



Volume 1, Number 3

# Enforcement Alert

Office of Regulatory Enforcement

## Owners, Operators of Stationary Sources Must Comply with Clean Air Act's 'General Duty' Clause

### ABOUT Enforcement Alert

The Enforcement Alert is published periodically by EPA's Office of Regulatory Enforcement. It informs and educates the public and regulated community of important environmental enforcement issues, recent trends and significant enforcement actions.

This information should help the regulated community anticipate and prevent violations of federal environmental law that could otherwise lead to enforcement action.

See Page 2 for useful EPA Websites and additional resources.

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### *Deadly Explosion Highlights Importance of Chemical Safety, Accident Prevention*

As part of the 1990 Clean Air Act (CAA) Amendments, Congress enacted Section 112(r)(1), the "General Duty Clause," to prevent accidental releases of certain hazardous chemicals.

The General Duty Clause makes it clear that facilities that handle hazardous substances bear the primary responsibility for ensuring their safe use. This clause applies to any facility that handles any hazardous substance, regardless of the quantity on site.

Specifically, the General Duty Clause states that "the owners and operators of stationary sources producing, processing, handling or storing [extremely hazardous substances] have a general duty...to identify hazards which may result from releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases, which do occur."

EPA's Chemical Emergency Preparedness and Prevention Office periodically publishes a Chemical Safety Alert (<http://www.epa.gov/swercepp/alerts.html>) to inform the public about chemical hazards in their community. Each issue of the Alert lists specific chemical hazards discovered through EPA's accident investigation efforts and provides examples of industry practices and standards.

### **Terra Industries Inc. Explosion**

*The following case is an example of EPA's increased attention toward chemical safety and the prevention of chemical accidents. The case clearly illustrates the importance of compliance with the General Duty Clause:*

On June 26, EPA's Region 7, settled charges against Terra Industries Inc. in Sergeant Bluff, Iowa, for allegedly violating the Clean Air Act (CAA), the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Under the settlement, which was lodged with the U.S. District Court for the Northern District of Iowa Western Division, Terra Industries will pay a civil penalty of \$500,000 and spend approximately \$100,000 on various supplemental environmental projects beneficial to the local community. These projects include improving hazardous materials planning and preparedness projects in the Sergeant Bluff area, such as installing emergency si-

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#### **RCRA, SUPERFUND & EPCRA HOTLINE (800) 424-9346**

The Environmental Protection Agency (EPA) RCRA, Superfund & EPCRA Hotline is a publicly accessible service that provides up-to-date information on several EPA programs.

The Hotline can also assist with the following related EPA topics: Section 112(r) of the Clean Air Act and Spill Prevention, Control & Countermeasures (SPCC) regulations.

rens and equipping local fire departments with anhydrous ammonia monitors. The ammonium nitrate manufacturer will also pay another \$150,000 to reimburse past response costs.

EPA's claims resulted from a 1994 explosion at Terra's Port Neal, Iowa, ammonium nitrate plant, which killed four workers, injured 18 and forced evacuation of more than 2,500 residents. The explosion released approximately 4,200 tons of anhydrous ammonia and 100 tons of nitric acid. All violations were uncovered during investigations following the explosion.

The enforcement action against Terra Industries Inc. represents EPA's first concluded judicial action under the General Duty Clause.

### **EPA Policies Reduce, Eliminate Penalties for Self-Policing**

*EPA has adopted two policies designed to encourage greater compliance with environmental laws. For more information, see EPA's Audit Policy Website at: <http://www.epa.gov/oeca/auditpol.html>, and the Small Business Policy at: <http://www.epa.gov/oeca/smbusi.html>.*

### **Chemical Safety Alert Addresses Ammonium Nitrate Hazards**

The December 1997 Chemical Safety Alert addresses the explosion hazards of ammonium nitrate and directs facilities to be aware of hazardous conditions that may lead to an accidental explosion. The following standards and practices detailed in this issue should be observed to help prevent the sensitization of ammonium nitrate, which could lead to explosions.

- Avoid heating ammonium nitrate in a confined space (e.g. processes involving ammonium nitrate should be designed to avoid this possibility);
- Avoid localized heating of ammonium nitrate, potentially leading to development of high temperature areas;
- Ensure that ammonium nitrate is not exposed to strong shock waves from explosives;
- Avoid contamination of ammonium nitrate with combustible materials or organic substances such as oils and waxes;
- Avoid contamination of ammonium nitrate with inorganic materials that may contribute to its sensitivity to explosion, including

chlorides and some metals, such as chromium, copper, cobalt and nickel; and,

- Maintain the pH of ammonium nitrate solutions within safe operating range of the process with the emphasis upon avoiding low pH (acidic) conditions.

These conditions are recognized as hazards associated with the production of ammonium nitrate. The ammonium nitrate industry has standards and practices to manage the risks associated with these hazards. EPA believes that facilities producing ammonium nitrate must adhere to these and other recognized industry standards and practices to be in compliance with the General Duty Clause.

**For compliance and enforcement assistance, contact Leslie Oif at (202) 564-2291.**

### **Useful Websites**

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE  
<http://www.epa.gov/swerrims>

CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION OFFICE  
<http://www.epa.gov/swercepp/>

EPA COMPLIANCE ASSISTANCE CENTER  
<http://www.epa.gov/oeca/mfcac.html>

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
<http://www.osha.gov/>



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