

# MORGAN MATERIALS, INC.

380 Vulcan Street  
Buffalo, NY 14207

**JUZER RASANI, Environmental Engineer, NYS DEC**

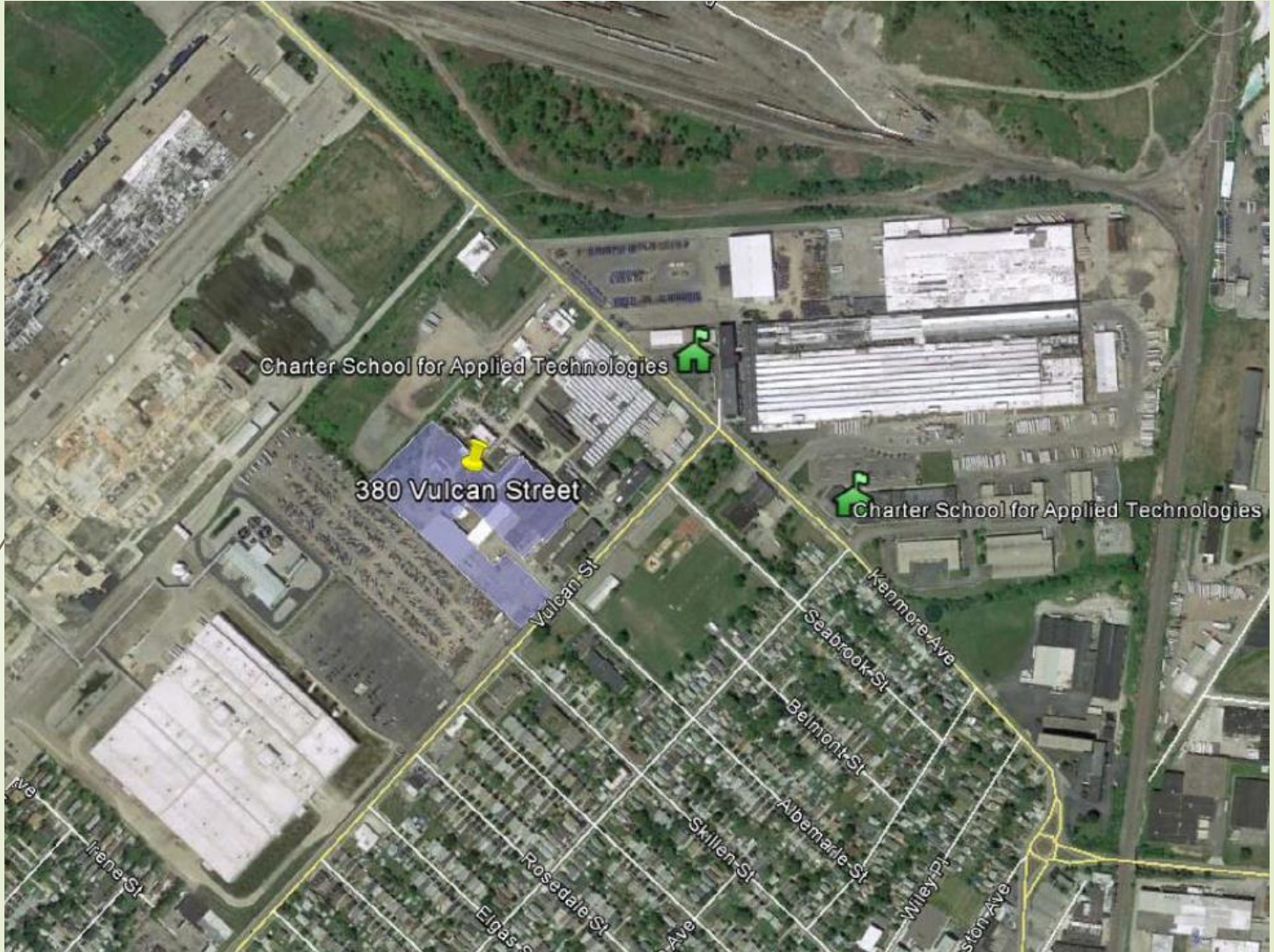
**PETER REUBEN, Environmental Chemist, NYS DEC**

