



# cleanupnews

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CleanupNews is a quarterly newsletter highlighting hazardous waste cleanup cases, policies, settlements and technologies.

## EPA Region 10 Administrator Iani Resigns

**O**n July 21, EPA Region 10 Administrator John Iani announced he was resigning and returning to practicing law. The resignation became effective August 7. Ron Kreizenbeck, the Deputy Administrator for Region 10, is serving as Acting Administrator pending appointment of a replacement.

Iani was appointed by President Bush in September 2001 and spent his three years as Administrator tackling oil and gas exploration issues, sewage issues in Portland, and metals contamination in Lake Roosevelt. One of his most significant accomplishments was the signing of a Record of Decision (ROD)

outlining a cleanup plan for part of the Bunker Hill Superfund site in the Coeur D'Alene River Basin of Idaho. Iani worked toward consensus on the ROD by bringing together local governments, environmental groups, the governors of Washington and Idaho, and state congressional delegations.

Prior to serving as Administrator, Iani was the Vice President for Corporate Affairs and General Counsel at UniSea Corporation, a large seafood company, and served as President of the Pacific Seafood Processors Association.

*For additional information, contact Bill Dunbar, EPA Region 10, (206) 553-1203.*

## Portfields Project Gets \$5 Million Boost

**M**assachusetts Lieutenant Governor Kerry Healey announced a \$5 million state grant for improving New Bedford Harbor on August 5. The City of New Bedford and Town of Fairhaven will use the money for navigational dredging, one of the Portfields objectives for the harbor. Removing the silt that has gradually filled in the area over the years will allow larger vessels to navigate more easily. The state recognized the incredible value of dredging to improving use of the harbor and encouraging future business growth.

New Bedford is one of the busiest ports on the Eastern seaboard and a thriving area for the seafood processing industry.

New Bedford is one of three pilot sites selected through the Portfields Initiative, an interagency agreement between the National Oceanic and Atmospheric Administration (which is the lead agency), EPA, the US Army Corps of Engineers, and other federal agencies to redevelop brownfields located in and around ports. Portfields developed out of the 2002 Brownfields Federal Partnership Action Agenda, a

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# Rocky Flats Building Demolished



Crews work to demolish a building at Rocky Flats.

**O**n July 15, Building 771 on the Rocky Flats site was dismantled after a 10-year decontamination and removal process. The building had once been so contaminated with hazardous and radioactive waste that the media referred to it as “the most dangerous building in America.” DOE Secretary Spencer Abraham referred to the demolition as “a historic milestone in closing Rocky Flats and the most significant cleanup accomplishment to date in the DOE complex.”

The 175,000-square-foot building was one of the original four manufacturing buildings constructed on the site. Starting in May 1953, Building 771 produced components for plutonium weapons and recovered plutonium from recycled materials. Once other buildings were constructed, Building 771 was used solely for plutonium recovery. On September 11, 1957, a fire ignited in a plutonium residue can. The fire spread to the building’s second floor where vapors collecting in the main exhaust duct exploded, spreading

plutonium contamination throughout the building. In 1989, production activities ceased due to safety and environmental concerns, and the site was added to EPA’s National Priorities List. Building 771 is the second of five facilities that contained plutonium contamination to be demolished at the site and the first major building of its type and magnitude to ever be decommissioned. Over the next 18 months, DOE plans to decommission, demolish, and complete environmental remediation at approximately 450 structures and facilities within the Rocky Flats Site.

The 6,000-acre Rocky Flats site is located just 16 miles from Denver, Colorado. Original estimates for the

plutonium contamination throughout the building. In 1989, production activities ceased due to safety and environmental concerns, and the site was added to EPA’s National Priorities List. Building 771 is the second of five facilities that contained plutonium contamination to be demolished at the site and the first major building of its type and magnitude to ever be decommissioned. Over the next 18 months, DOE plans to decommission, demolish, and complete environmental remediation at approximately 450 structures and facilities within the Rocky Flats Site.

