http://www.click2houston.com/news/3-sickened-by-chemical->

[leak/-/1735978/18370974/-/3k6yisz/-/index.html](http://www.click2houston.com/news/3-sickened-by-chemical-leak/-/1735978/18370974/-/3k6yisz/-/index.html)

Long Beach officials protect river after ammonia leak:

Long Beach Press-Telegram – (California) **Long Beach officials protect river after ammonia leak.** A leak in a 4,000 gallon diffuser tank filled with ammonia led to

emergency officials working to protect a storm drain from the spill. Residents were told to stay indoors as a hazardous materials team fixed the leak about 3 hours later. Source:

http://www.presstelegram.com/breakingnews/ci_22505091/long-beach-officials-protect-river-after-amonia-leak



Fire reported at Dalton, Ga., chemical plant:

Associated Press – (Georgia) **Fire reported at Dalton, Ga., chemical plant.** Firefighters contained a blaze at the Hacros

industrial chemical manufacturing plant. Nearby residents were evacuated from their homes and stu-

dents in two local schools were told to shelter in place. Source: <http://www.timesfreepress.com/>

[news/2013/feb/05/fire-reported-dalton-ga-chemical-plant/](http://www.timesfreepress.com/news/2013/feb/05/fire-reported-dalton-ga-chemical-plant/)

Industrial chemical fire:

KTVN 2 Reno – (Nevada) **Industrial chemical fire.** A sodium fire broke out at an industrial building in Lyon

County. Nearby residents were evacuated until authorities extinguished the blaze. Source: [http://](http://www.ktvn.com/story/20704756/industrial-chemical-fire)

www.ktvn.com/story/20704756/industrial-chemical-fire

Koch firm to pay \$380K fine:

Fort Dodge Messenger – (Iowa; Kansas) **Koch firm to pay \$380K fine.** The U.S. Environmental Protection Agency announced February 13 that Koch

Nitrogen Co. LLC will pay a \$380,000 fine for failing to have proper risk management plans in 2007 and 2007 at two chemical plants

in Dodge City, Kansas, and Fort Dodge, Iowa, and a pipeline terminal in Marshalltown, Iowa. Source: [http://](http://www.messengernews.net/)

www.messengernews.net/page/content.detail/id/554962/Koch-firm-to-pay-380K-fine.html?nav=5010



Protect Workers From Carbon Monoxide:

With the arrival of cold weather, OSHA is reminding employers to take necessary precautions to protect workers from the serious, and sometimes fatal, effects of carbon monoxide exposure.

Recently, a worker in a New England warehouse was found unconscious and seizing, suffering from carbon monoxide poisoning. Several other workers at the site also became sick. All of the windows and doors were closed to conserve heat, there was no exhaust ventilation in the facility, and very high levels of carbon monoxide were measured at the site.

Every year, workers die from carbon monoxide poisoning, usually while

using fuel-burning equipment and tools in buildings or semi-enclosed spaces without adequate ventilation. This can be especially true during the winter months when employees use this type of equipment in indoor spaces that have been sealed tightly to block out cold temperatures and wind. Symptoms of carbon monoxide exposure can include everything from headaches, dizziness and drowsiness to nausea, vomiting or tightness across the chest. Severe carbon monoxide poisoning can cause neurological damage, coma, and death.

Sources of carbon monoxide can include anything that uses combus-

tion to operate, such as gas generators, power tools, compressors, pumps, welding equipment, space heaters, and furnaces.

To reduce the risk of carbon monoxide poisoning in the workplace, employers should install an effective ventilation system, avoid the use of fuel-burning equipment in enclosed or partially-enclosed spaces, use carbon monoxide detectors in areas where the hazard is a concern and take other precautions outlined in [OSHA's Carbon Monoxide Fact Sheet](#). For additional information on carbon monoxide poisoning and preventing exposure in the workplace, see OSHA's Carbon Monoxide Poisoning Quick Cards (in [English](#) and [Spanish](#)).

