



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

Community Update

February 2010

TIMELINE

- April 2009
EPA and DEC conduct inspection/evaluation at the Tonawanda Coke Corporation (TCC)
- June 2009
EPA/DEC release Tonawanda Community Air Quality Study to 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.
- December 2009
US Attorney's Office for the Western District of NY leads federal investigators on raid at TCC. Environmental Control Manager arrested and charged with violations of numerous federal environmental laws. Defendant arraigned in Buffalo, NY and released on bond pending an April 2010 court date.
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.
- January 2010
Civil enforcement actions issued to TCC
 - Clean Air Act-cited numerous Clean Air Act violations and order TCC to submit appropriate test protocols.

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 is conducting a full multi-faceted evaluation of the facility to determine its compliance with federal and state laws and regulations. Under the direction of the US Attorney's Office of the Western District of New York, federal investigators conducted a raid at the facility in December 2009. TCC's Environmental Control Manager was arrested and criminally charged with numerous counts of violating various environmental laws. The charges carry a maximum penalty of five years imprisonment and/or a fine of \$50,000 per day or both. The defendant was arraigned in Buffalo, NY and released on bond pending an April 2010 court date.

Recent Actions

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.

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

Page 2

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 agency will continue to order TCC to conduct tests under our oversight to determine at what levels benzene emissions are coming from their facilities which will determine if they are a major Hazardous Air Pollutant (HAP) source under the law. In addition, EPA has put TCC on notice that it violated environmental requirements found in New York's clean air plan by not having the proper air pollution control technology on a part of the facility known as the quench towers. While the facility did reportedly recently install equipment which will be evaluated, they still face fines for failing to have this equipment in the past.

Clean Water Act

EPA issued a Water Administrative Order to TCC on December 17, 2009 citing numerous operation and maintenance violations. TCC has been ordered to make specific repairs or corrections to its connection of

wastewater pipes and to immediately stop unpermitted discharge of its process and non-process waste water, conduct an audit to identify cross connection between process and non-process waste water, submit a written certification that all of the violations have been corrected as well as amend its plan to control water pollution at the site.

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. In the area of hazardous waste management, EPA has ordered TCC to stop mixing its tar sludge on coal piles on the ground and instead, to place it on an impervious pad designed to prevent the waste from contaminating the soil. The agency has also ordered TCC to clean up the remains of two tar sludge tanks that had burned in a 2007 fire and released hazardous waste tar residues to the surrounding soils.

ONGOING EVALUATION

EPA continues to communicate with TCC facility representatives and on Monday, February 8, 2010, they met with EPA at their Region 2 Office in New York City to discuss future compliance activities.

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.

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>