*“More than half of the 805 buildings/structures onsite have been demolished.”*

cleanup were that it would take 65 years to complete and cost taxpayers over \$36 billion. Through streamlining efforts by the contractor, Kaiser-Hill Company, the site is on an accelerated cleanup schedule. Current estimates are that the site will close in 2006 at a cost of \$7 billion. An article about the accelerated cleanup plan for Rocky Flats appeared in the Spring 2003 issue of *CleanupNews*, available online at: <http://www.epa.gov/Compliance/resources/newsletters/cleanup/cleanup12.pdf>.

The accelerated cleanup plan and details about the cleanup to date are available on the Rocky Flats Closure Project website at:

<http://www.rfets.gov/doe>.

*For additional information, contact Bill Badger, Kaiser-Hill, (303) 966-5754.*



Plutonium contamination requires the wearing of safety equipment as buildings are demolished.

# Sites Added to National Priorities List

**E**PA added nine new sites to the Superfund National Priorities List (NPL) on July 22. The new sites are: Jacobsville Neighborhood Soil Contamination, Evansville, IN; Annapolis Lead Mine, Annapolis, MO; Picayune Wood Treating, Picayune, MS; Grants Chlorinated Solvents Plume, Grants, NM; Diaz Chemical Corporation, Holley, NY; Peninsula Boulevard Groundwater Plume, Hewlett, NY; Ryeland Road Arsenic, Heidelberg Township, PA; Cidra Ground Water Contamination, Cidra, PR; and Pike Hill Copper Mine, Corinth, VT.

Some of the highlights include the Annapolis Lead Mine, an inactive mine in Annapolis, Missouri where lead-containing ore was mined between 1920 and 1940. Over one million tons of waste were generated during that time. The site was added to the NPL due to heavy metal contami-

nation on the property and in a nearby wetland. At the Cidra Ground Water Contamination site in Cidra, Puerto Rico, volatile organic compounds from an unknown source have contaminated groundwater. Between March 1996 and August 2000, four public supply wells had to be closed by the Puerto Rico Department of Health due to contamination. EPA Region 2 conducted Expanded Site Inspections in 2002 and 2003 and determined that five industrial sites were potential sources of the contamination.

The Diaz Chemical Corporation in Holley, New York is a former chemical manufacturing facility known to be responsible for multiple hazardous waste releases into a nearby community. In January 2002, an overheated reactor vessel ruptured at the Diaz facility causing the unintended release of chemicals. As a result, drops of 2-chloro-6-fluorophenol fell in a resi-

dential area over a quarter mile from the facility, and some local residents had to be relocated. Among several response activities associated with this release, EPA continues to provide relocation assistance to the displaced residents. As of July 2004, EPA had removed 2,400 drums and 40,000 gallons of bulk chemicals abandoned when the company declared bankruptcy in June 2003.

First published in September 1983, the NPL identifies hazardous waste sites that EPA has determined pose the greatest risk to human health and the environment. There are currently 1,245 sites on the NPL, and 56 sites are waiting to be finalized.

*Additional information about the new NPL sites is available through the Superfund website at: <http://www.epa.gov/superfund/sites/npl/newfin.htm>.*

# Green Building Supplemental Environmental Projects

*by K.C. Schefski, Office of Site Remediation Enforcement*

**O**n July 27, 2004, the Office of Site Remediation Enforcement and the Office of Regulatory Enforcement jointly issued a fact sheet entitled, "Supplemental Environmental Projects: Green Building on Contaminated Properties." This fact sheet provides information on supplemental environmental projects (SEPs) that can serve to prevent and minimize the environmental impacts associated with redeveloping former contaminated properties. The fact sheet explains the environmental impacts associated with buildings, summarizes the "green building SEP on

*"Green building SEPs address pollution sources from building or construction."*

contaminated properties" concept, and provides resources and suggestions for pursuing a green building SEP. The fact sheet is part of Office of Enforcement and Compliance Assurance's comprehensive effort to identify and develop incentives for environmentally responsible redevelopment and reuse of contaminated properties (ER3). A SEP is an environmentally beneficial project a defendant/respondent agrees to undertake in settlement of a civil penalty action, but that the party is not otherwise legally required to perform. In return, a percentage of

the SEP's value is considered when the amount of a final cash penalty is being determined. SEPs enhance the environmental quality of communities that have been put at risk by violations. While penalties play an important role in deterring environmental and public health violations, SEPs can play an additional role in securing significant environmental and public health protection and improvement.

