

US EPA ARCHIVE DOCUMENT



Tonawanda New York Community Air Quality Study and Evaluation of the Tonawanda Coke Facility

Community Update

May 2010

TIMELINE

- April 2009
EPA and DEC conduct inspection/evaluation at the Tonawanda Coke Corporation (TCC)
- June 2009
DEC conducts a public meeting to release their findings from the Tonawanda Community Air Quality Study to the community and describes actions that have and will be taken to reduce emissions of hazardous air pollutants in the community..
EPA and DEC conduct hazardous waste inspection at TCC.
- July 2009
TCC representatives meet with EPA to review future testing criteria/protocols for stack tests.
- October 2009
DEC publishes the Tonawanda Community Air Quality Study which is now posted on the Department's website:
<http://www.dec.ny.gov/chemical/59464.html>
- December 2009
US Attorney's Office for the Western District of NY leads federal investigators on raid at TCC.
Civil enforcement actions issued to TCC for:
-Resource Conservation & Recovery Act-Cited two violations related to the coal piles and the tanks.
-Clean Water Act-Cited numerous operation and maintenance violations.

INTRODUCTION

The U.S. Environmental Protection Agency (EPA) is very active in your community and we wanted to take a moment to let you know what we are doing. First, EPA and the New York State Department of Environmental Conservation (DEC) funded a study of air quality in your area and second, the agencies are engaged in numerous assessments of the Tonawanda Coke Corporation's (TCC) compliance with federal and state environmental laws and regulations. This is an update of EPA's activities.

EPA Evaluation

As a result of the air quality study and because of concerns expressed by the community, EPA and DEC are conducting a full multi-faceted evaluation of the facility to determine its compliance with federal and state laws and regulations.

Recent Actions

EPA issued an Administrative Order to TCC on April 28, 2010 citing violations of the General Duty Clause of the Clean Air Act that states companies have a "general duty" to design and maintain safe facilities. The agency is requiring TCC to explain two incidents that took place at their facility in 2009 and 2010 apparently due to power and equipment failures. Under the EPA order, the company must determine how and why the equipment failed, fix the problems, and take steps to prevent them from happening again.

Clean Air Act

EPA issued an Administrative Order to TCC on January 7, 2010 citing violations of the National Emission Standards for Hazardous Air Pollutants under the Clean Air Act and stack testing requirements.

Update: Baffle systems have been installed in the quench towers and EPA will determine if the installation meets control standards. TCC has also made other process upgrades at the facility aimed at reducing the amount of fugitive emissions. TCC has either covered or replaced open sumps and vessels. Emissions from these process vessels are now being controlled as required by the regulations. TCC has also upgraded/enhanced their leak detective and repair program that is used to detect fugitive emissions from process components.

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- January 2010
Civil enforcement actions issued to TCC-Clean Air Act violations and or TCC to submit appropriate test protocols.

- April 2010
Administrative Order issued for assessment of two incidents that occurred at the facility in order to meet codes, protocols, and standards.

FOR MORE INFORMATION:

* Public participation is essential to the success of EPA's community involvement program. If you have any questions regarding EPA's activities in Tonawanda, please contact: Mike Basile, EPA Public Affairs Specialist, Western New York Public Information Office, 716-551-4410 or e-mail to basile.michael@epa.gov

The agencies and TCC are resolving protocol issues involving the stack tests. Finally, the DIAL Test protocol has been approved and TCC began conducting the DIAL Test the week of May 24, 2010. TCC is required to submit the testing results within 30 days.

Clean Water Act

EPA issued a Water Administrative Order to TCC on December 17, 2009 citing numerous operation and maintenance violations. EPA followed up with a Request for Additional Information on March 16, 2010. Update: TCC has submitted to EPA a best management practices plan for review which outlines an upgraded treatment system for its coal pile runoff, replacement of corroded ammonia storage tanks, and methods for managing storm water runoff. The plan is under review by DEC and EPA. TCC has also conducted an audit of its sanitary and process wastewater system to identify any cross connections. EPA will ensure that the facility implements the recommendations of the audit. EPA is working to ensure that all process wastewater is properly treated and monitored.

Resource Conservation and Recovery Act (RCRA)

EPA issued a RCRA Administrative Complaint to TCC on December 18, 2009 citing two violations related to the coal piles and tanks.

Update: TCC is now using the concrete pad for mixing tar sludge and coal in conformance with regulations. A Sampling Plan submitted by TCC and accepted by EPA, to confirm the absence of regulated levels of

PCB and halogens in the tar in and around the burnt tanks was implemented with NYSDEC oversight on May 5, 2010. No PCBs or halogens were detected in any of the samples. A removal plan has been provided to EPA and is under review.

ONGOING EVALUATION

The DEC continues to operate two air quality monitoring stations that were part of the original community study. In addition, a continuous benzene monitor has been installed at one site to assess the impacts of the benzene reduction measures that have implemented to date by the TCC AT THE DIRECTION OF DEC.



The DEC is currently conducting a comprehensive analysis of the post community study benzene air measurements July 2008 to September 2009 for the purpose of evaluating the impact of the benzene reduction actions that have already occurred at TCC.

For copies of recent EPA letters to TCC, please visit:
<http://www.epa.gov/region02/capp/tonawanda.html>