**Deborah Gorman, Senior Attorney, OGC, NYS DEC**



# Facility Description


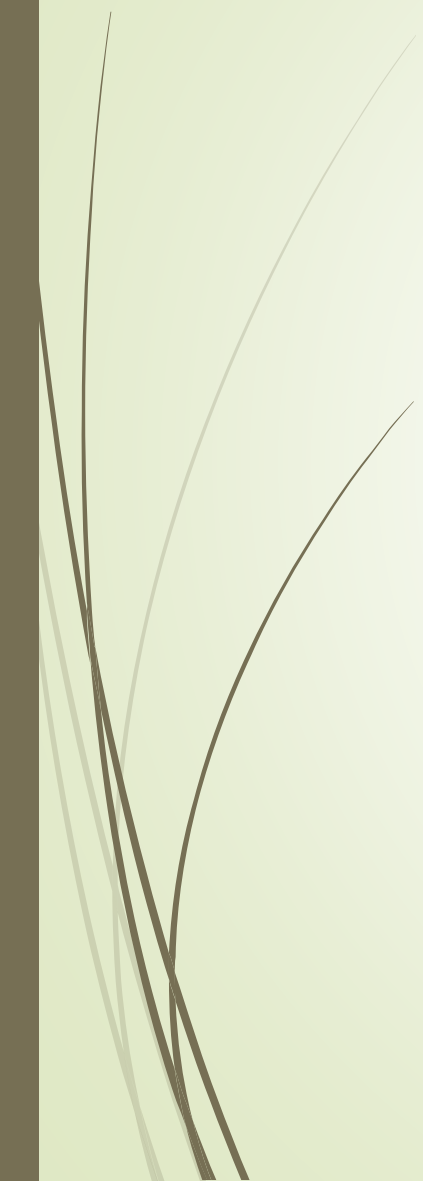
- **Morgan Materials, Inc. is located on 8 acres and consists of two main building. The facility had twelve employees and worked on 6-8 hour shift. The facility purchased Off-spec chemicals, unused chemicals beyond shelf-life and outdated raw materials from various chemical manufacturers and stored these chemicals for indeterminate amount of time (some for over 20 years).**
- **Approximately 13-15 million pounds of chemicals stored at the facility.**
- **No waste had been manifested for 14 years.**





# Compliance and Inspection History

- ▶ **The facility was inspected on 12/20/2000 as an LQG. The facility failed to meet most of the LQG requirements.**
- ▶ **Consent Order was signed on 1/31/2005 for the 2000 inspection violations.**
- ▶ **Paid \$10,000 fine and agree to perform an Environmental Benefit Project(EBP)for \$100,000.**
- ▶ **In addition to the EBP, the Order contained Schedule A with several conditions that included preparing Materials Management Plan and disposing of materials in accordance with Solid and Hazardous waste regulations if they were not able to identify market for it within 18 months. The facility failed to meet the conditions of consent Order.**

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- **Site visit on 2/19/2015 with Solid Waste staff to evaluate operation and review the site conditions to determine whether the site is subject to RCRA compliance.**
  - **Site visit on 4/8/2016 with Solid Waste staff and town of Tonawanda fire inspector.**
  - **Site visit on 4/15/2016 because the facility admitted that hazardous waste are being stored.**

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- **On 6/17/2016 CO got involved after receiving a phone call, photographs and e-mails from our Region 9 office.**

# Photographs from 2015 & 2016





1263

1263  
3

02/19/2015





02/19/2015



02/19/2015



60  
2

13

02/19/2015



02/19/2015



Load #  
C.M.C

250  
ALPHA

TUNG OIL /  
PHENOLIC VARNISH  
LOT 1G-501

REICHHOLD  
RESEARCH TRIANGLE PARK, N.C. 27709

Net Weight: 410 Lbs.    Pkg No.

**WARNING!**  
This product contains a solvent which is highly flammable and may be harmful if inhaled. It may irritate the skin and eyes. It is not to be used in confined spaces. It is not to be used near open flames or other sources of ignition. It is not to be used in the vicinity of electrical equipment. It is not to be used in the vicinity of heat. It is not to be used in the vicinity of sparks. It is not to be used in the vicinity of fire. It is not to be used in the vicinity of lightning. It is not to be used in the vicinity of thunder. It is not to be used in the vicinity of rain. It is not to be used in the vicinity of snow. It is not to be used in the vicinity of ice. It is not to be used in the vicinity of frost. It is not to be used in the vicinity of wind. It is not to be used in the vicinity of rain. It is not to be used in the vicinity of snow. It is not to be used in the vicinity of ice. It is not to be used in the vicinity of frost. It is not to be used in the vicinity of wind.