A green building SEP would address one or more sources of pollution typically generated by a building or construction project. A green building SEP would involve an environmental violator agreeing to support and

*continued on page 7*



## Oregon Metallurgical to Complete SEPs Valued at \$500,000

On June 30, Oregon Metallurgical Corporation of Albany, Oregon agreed to pay EPA \$250,000 and complete two Supplemental Environmental Projects (SEPs) worth nearly \$500,000 to resolve several Resource Conservation and Recovery Act (RCRA) violations. Oregon Metallurgical is completing the SEPs—environmentally-beneficial projects—in exchange for a reduction in penalty.

The SEPs Oregon Metallurgical has agreed to complete will both reduce the amount of hazardous waste produced by the facility and conserve wetlands. The first SEP calls for the termination of a titanium chip washing process that creates a hazardous acid. Instead, the corporation will use a supplier that sells chips cleaned using a non-hazardous process. The second SEP requires that an Oregon Metallurgical affiliate, TDY Industries Inc.,

deed twelve acres of land at its Millersburg, Oregon facility to the City of Albany. The land, which runs along the Willamette River, has been used for wastewater treatment and other industrial activities. According to the agreement, part of the land will be protected as wetlands and the rest will be used to extend the existing area

*“SEPs are environmentally-beneficial projects that EPA considers when calculating a penalty.”*

parkland and hiking trail. The conservation agreement specifically prevents the land from being altered through processes such as removal of soil, trees, or vegetation,

except as necessary or appropriate for maintenance and research. Oregon Metallurgical will reimburse its affiliate for the donation of this land.

The RCRA violations Oregon Metallurgical is resolving through the compliance agreement were identified during an April 2000 EPA inspection, which was conducted at the request of the Oregon Department of Environmental Quality. Inspectors found that the facility had been operating a hazardous waste surface impoundment, or acid sump, without a permit for at least five years; operating an acid spray pad without a permit for at least five years; storing an open and unmarked container of sulfuric acid; and storing hazardous waste containers without sufficient aisle space.

*For additional information, contact Kevin Schanilec, EPA Region 10, (206) 553-1061.*

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## Rhode Island Company to Pay \$500,000

Ultra Scientific, Inc., a chemical standards laboratory in North Kingstown, Rhode Island, will pay a \$500,000 penalty for hazardous waste handling violations at its Quonset Point Industrial Park facility, EPA announced on July 7. An August 2002 inspection of the facility by EPA and the Rhode Island Department of Environmental Management (DEM) uncovered numerous violations. A follow-up inspection, requested by the DEM, took place in September 2002 and revealed that the company had not addressed violations identified during the first

inspection. During the second inspection, fire safety code violations were also identified by the North Kingston fire department and building officials.

The federal and state hazardous waste management violations discovered included operating a treatment facility without a permit, improper labeling of waste containers, open containers, and lack of employee training in hazardous waste management methods. EPA and RI DEM also discovered that chemicals had been improperly stored outside the

*“EPA and RI DEM identified numerous violations at the facility.”*

building resulting in exposure to extreme temperatures and the co-storing of several incompatible wastes that can ignite or produce toxic gas if mixed.

Following the inspection, over 80 gallons and 400 pounds of toxic chemicals were removed and properly disposed of to protect human health and the environment.

# Annual Toxics Release Inventory Issued

On June 23, EPA released the 2002 Toxics Release Inventory (TRI) data. The TRI tracks the release of over 650 toxic chemicals to air, water, or land by facilities, including through disposal and other methods of release (e.g., air emissions). According to the 2002 data, over 24,000 facilities released 4.8 billion pounds of TRI chemicals.

