

**United States Environmental Protection Agency
Region III
POLLUTION REPORT**

Date: Monday, August 13, 2007

From: Mike Towle

Subject: Issuance of Unilateral Order and Approval of Action Memorandum

Stoney Creek Technologies
3300 4th Street, Trainer, PA
Latitude: 39.8300000
Longitude: -75.3975000

POLREP No.:	6	Site #:	
Reporting Period:		D.O. #:	
Start Date:	4/19/2007	Response Authority:	CERCLA
Mob Date:	4/19/2007	Response Type:	Emergency
Demob Date:		NPL Status:	
Completion Date:		Incident Category:	Removal Action
CERCLIS ID #:		Contract #	
RCRIS ID #:			

Site Description

The On-Scene Coordinator (OSC) initiated a response action at the Stoney Creek Technologies Site on April 17, 2007 after evaluating the threats posed by the Site. The response actions taken by the OSC are documented in POLREP 01 and Special Bulletin A. POLREP 02 and Special Bulletin B were issued on April 26, 2007 and provided additional information related to the threats posed by the Site and identified and clarified actions that may be taken to minimize the threat of a release of hazardous substances from the Site. The OSC continues to conduct a removal site evaluation pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

The Site is the location of Stoney Creek Technologies' chemical manufacturing facility. The removal site evaluation identified the existence of a threatened release of hazardous substances posing a significant threat to public health or welfare or the environment. Stoney Creek Technologies is experiencing serious financial difficulties and may not be able to safely operate its facility and/or maintain the safety of the chemicals therein for much longer. The OSC evaluated Site conditions against the factors contained in Section 300.415 of the NCP and determined on April 17, 2007, that immediate response activities pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, were necessary to begin to mitigate the immediate threats posed by the Site. Pursuant to Delegation of Authority 14-2, the OSC authorized the expenditure of CERCLA funding in an amount not to exceed \$250,000 to initiate an emergency Removal Action to prevent a release of hazardous substances stemming from tanks and containers of flammable chemicals, combustible chemicals, acid chemicals, and combinations of these and other chemicals as well as from these same types of chemicals located within trenches, pipes, equipment, and other locations throughout the facility. The OSC must take actions especially in the event that the current operator of the facility is unable to continue to do so. Stoney Creek Technologies continues to operate its systems to safeguard the inventory and to reduce the inventory through sale of manufactured products into the stream of commerce.

In POLREP 01 and Special Bulletin A, the OSC identified actions to take to minimize the threat of release of hazardous substances. Among those actions was the need to identify, evaluate, and arrange for or operate facility systems (e.g., nitrogen system), or take other similar actions, to minimize the potential for fire or chemical reaction or release. POLREP 02 and Special Bulletin B clarified this action item to include the removal of chemical product inventory or operation of facility systems that result in the removal of chemical product inventory from the Site as a means to minimize the potential for release of hazardous substances from the Site. The OSC determines that removal of chemical product inventory from the Site, or safe operation of the facility systems by the Company that result in a reduction of on-Site inventory, will facilitate the reduction of threat by removing the chemicals that contribute to the threat of a release. As such, the OSC may consider limited activities by the Company as it manufactures chemicals to be consistent with the overall intent and scope to reduce the threats posed by the Site provided that the Company operates consistent with the direction of the OSC and operates the facility's safety systems (e.g., nitrogen system). The OSC communicated this potential action item to the Pennsylvania Department

of Environmental Protection which acknowledged its benefit provided it is directed by the decision of the OSC.

Current Activities

(A) The OSC continues to maintain a routine presence at the facility during production timeframes.

(B) An activities log is maintained which describes production activities, incoming and outgoing materials, systems operation status and any maintenance incidents/issues of importance. The facility continues limited production operations, including tank transfers, milling, sulfonation, degassing, and stripping. Products totaling approximately 1.44 million pounds were shipped to customers through July 2007. Materials critical for facility safety (nitrogen) were brought into the plant.

(C) Two potentially responsible parties received a Unilateral Administrative Order, dated August 3, 2007, from EPA requiring the removal of inventory from the Site. The Orders allow for processing of chemical inventory for sale or removal for disposal purposes. Some materials have already been directly removed by one of the PRPs and this activity is ongoing. Stoney Creek Technologies continues to maintain the safety of the facility while processing chemicals for sale. In support of the Orders and in the case wherein the Respondents to the Orders are unable/unwilling to comply, the Region approved an Action Memorandum. That Action Memo approved a budget of \$4,814,489 to conduct Removal Actions.

(D) The OSC has received information from DELCORA (Regional Waste Water Treatment Authority) that they desire for EPA to pay for the service of removal of wastewater discharge from the facility if EPA is going to allow for the continued operation of the facility to reduce the threats.

(E) The OSC has been informed that SCT has paid one of the PECO bills that was past due. PADEP is currently paying for electricity required to keep the plant safe.

(F) The OSC arranged for the conduct of analytical testing/sampling of emissions from the solvent recovery system to document emission amounts whilst the Company's Title V permit is suspended. The data will be used to show if the substantive requirements of environmental regulations are met by the ongoing actions. The preliminary data indicate that the emissions are well within limits expected of the operations.

(G) The OSC arranged for the collection of samples of water discharged from the facility and/or stored in the holding tanks pending treatment and discharge. This data is expected by the end of August. Additionally, the OSC arranged for the collection of samples of ash commingled with processing wastes (e.g., co-product as defined by the facility). The preliminary results of TPH concentrations show several 1000 mg/kg; additional results are expected by the end of August.

(H) The OSC continues to provide routine status updates to PADEP SE Regional Office personnel.

(I) The OSC routinely updates that Environmental Advisory Council and has briefed local elected officials and emergency managers in Trainer and the adjacent City of Chester.

Planned Removal Actions

(A) At this time, the OSC continues to work with the Company to continue production in an effort to reduce the inventory while working another PRP to remove or otherwise process inventory from the Site. The OSC is also preparing to determine the information needs for determining when sufficient inventory is removed or if conditions changed such that the threats at the Site are mitigated. These conditions are spelled out in the newly issued Order.

(B) Develop tracking capabilities to monitor compliance with the Order.

Next Steps

(A) For the immediate future, the OSC plans to continue to allow the Company to remove existing inventory from the facility through approved production processes. The OSC plans to maintain a site presence during chemical production activities. The OSC plans to coordinate with an additional (potentially responsible party) Company for the removal of inventory from the Site by that additional Company.

(B) Work with PRPs to continue reduction of inventory through removal or production.