REICHHOLD  
RESEARCH TRIANGLE PARK, N.C. 27709

H 142/112/000  
97/054/101



TUNG OIL  
PHENOLIC  
LOT 1G-501



50 LBS. NET WEIGHT  
GROSS WEIGHT 55 LBS.



Item Warehouse Ref 12 A.B.C.  
TUNG OIL PHENOLIC VAF  
OIL

16501

TUNG OIL  
PHENOLIC  
VARNISH  
16501

VARNISH  
16501





10/12/2016



PHOSPHATE  
(added)

lbs  
lbs  
lbs

CODE:

**F8260A**

PRODUCT: MONO ZINC PHOSPHATE  
(Chinese silica added)

LOT #

N.W.: 55.115

T.W.:

G.W.:

lbs  
lbs  
lbs

**F82**

PRODUCT: MONO ZINC PHOSPHATE  
(Chinese silica added)

#

55.115


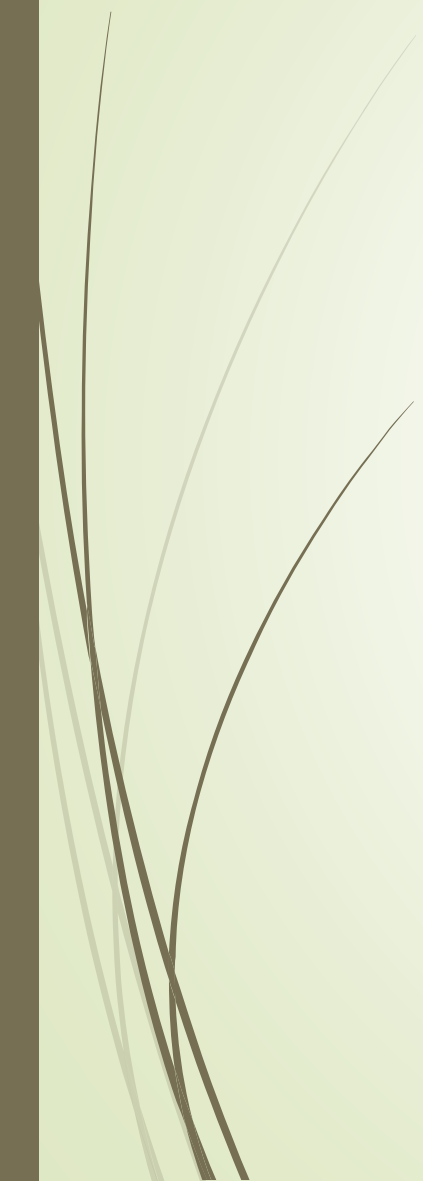
CODE: **F82**



# The Multi-Agency Inspection

## 7/26/2016

- **NYS DEC**
- **USEPA**
- **OSHA**
- **New York State Division of Homeland Security and  
Emergency Services**
- **Buffalo Sewer Authority**
- **Tonawanda Fire Department**
- **The Town of Tonawanda Building Code Enforcement**

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- **The inspection was limited in nature and scope to evaluating the site for general compliance and health and safety concerns.**
  - **It would require a month or more to conduct full RCRA inspection.**
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# Main Building

- Sacks of powdered chemicals



## Aisle Way (at the end of Main Bldg.)

- 15 extremely corroded, unmarked drums of chemicals



## Hallway/Room

- 30 feet wide and 50 feet long.
- 1450 drums stacked 4 high on racks.
- Some of the wooden pallets on the racks were rotting.
- No labels on the drums.
- Drums were significantly corroded, damaged, leaking and collapsing.
- Non-temperature controlled (can cause chemicals to degrade).
- No sprinkler system.
- No communication device.
- No aisle space between drums and the racks.





# Far Back Room

- **Some drums label Phathalic Anhydride and Maleic Anhydride, other drums were not label.**
- **Most of drums were in poor condition, leaking, corroded, collapsing and bulging.**
- **No aisle space.**
- **Drums stacked six high.**
- **Wooden pallets holding the drums had rotted.**
- **Room was made up of wooden and concrete floor.**
- **No secondary containment.**







Reference ID  
50830604  
Net Quantity  
102.00 LB

\* Full For 5



PRESSCAKE  
Printed  
1/96  
05  
www.presscake.com



Pressure  
15000 PSI  
12.11.11



# Outside Storage

- 1000 drums of flammable liquid (toluene, xylene) in canopies exposed to harsh weather conditions.
- Most of drums were in poor condition, leaking, corroded, collapsing and bulging.
- No aisle space.
- Drums stacked three high.
- Wooden pallets holding the drums had rotted.
- No secondary containment. Broken cement flooring with dirt and vegetation growing around it.