The public can download the 2002 TRI data at: <http://www.epa.gov/tri/tridata/index.htm> or search the data using TRI Explorer. TRI Explorer is accessible at: <http://www.epa.gov/triexplorer> and allows users to search by geographic area, facility, or chemical and view a variety of reports. TRI Explorer also provides state fact sheets for each of the states. The fact sheets offer detailed information about each state's releases and an interactive map for users to get additional details by county.

The TRI Program was established through the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), which aims to inform the public of chemical hazards in their

community. Under EPCRA, facilities that release significant amounts of certain types of toxic chemicals are required to track these releases and provide the data to EPA. EPA pub-

lishes this data to inform citizens of toxic chemical management practices in their community and to encourage companies to properly manage toxic chemicals.

## New ATF Building to Stand on Old LUST Site in DC

On July 26, several OUST staff and OSWER interns visited an old leaking underground storage tank site undergoing remediation in the northeast section of the District of Columbia. Five USTs had been removed from the site in 1991, and the presence of petroleum hydrocarbons and other contaminants was discovered over much of the site. A remediation system is in place, and the DC UST program is working with the U.S. General Services Administration to clean up and prepare the site to become the new national headquarters of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The building planned for the site is projected to house approximately 1,100 ATF personnel and open in 2005.

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## United Airlines Agrees to Pay \$850,000 for Violations

On July 12, EPA announced that United Airlines, Inc. will pay an \$850,000 civil penalty for hazardous waste violations observed at its San Francisco International Airport aircraft maintenance facility. In addition, United and EPA created an environmental compliance management system to help achieve ongoing compliance with hazardous waste regulations.

The violations, which were uncovered through EPA inspections in 1999 and 2001, spanned both state and federal hazardous waste laws. The is-

ssues found included open hazardous waste containers, improperly labeled hazardous waste containers, and storage of hazardous waste for longer than legally permitted.

*For additional information, contact Cameron McDonald, EPA Region 9, (415) 972-3308.*



*An open oil/solvent 50-gallon drum.*

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## Court Grants Full Recovery and Assesses Penalties Against Fiberglass Manufacturer

*by David Dowton, Office of Site Remediation Enforcement*

The district court for Puerto Rico has awarded the United States roughly \$3 million in response costs and has assessed over \$1 million in penalties for RCRA and CERCLA violations at the J&G and Cataño sites (2004 U.S. Dist. LEXIS 16000).

After a preliminary inspection of the site revealed leaking drums, EPA made a number of attempts to obtain voluntary access to undertake a more comprehensive inspection and perform initial sampling. EPA's efforts were unsuccessful. Access was eventually obtained via a warrant and an inventory of stored hazardous substances, and an initial sampling was performed. Later EPA issued an administrative order directing defendants to comply with EPA's request for access. EPA also issued the defendants a RCRA information request seeking detailed information of the materials used on site. The defendants failed to comply with either the order or the information request.

With defendants refusing to comply with EPA's order, access was once again obtained via a warrant. Subsequent inspection of the sites found hundreds of drums containing hazardous substances haphazardly stored. Many drums were in a deteriorated state and were leaking. Sampling indicated that a number of drums were leaking acetone, styrene, and arsenic among other things. The material in many drums was also considered a RCRA hazardous waste because of its low flash point. Based on the site investigation and sampling, EPA determined that a removal action was appropriate. The Agency incurred roughly \$3 million in excavating the drums and contaminated soil and transporting it for off-site disposal. The United States brought suit seeking recovery of all response costs as well as the civil penalties for failure to comply with various provisions of CERCLA and RCRA.

Finding that EPA's removal action was not arbitrary and capricious and was not inconsistent with the NCP, the court awarded the United States all response costs including sampling and investigation costs and indirect costs. In addition, the court assessed a penalty of \$750,000 for various RCRA violations including the storage and disposal of RCRA hazardous wastes without a permit. The court found that the defendant's failure to provide access to the sites was a violation under Section 104 of CERCLA and assessed a \$102,000 penalty. Finally, the court assessed the defendants a penalty of \$263,200 for failure to comply with the RCRA information request. The court also found that the defendants are still obligated to respond to the request and ordered the defendants to comply with the information request within 30 days.