Are Fluorescent Bulbs Universal Waste or Municipal Waste?

Must green-tipped fluorescent bulbs be managed as universal waste, or can they be managed as municipal waste? Can they be broken to facilitate consolidation for disposal?

Not all lamps are hazardous wastes, and those that are not may be disposed of in municipal waste management facilities. It is the responsibility of the generator of the lamp to determine whether it is a hazardous waste. One way to make the determination is through the Toxicity Characteristic Leaching Procedure (TCLP). The TCLP attempts to replicate the conditions in a municipal landfill to detect the mercury concentration of water that would leach from the landfill. If the mercury concentration exceeds 0.2 milligrams per liter (mg/L), the lamp fails the toxicity test and must be managed as a hazardous waste (or as a universal waste). If the TCLP analysis puts the mercury below the 0.2 mg/L

maximum concentration limit, the lamp does not have to be managed as a hazardous waste or a universal waste.

The amount of mercury in a low-mercury bulb can range from 3.5 milligrams to 4 milligrams compared with a standard fluorescent bulb, which ranges from 8 milligrams to 14 milligrams of mercury. These lamps may be identified by green end caps (often referred to as green-tipped lamps) or green etchings on the lamps.

Some generators have found that an analysis that costs only a few hundred dollars saves their facility several thousand dollars a year in disposal/recycling costs. EPA notes, however, that mercury-containing lamps often fail the TCLP and that the test results can vary considerably, depend-

ing on the lamp manufacturer, the age of the lamp, and the laboratory procedures used. EPA encourages the recycling of all mercury-containing lamps, regardless of the mercury content. According to EPA, if you do not test your low-mercury lamps and prove them nonhazardous, you should assume they are hazardous waste and handle them accordingly (i.e., under the hazardous waste rules or the universal waste rules). If handling mercury-containing lamps under the federal universal waste requirements, both small and large quantity generators are required to handle universal waste lamps as follows:

- Contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.

- Containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. Immediately clean up and place in a container any lamp that is broken or any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. These containers must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

PHMSA to issue mandatory accident reporting time limits:

SUMMARY: Owners and operators of gas and hazardous liquid pipeline systems and liquefied natural gas (LNG) facilities are already required to provide telephonic reports of pipeline incidents and accidents to the National Response Center (NRC) promptly, accurately,

and fully communicate the estimated extent of the damages. PHMSA is issuing this advisory bulletin to notify the owners and operators that, as required by the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, the

agency will issue a proposed rule to revise telephonic reporting regulations to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the NRC.

To read the entire article go to: <http://www.gpo.gov/fdsys/pkg/FR-2013-01-30/pdf/2013-01555.pdf>

Data on Nine New TRI Chemicals Now Available:

On January 16, 2013, EPA released the 2011 [TRI National Analysis](#), an annual report that displays EPA's analysis of the most recent TRI data. It includes a variety of documents and Web sites that outline national and local trends in toxic chemical disposal or other releases to the environment, as well as trends in toxic chemicals managed by TRI facilities. These resources include an overview of the National Analysis with additional context and explanation, briefing slides that

show high-level messages and trends, and three geographic-specific analyses that highlight urban communities, large aquatic ecosystems, and Indian country and Alaska Native Villages. In Reporting Year 2011 (RY11), 20,927 facilities reported 4.09 billion pounds of toxic chemicals disposed of or otherwise released into the environment, up by 8% from 2010 to 2011. In the long term, facility disposal or other releases of TRI chemicals have gen-

erally decreased, down by 8% from 2003 to 2011.

RY11 was the first year that reporting was required on 16 new chemicals that have been classified as "reasonably anticipated to be a human carcinogen" by the National Toxicology Program (NTP). Reports were received for [nine of the 12 new individually-listed chemicals](#).



TRANSCAER® (Transportation Community Awareness and Emergency Response) is a voluntary national outreach effort that focuses on assisting communities prepare for and respond to a possible hazardous material transportation incident. TRANSCAER® members consist of volunteer representatives from the chemical manufacturing, transportation, distributor, and emergency response industries, as well as the government. Visit: <http://www.transcaer.com/state.aspx> for more information.

