

United States Environmental Protection Agency
Region III
POLLUTION REPORT

Date: Thursday, February 14, 2008

From: Mike Towle

Subject: Special Bulletin C Emergency Response to Oily Discharge and ongoing response operations

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

POLREP No.:	9	Site #:	
Reporting Period:	thru February 13, 2008	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.

On July 27, 2007, the Region approved an Action Memorandum and Exemption from the 12 month and 2 million dollar statutory limits for Removal Actions. That Action Memo created a removal project ceiling of \$4,814,489 for response actions. The Region also issued several Unilateral Administrative Orders which require the potentially responsible parties to remove inventory from the Site and conduct other actions.

Since April 2007, the inventory at the Site has been steadily reduced.

Current Activities

(A) On February 5, 2008, the Region issued a Unilateral Administrative Order to all potentially responsible parties requiring development and implementation of a plan to discharge wastewaters from the Site in a manner that does not threaten Stoney Creek. The effective date of the Order was February 13, 2008.

(B) At 0900 on February 13, 2008, the OSC found a discharge of oily material from the facility migrating to Stoney Creek. The discharge occurred due to pumping of a catch basin containing an oily material while attempting to reduce the amount of stored wastewater on the Site during a heavy rain event. The OSC determined that a threat to the environment was present and that the Company was unable to stop the discharge. The OSC determined that approximately 10,000 gallons of wastewater with a floating oily layer posed the threat and activated the EPA ERRS contractor pursuant to Delegation of Authority 14-2 and consistent with the existing approved Action Memorandum to remove the oily material to mitigate the threat to the Creek. The contractor was contacted at 0930 and spent the majority of the day using a vacuum truck and absorbent materials to remove the oily material and place it back into the wastewater treatment system.

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

(D) 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 is focused on maintaining heat to critical areas of the facility, but continues limited production operations, including tank transfers, milling, degassing, and stripping. Products totaling approximately 6.3 million pounds were shipped to customers through early January 2008. A limited amount of material was also disposed. Materials critical for facility safety (nitrogen) and some raw materials needed to reduce inventory through processing were brought into the plant.

(E) Each of three potentially responsible parties received a Unilateral Administrative Order from EPA requiring the removal of inventory from the Site. The Orders allow for removal or processing of chemical inventory for sale or removal for disposal purposes. 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 to effect removal of inventory. That Action Memo approved a budget of \$4,814,489 to conduct Removal Actions.

(F) The OSC has arranged for payment of services to receive and treat wastewater discharged from the facility to DELCORA (Regional Waste Water Treatment Authority). This allows for continued processing which is needed to reduce inventory, protect from uncontrolled discharges, and maintain facility safety while the removal is underway.

(G) PADEP continues paying for electricity required to keep the plant safe.

(H) The OSC completed an effort to examine which company (companies) may be responsible for the contents of all tanks on site and which tanks may be contributing to spillage into the on-Site drainage system (which poses a potential threat of release into the nearby Stoney Creek during certain storm conditions). The effort involved reviewing inventory information, interviewing production personnel, observing tanks and trenches, and attempting to determine where certain materials may have originated. The results of the inventory responsibility effort are summarized in a table forwarded to the PRPs on January 11, 2008. The OSC was unable to definitively determine where specific spillage into the trenches may have originated. Much of the trench system is underground and it appeared that much of the spillage occurred from pipes and equipment (which the OSC did not trace to specific tanks). However, certain tanks or areas around tanks were found to have evidence of spilled materials. These materials could be linked to materials owned or controlled by all three PRPs through observation of tanks and

understanding of process flow. All spillage was contained by the on-site waste water treatment system and on-site drainage system.

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

(J) The OSC encouraged SCT to remove the oily material collected in the wastewater tanks to available tankage in the production area. The oil/solvent mixtures were removed and placed into tanks where the materials can be further separated, utilized, and removed from the facility.

Planned Removal Actions

(A) The OSC continues to work with the Companies to remove inventory from the Site including the continued production activities that result in net reduction of inventory. The OSC continues to evaluate information needs for determining when sufficient inventory is removed or if conditions changed such that the threats at the Site are mitigated.

(B) The OSC will work with the Respondents to the orders to discharge wastewaters from the Site.

Next Steps

A) For the immediate future, the OSC plans to continue to allow the Companies to remove existing inventory from the facility through removal and through approved production processes. The OSC plans to maintain a site presence during chemical production activities.

(B) The Respondents are developing a Response Action Plan for the discharge of wastewaters from the Site.

Key Issues

(A) The facility permits were suspended by PADEP and SCT has not yet been able to satisfy requirements that might enable them to regain their permits.

(B) SCT continues to work to obtain financing to continue as a business. A financing group is now involved and effort continues to develop a game plan to improve current conditions.

(C) Potentially Responsible Parties are in substantial compliance with the EPA Orders.

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