



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Complaints Regarding Debris Management at the West, Texas, Fertilizer Plant Explosion Have Been Addressed

Report No. 14-P-0123

February 24, 2014



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Report Contributors:

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Abbreviations

EPA U.S. Environmental Protection Agency
OIG Office of Inspector General
POLREP Pollution Report
TCEQ Texas Commission on Environmental Quality

Cover photo: Damaged volumetric tanks and equipment at the Adair Grain Inc. Fertilizer Plant in West, Texas. (EPA photo)

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At a Glance

Why We Did This Review

The U.S. Environmental Protection Agency (EPA) Office of Inspector General received an anonymous hotline complaint about the EPA's management of debris at the Adair Grain Inc. Fertilizer Plant explosion site in West, Texas, known as the West Fertilizer explosion.

On April 17, 2013, an anhydrous ammonia explosion occurred at the plant, killing 14 people and injuring about 200. Local, state and federal law enforcement and response personnel responded. EPA Region 6 staff provided oversight of a responsible party removal action to address immediate threats from ammonium nitrate and anhydrous ammonia. Removal began April 17, 2013, and was completed May 3, 2013. Other removal activities were performed by the Texas Commission on Environmental Quality (TCEQ) with oversight by EPA Region 6.

This report addresses the following EPA theme:

- *Taking action on toxics and chemical safety.*

For further information, contact our public affairs office at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2014/20140224-14-P-0123.pdf

Complaints Regarding Debris Management at the West, Texas, Fertilizer Plant Explosion Have Been Addressed

What We Found

The hotline complaint alleged that debris was removed from the West Fertilizer explosion site and "dumped" onto two private properties across the road into two "enormous" piles and was possibly hazardous. We substantiated that there were two debris piles, but they were not found to be hazardous. EPA and TCEQ staff stated the debris was moved onto the two properties without their knowledge by another federal agency.

Debris from a fertilizer plant explosion was moved without EPA or TCEQ knowledge but is being managed. A water main break existed under the debris but has been addressed. The debris was found to be non-hazardous.

The hotline complaint also alleged that there was a leaking water main below the two debris piles, which could have been contaminated from seepage from the two piles. We substantiated this allegation. However, according to the Cottonwood Water Supply, which manages the water supply to the properties, the water main was disconnected after the explosion. We identified one issue associated with this allegation—the EPA Region 6 report of its response oversight activities at the West Fertilizer plant explosion incorrectly stated that the water main was managed by the city of West rather than Cottonwood Water Supply. In response to our concern, Region 6 corrected its report.

Further, the hotline complaint alleged that there are no immediate plans by the EPA or TCEQ to address the two debris piles. We did not substantiate this allegation. TCEQ informed us that the sites were fenced off and that most debris has been disposed or recycled.

Since EPA Region 6 staff have addressed the one concern we identified, regarding reference to the correct water supply company in the response oversight report, we make no recommendations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

February 24, 2014

MEMORANDUM

SUBJECT: Complaints Regarding Debris Management at the West, Texas,
Fertilizer Plant Explosion Have Been Addressed
Report No. 14-P-0123

FROM: Arthur A. Elkins Jr.

A handwritten signature in black ink, appearing to read "Arthur A. Elkins Jr.", is written over the printed name.

TO: Ron Curry, Regional Administrator
Region 6

This is our report on the subject review conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings identified by the OIG. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. The Region 6 office responsible for the issues reviewed is the Superfund Division, Prevention and Response Branch.

Because this report contains no recommendations, you are not required to respond to this report. However, if you submit a response, it will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification. We have no objections to the further release of this report to the public. We will post this report to our website at <http://www.epa.gov/oig>.

If you or your staff have any questions regarding this report, please contact Assistant Inspector General for Program Evaluation Carolyn Copper at (202) 566-0829 or copper.carolyn@epa.gov, or Director for Land Cleanup and Waste Management Tina Lovingood at (202) 566-2906 or lovingood.tina@epa.gov.

Purpose

The U.S. Environmental Protection Agency (EPA) Office of Inspector General received a complaint from an anonymous source that raised questions about the EPA's management of debris from the explosion at the Adair Grain Inc. Fertilizer Plant in West, Texas. We examined the following allegations:

- Debris, possibly containing hazardous substances including pesticides and herbicides, was placed in large piles on two properties adjacent to the West fertilizer plant.
- Contamination from the two piles was potentially leaking into the local drinking water supply system through a broken water main directly beneath the two properties.
- There are no immediate plans by the Texas Commission on Environmental Quality (TCEQ) or EPA to address the piles and possible contamination.

Background

On April 17, 2013, a fire caused an anhydrous ammonia explosion at the Adair Grain Inc. Fertilizer Plant in West, Texas, known as the West Fertilizer explosion. The explosion caused multiple fires within a half-mile radius and resulted in 14 deaths and about 200 injuries.

TCEQ and EPA Region 6 mobilized staff to the site to conduct air monitoring. The responsible Region 6 office was the Superfund Division, Prevention and Response Branch. Region 6 staff provided oversight of a responsible party removal action to address immediate threats from ammonium nitrate and anhydrous ammonia. This removal began April 17, 2013, and was completed May 3, 2013. According to Region 6 pollution reports¹ (POLREPs), the EPA met with representatives of TCEQ and the West fertilizer plant to establish deadlines for site investigation activities and removal and disposal of existing hazardous materials. During the meeting, it was determined that TCEQ would provide oversight of removal activities, with Region 6 coordinating as needed to ensure the removal action was complete. According to Region 6 staff, in responses such as this one, its priority and objective is to coordinate with responding agencies and assist or lead in responding to the release of hazardous substances.

Scope and Methodology

We conducted our review from July 2013 to January 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform our review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our

¹ The National Contingency Plan (40 CFR 300.135(m)) requires the On-Scene Coordinator to document emergency response actions in pollution reports.

objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our objectives.

To make a determination on the allegations, we interviewed staff in EPA Region 6, the TCEQ and local water supply agencies. We reviewed documentation on the EPA's POLREP for the incident, TCEQ documents on debris removal, information on the city of West's website, and other public Internet documents on the explosion.

Review Results

EPA Region 6 and TCEQ staff confirmed that debris had been moved from the explosion site and placed on two private properties located across the road from the plant. Region 6 and TCEQ staff said the debris was placed on these properties without their knowledge by another federal agency. TCEQ staff further stated that fencing had been placed around the two properties and the debris was determined to be non-hazardous. Region 6 staff stated that TCEQ would oversee removal of the debris at the two properties by the responsible party contractor.



Example of residential damage from the explosion. (EPA photo)

TCEQ staff confirmed they were aware of the broken water main and had been informed that the system was holding pressure—an indication of system integrity. They indicated the city of West operated the water system. City staff informed us that they do not supply water to the two sites in question and referred us to Cottonwood Water Supply. Staff at Cottonwood said they were aware of the break in their water main and the water main in question was disconnected after the explosion. They further stated that they perform daily monitoring. However, we noted that in a discussion of a broken water main associated with debris piles,

the EPA Region 6 POLREP referred to the city of West and did not reference Cottonwood Water Supply. TCEQ staff confirmed they mistakenly referred to the city of West water supply system rather than the Cottonwood system. EPA Region 6 staff have corrected the POLREP to indicate the water main is under the jurisdiction of Cottonwood Water Supply.

According to TCEQ staff, debris removal at the two properties is complete. The debris removed was tested, found to be non-hazardous, and was appropriately recycled or disposed.

Since EPA Region 6 staff have addressed the one issue we identified by correcting the reference to the water supply company in its response oversight report, we make no recommendations.

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