TRANSCAER

Hopi Police Chief briefs Hopi High staff on proper response to shooting incident: Stan Bindell The Observer

Hopi Police Chief Jamie Kootswatewa led an "active shooters" training Jan. 31 at Hopi Jr./Sr. High School to teach staff how to respond in the case of a shooting crisis.

Kootswatewa, a 1992 graduate of Hopi High School, has a long history in law enforcement including serving as a corrections officer, a ranger, a special agent, a police officer and chief of the Hopi Rangers before taking the top job at the Hopi Police Department about one year ago.

An active shooter is a shooter in a confined or populated area. The objective in these cases is survival.

Kootswatewa talked to the staff at Hopi Jr./Sr. High about several cases involving active shooters. One of the most famous was in Columbine, Colo. in 1999 when gunmen killed 15 and wounded 23.

A reservation shooting occurred in Red Lake, Minn., where 10 were killed and seven wounded. This case was unique because the shooter took his grandfather's police car and campus security guards waved him through the checkpoints because he was in a police car.

At Virginia Tech, 32 were killed and 23 were wounded. The doors were bolted closed and since that shooting police carry bolt cutters in case this happens again.

In the most recent case, at Sandy Hook Elementary School, a shooter killed 20 children and six adults.

Kootswatewa said he prays that nothing like this happens at Hopi High, but he wants the school staff to be prepared. If an incident occurs, he advises that staff:

- secure classrooms and work areas;
- move students away from the doors;
- take attendance;
- stay away from the windows and doors;
- know the two nearest exits in case students and staff need to leave the building in a hurry;
- remain calm so students don't panic;
- if gunshots are close, barricade the door with any bookcases or furniture in the room; and
- if in the hallway, get in a classroom as soon as possible.

If staff can call the police department, police need to know the location of the shooter, the number of shooters, physical description of shooters and the type of weapons the shooter is using.

"The first goal is to neutralize the shooter," Kootswatewa said.

Kootswatewa said there should be two evacuation routes. He said prevention is possible when there is a respectful work place and when staff make supervisors aware of any workplace violence.

Kootswatewa said better funding for mental health could also serve as a deterrent.

"But there is no one profile for shooters. It could be a drunk or a disgruntled employee. Not all shooters have been diagnosed with mental problems," he said.



Governor's Tribal Community Outreach:

Visit: <http://azgovernor.gov/eop/TribalOutreach.asp> for agency contact information.

Tribal Program Link:

<http://www.epa.gov/region09/indian>

Tribal news:

<http://www.navajohopiobserver.com/>

Tribal Program Newsletter:

<http://www.epa.gov/region09/indian/newslet.html>

LET'S HEAR FROM YOU!

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

Sincerely,

Mark Howard
Executive Director

Commercial products and services are mentioned for informational purposes only and should not be construed as AZSERC endorsements.



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A b o u t o u r O r g a n i z a t i o n

The AZSERC was established by Arizona Law (Arizona Revised Statutes-Title 26, Chapter 2, Article 3) and is tasked with the implementation of the Emergency Planning and Community Right to Know Act (EPRCA) in Arizona.

This Commission oversees 15 Local Emergency Planning Committees and supports community, industry and government and academia in: planning, release and incident reporting, data management guidance for inventory reporting, public disclosure of information about hazardous chemicals in Arizona as well as development of training and outreach programs.

The Commission supports individual agency goals and objectives.

This is accomplished through the receipt and coordination of emergency notifications of chemical releases, collection and provision of chemical inventory information to interested parties, training and grants programs.

Additionally, the AZSERC provides consultative services, conducts and participates in workshops and coordinates development and review of plans and programs for 15 Local Emergency Planning Committees.

Further, the AZSERC serves as a state clearinghouse for hazardous chemical emergency preparedness and planning activities and information through coordination with federal, tribal, state, local governments, industry and community interest