

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on January 17th, 2008 in Room 423-S of the Capitol.

All members were present except:

Mark Taddiken- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Jason Thompson, Revisor of Statutes

Matt Todd, Revisor of Statutes

Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Rick Bean, Kansas Department of Natural Resources

Others attending:

See attached list.

Chair McGinn commenced with a Bill Introduction in which the Kansas Grain and Feed takes interest, concerning a Kansas agricultural remediation program originally passed in 2000 and scheduled to sunset in 2010. This new bill would extend the original program to 2020 and allow both buyers and sellers with contaminated property to participate in the reimbursement program. Senator Ostmeyer made the motion. Senator Lee seconded the motion. The motion carried.

Chairman McGinn introduced Rick Bean, Chief of Remediation of the Kansas Department of Health and Environment (KDHE), to begin the briefing on the cleanup at Barton Solvents in Valley Center, Kansas.

Mr. Bean gave the committee a verbal summary of the chemical fire and explosion at Barton Solvents which followed a written briefing (Attachment 1) and an attachment of photographs taken at the site (Attachment 2). Mr. Bean explained that KDHE was notified July 17th, 2007 of the chemical fire and explosion and Barton Solvents from a fire that began in a chemical storage area. KDHE and the Environmental Protection Agency (EPA) were called to the scene where an incident command post was set-up for operations to begin. KDHE assumed the lead in short-term response and long-term remedial actions on July 20th, 2007.

Concerns included: remediating contaminated soil and maintaining the preexisting microbial population after chemicals leaked into the Valley Center Waste and Water Treatment facility. Remediation included: an air monitoring network on the site's perimeter, vacuuming up standing liquid to be stored in frac tanks, and removing remaining chemical storage tanks. Assessment included: geoprobing and drilling additional monitoring wells, sampling private wells, continuing air monitoring, and assessing off-site soil areas. Problems during this process included: the slowing of remedial efforts during an investigation by the Federal Chemical Safety Board, the erroneous placement of land farm by Barton Solvent's environmental contractor, and the use of contaminated rainwater over the original land farm.

Valley Center and KDHE informed the public of these circumstances by measures including: a public meeting held on August 8th, 2007; a public tour of the facility held on November 20th, 2007; as well as continued response to concerns as they are raised. Future actions include: the review of reports and data, the continuation of monitoring, the continuation of response to public concerns, and the evaluation of ground water.

Mr. Bean stood for questions during which time Gary Blackburn, Director of KDHE Bureau of Environmental Remediation, also responded to questions.

Senator Huelskamp requested that a similar update from the Kansas Fire Marshall's Office be scheduled.

The Meeting adjourned at 9:30.



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Briefing on The Cleanup At Barton Solvents

Presented to
Senate Natural Resources Committee

Presented by
Rick Bean
Chief, Remedial Section
Kansas Department of Health and Environment
January 17, 2008

Chairperson McGinn and members of the Senate Natural Resources Committee, I am Rick Bean, Chief of the Remedial Section at the Kansas Department of Health and Environment. I will be providing you a briefing on the cleanup of the Barton Solvents facility located in Valley Center. This briefing paper includes a bulleted list of actions that have been completed and pictures documenting those actions.

The Fire

- On July 17, 2007 at 9:11 a.m. a report was received by KDHE regarding a chemical fire at the Barton Solvents, Inc. facility (referred to as Barsol) located in Valley Center.
- The fire started in a chemical storage area consisting of ~44 above ground tanks containing 34 separate chemicals primarily toluene, xylene and naphtha.
- Various fire departments, and local, state and federal health and environmental organizations were called to the scene.
- The City of Valley Center called for a voluntary city-wide evacuation which lasted a day and was later reduced to areas adjacent to the northern facility boundary.
- The Environmental Protection Agency was the lead agency on emergency response actions and KDHE assumed the lead on July 20, 2007 for short-term response and long-term remedial actions.

The Damage

- Debris from the explosion was found on off-site properties around the facility including damage to a nearby trailer house.
- A mixture of firewater, foam and chemical was found over most of the facility and areas off-site to the north, west and east.
- Soil on the facility and off-site to the east was impacted by this mixture.
- The same mixture was found in a drainage ditch south of the site and ended up in the Valley Center Waste Water Treatment facility.
- On-site structures and vehicles were severely damaged.