## EPA Opens New Bedford Facility

**A**t the New Bedford press conference to announce the state's new Portfields grant, EPA Region 1 Deputy Administrator Ira Leighton marked the opening of EPA's new \$25 million sludge dewatering facility that is critical to the PCB cleanup of New Bedford Harbor. The facility will receive desanded sediments from another facility through submerged pipelines. The water will then be extracted, treated to stringent standards, and pumped back into the harbor. The remaining dewatered sediment will be properly disposed of either through landfilling at an approved facility or in a confined disposal facility along the shoreline. Approximately 900,000 cubic yards of sediments will be removed from the harbor and treated by the facility. Dredging is scheduled to start within a month of the announcement. Once the harbor dredging is complete, EPA



*EPA's new sludge dewatering facility at New Bedford.*

will turn the sludge dewatering facility, pier, and rail spur over to the city for its use.

New Bedford Harbor has been on EPA's National Priorities List since 1983. From the 1940s to the 70s, two electrical component manufacturing plants dumped PCB waste directly into the harbor creating widespread contamination. Fish and lobster advisories have been posted to protect human health.

To date, EPA has spent over \$189 million on planning and engineering the remedy for New Bedford.

*Portfield, continued from page 1*

commitment by federal agencies to work together to more effectively redevelop brownfields.

The New Bedford dredging project will involve dredging sediments with contamination levels below Superfund levels.

The Portfields fact sheet for New Bedford is available through the NOAA website at:

[http://www.brownfields.noaa.gov/pdf/nb\\_projects\\_1pager.pdf](http://www.brownfields.noaa.gov/pdf/nb_projects_1pager.pdf)

*Green Buildings, continued from page 3*

use green building technologies at the redevelopment of a nearby contaminated property in exchange for penalty mitigation credit. The violations may arise under a variety of statutory authorities, and the SEP will generally take place on property not owned by the violator. For example, a company with air violations located in the vicinity of a brownfield redevelopment could purchase energy efficient materials/systems or low VOC emitting materials for the redeveloper to help minimize air emissions from the new development.

The fact sheet is available online at: <http://www.epa.gov/compliance/resources/policies/cleanup/brownfields/sep-redev-fs.pdf>.

For additional information, contact K.C. Schefski, Office of Site Remediation Enforcement, (202) 564-8213.

## Correction



**Correction:** The above photo appeared in *CleanupNews Summer 2004* with the National Corrective Action Conference article. The caption with the photo incorrectly stated that Dwight Bedsole is with Dow Chemical Company. He is with Dupont Engineering.

**September 20-22, 2004**

Brownfields 2004: "Gateway to Revitalization"

St. Louis, MO

<http://www.brownfields2004.org>

**September 21-23, 2004**

Wastecon 2004

Phoenix, AZ

<http://www.swana.org/sections/wastecon/>

**October 7-8, 2004**

2004 ASTSWMO Annual Meeting

Arlington, VA

<http://www.astswmo.org>

# Glossary

<b>ATF</b>	Bureau of Alcohol, Tobacco, Firearms, and Explosives	<b>OUST</b>	Office of Underground Storage Tanks
<b>DOE</b>	Department of Energy	<b>PCB</b>	Polychlorinated biphenyls
<b>EPCRA</b>	Emergency Planning and Community Right-to-Know Act	<b>RCRA</b>	Resource Conservation and Recovery Act
<b>ER3</b>	Environmentally responsible redevelopment and reuse	<b>RI DEM</b>	Rhode Island Department of Environmental Management
<b>NOAA</b>	National Oceanic and Atmospheric Administration	<b>ROD</b>	Record of Decision
<b>NPL</b>	National Priorities List	<b>SEP</b>	Supplemental Environmental Project
<b>OSRE</b>	Office of Site Remediation Enforcement	<b>TRI</b>	Toxics Release Inventory
<b>OSWER</b>	Office of Solid Waste and Emergency Response	<b>UST</b>	Underground storage tank
		<b>VOC</b>	Volatile organic compound

## cleanupnews

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