1000

WATER  
TREATMENT  
PLANT  
WATER

1000

1000

1000



400

91772-00  
GROSS WT. IN LBS.  
NET WT. IN LBS.

BECKOS  
GROSS WT. IN LBS.  
TARE IN LBS.  
NET WT. IN LBS.  
REICH

5





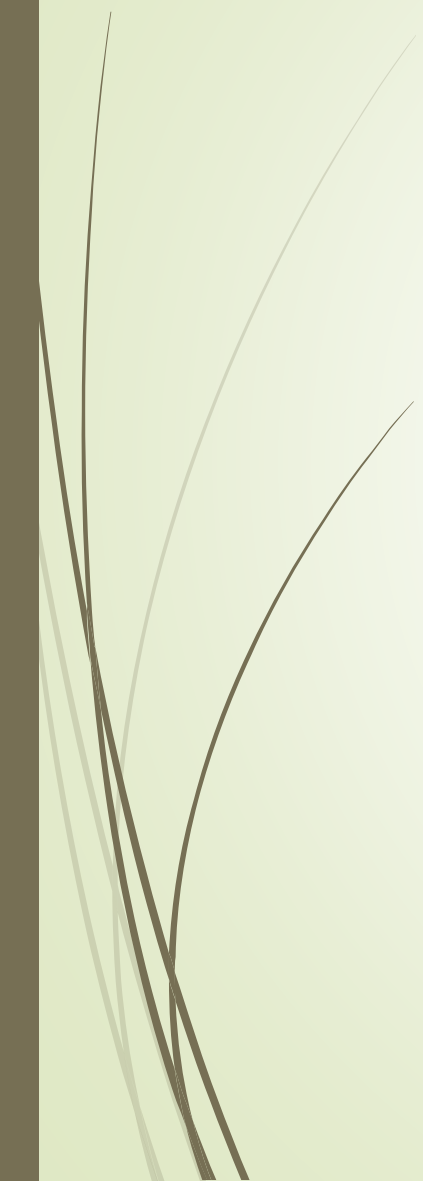
# Room D

- **Stored flammable liquid**
- **Many drums were corroded and had no label.**
- **Had sprinkler system but it was insufficient.**
- **Drums stored 4 high.**