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Senate Natural Resources 1
January 17, 2008
Attachment 1

Briefing on Barton Solvents Continued:

The Response

- An on-site command post was set up to monitor day to day response operations.
- An air-monitoring network was established to perform continuous air monitoring around the facility and adjacent neighborhoods.
- Standing liquid was vacuumed up and stored in frac tanks for characterization.
- Chemicals remaining in the damaged tanks were off-loaded into trucks and characterized for off-site disposal.
- Off-site soil impacted by the release was excavated and managed on-site.
- Private wells located near the site were sampled.
- Monitoring wells located on the facility were gauged for product and sampled.
- Barsol implemented a reimbursement program to area residents and businesses.
- A public meeting was held on August 8, 2007 to discuss the response actions and future activities.
- The contamination at the Waste Water Treatment Plant was addressed.
- The nearby Arkansas River was assessed with no negative impacts.

Additional Assessment

- Extensive geoprobe investigation was conducted on-site to assess groundwater impacts from the incident. Additional monitoring wells drilled in December.
- Numerous private wells were sampled around the facility.
- Air monitoring was conducted around the perimeter of the facility through the end of October 2007.
- Soil was characterized related to excavation and disposal activities.
- Off-site soil areas including the drainage ditch were assessed.

Remediation

- ~94,800 gallons of remaining chemicals pumped from the above ground tanks were sent to Systech in Fredonia as hazardous waste for incineration.
- ~300,800 gallons of firewater, foam and chemicals (mixture) were sent to PermaFix in Tulsa, Oklahoma for blending.
- ~140 cubic yards of hazardous waste solids and ~1,108 cubic yards of non-hazardous solids were shipped to Clean Harbors facilities in Lone Mountain, Oklahoma and Deer Park, Texas.
- An additional ~5,234 cubic yards of non-hazardous soil has been excavated and is currently being land farmed on-site by Barsol.
- The KDHE-approved land farm operation is lined with a polyethylene liner and a 3-foot high berm was constructed surrounding the operation. Once verified as clean, the soil is used to fill excavated areas on-site. Approximately 2,700 cubic yards has been returned to fill the original excavation.
- Results from water well sampling indicate there are no drinking water wells located down-gradient of the site; only lawn and garden wells. No direct impact from the site noted.
- On-site ground water sampling indicates some impacts due to the fire event.
- Various reports and data are being submitted for KDHE review.
- Ground water monitoring will continue and remediation will be evaluated.

Briefing on Barton Solvents Continued:

Problems

- **The Federal Chemical Safety Board slowed down remediation efforts because of their pending investigation.**
- **Barsol's environmental contractor originally placed the land farm in the wrong location. The location was next to a public road and nearby residents.**
- **Rainwater (contaminated) from the excavations was sprayed over the original land farm without KDHE approval.**
- **KDHE directed Barsol to retest the soils and move over 5,000 cubic yards to the approved land farm location.**
- **Numerous complaints were received by the public on the original land farm location.**
- **Drainage issues were brought up by an adjacent property tenant that was addressed by Barsol.**

Public Relations

- **Coordination with the City of Valley Center – City Administrator.**
- **A public meeting was held on August 8, 2007 at the Valley Center High School.**
- **KDHE has responded to numerous emails and telephone calls.**
- **KDHE has investigated and sampled properties at the request of residents.**
- **KDHE has been in communication with various County Commissioners, City Council Members and other elected officials.**
- **On November 20, 2007 KDHE hosted a site tour of the facility for the public, elected officials and the local media.**
- **KDHE attended a city council meeting on November 20, 2007.**

Future Actions

- **Review reports and large volumes of data.**
- **Continue to monitor the progress of the land farm operation including the collection of verification soil samples.**
- **Continue to respond to public concerns; hold a public availability session in spring 2008.**
- **Evaluate ground water data and determine if additional cleanup measures are necessary.**

Thank you for the opportunity to appear before the committee today. I will now stand for questions.

Barton Solvents



July 17, 2007 – Fire and Explosion at Barton Solvents.

*Savette Natural Resources
January 17, 2008
Attachment 2*

The Fire



Aerial Photograph of the Barton Solvents Fire.

The Fire



44 Above Ground Storage Tanks – 5,000 to 35,000 Capacity
34 Various Chemicals – Generally Hydrocarbon Related.

The Fire



Water and Foam Used For Fire Suppression.

The Damage



Various Chemicals, Fire Water and Foam Spread Over The Site.



The Damage

The Response



Contractors and Agencies Get Ready For the Long Days Ahead.

The Response

2.8



Command Center with Perimeter Air Monitoring.

The Response



Tank Demolition, Off-site Soil Excavation and Characterization.

Additional Assessment



Groundwater Sampling of Private Wells, Monitoring Wells and Geoprobes.

Additional Assessment



Perimeter Air Monitoring Locations.

Remediation



Off-loading of Chemicals and Firewater Mixture for Transportation.

Remediation

2.13



Excavation of Contaminated Soil.

Remediation



Soil Classified as Hazardous Ready for Shipment.

2.14

Remediation



Land-farming Operations.

Problems



Unapproved Landfarm Location (during and after) Pictures.