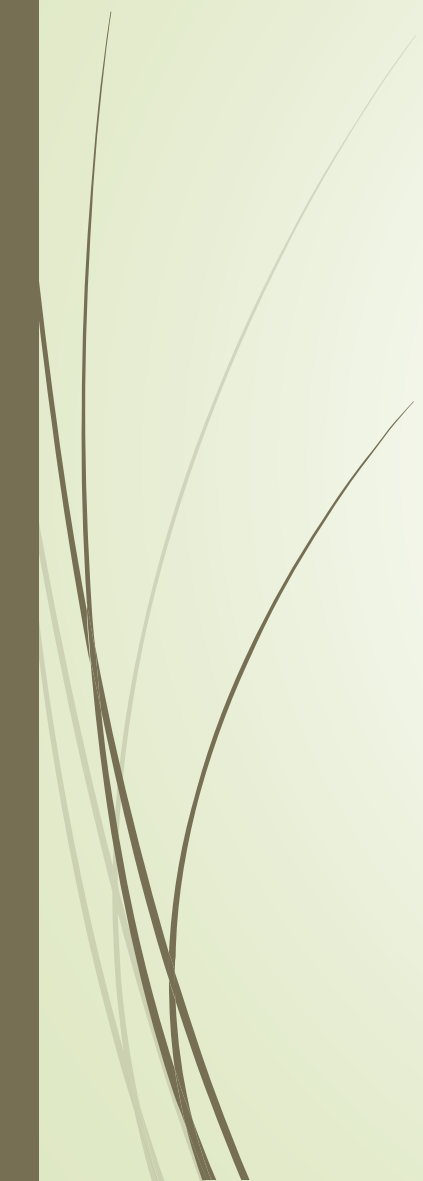
# Room C


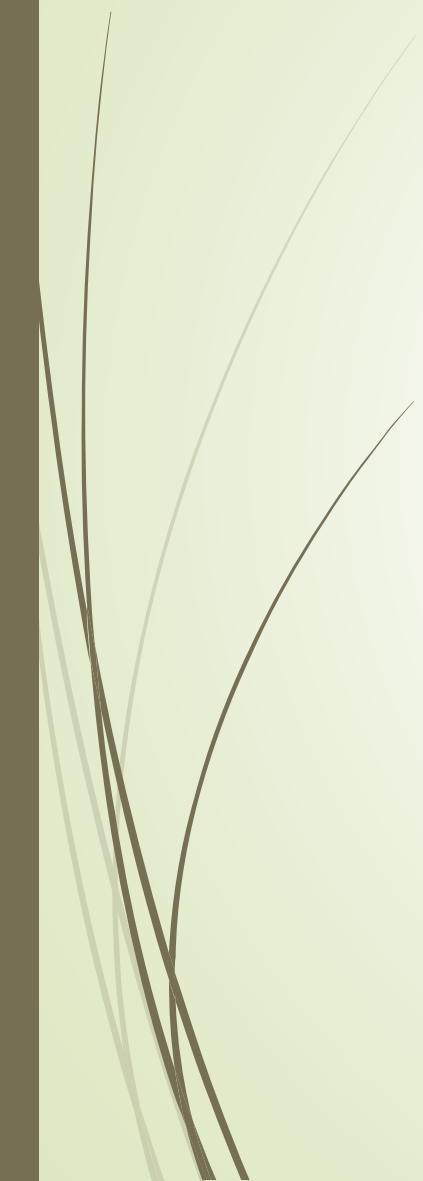
- **Stored pigment and paint.**
  - **Room was temperature controlled.**
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# Violations

- **6 NYCRR Part 372.2(a)(2) – Failure to make a determination as to whether or not solid waste is a hazardous waste.**
- **6 NYCRR Part 373-3.3(f) – Failure to have an aisle space in the storage area.**
- **6 NYCRR Part 373-3.9(g)(3) – Failure to separate containers of incompatible waste.**
- **6 NYCRR Part 373-1.1(d)(1)(iv)(f)/373-2.9(f)(1)(i) – Failure to provide secondary containment for the storage areas.**
- **6 NYCRR Part 373-3.2(h)(1) – Failure to place no “No Smoking” signs wherever there is hazardous from ignitable or reactive waste.**


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- **6 NYCRR Part 373-3.3(c)(1) – Failure to have an internal communication or alarm system capable of providing immediate emergency instruction ( voice or signal) to facility personnel.**
  - **6 NYCRR Part 373-3.3(c)(2) – Failure to have device such as telephone or a hand-held, two way radio capable of summoning emergency assistance from local police departments, fire departments or emergency response team**
  - **6 NYCRR Part 372.2(a)(8)(ii) – Failure to ship hazardous waste off-site within 90 days without obtaining Part 373 permit.**
  - **6 NYCRR Part 372.2(a)(8)(ii)/373-1.1(d)(1)(ii)(c)(2) – No accumulation date on containers in the hazardous waste storage area.**
  - **6 NYCRR Part 373-3.9(b) – Containers are not in good condition.**
  - **6 NYCRR Part 373-3.9(d)(1) – Failure to close the containers in the hazardous waste storage area.**
  - **6 NYCRR Part 373-3.9(d)(3) – Failure to have a hazardous waste label on containers.**
  - **6 NYCRR Part 373-3.9(e) – Failure to inspect hazardous waste storage area weekly.**

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- **6 NYCRR Part 373-3.2(g) – Failure to have a Personnel Training program.**
  - **6 NYCRR Part 373-3.3(b) - Failure to maintain and operate the facility to minimize the possibility of a fire or explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.**
  - **6 NYCRR Part 373-3.4 – Failure to have a contingency plan.**
  - **6 NYCRR Part 373-3.4(g) – Failure to activate emergency procedures immediately.**
  - **6 NYCRR Part 376.1(g)(1)(viii) – Failure to have Land Disposal Notices.**
  - **6 NYCRR Part 374-3.2(e)(1) – Failure to mark batteries as “Universal Waste Batteries” or “Used Batteries”.**
  - **6 NYCRR Part 374-3.2(d)(1)(i) – Failure to store universal waste batteries in container.**



# Summary Abatement Order (SAO)

- ...Presents an imminent danger to the health or welfare of the people of the State of New York or which is likely to result in irreversible or irreparable damage to natural resources of the state.
- SAO signed by commissioner on 11/17/2016 with notice of Hearing.
- Hearing was conducted at Region 9 office in Buffalo on 12/13/2016.
- The facility failed to comply with the order.



# Cleanup of the site

- **EPA took control of Morgan Materials site in late November of 2016.**
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05/08/2018



FLAMMABLE  
3

C

B B

05/08/2018





05/08/2018