

Groups target EPA in chemical tank suit

By Ken Ward Jr.

Three citizen groups on Tuesday sued the U.S. Environmental Protection Agency to try to force the EPA to write new nationwide rules regulating above-ground chemical storage tanks containing hazardous materials.

The local group People Concerned About Chemical Safety joined the Natural Resources Defense Council and the Environmental Justice Health Alliance for Chemical Policy Reform in filing the federal court lawsuit against EPA, citing what they called the agency's "decades-long failure to prevent and contain the discharge of dangerous chemicals from thousands of industrial facilities around the country."

The suit, filed in U.S. District Court in New York, alleges that EPA violated the federal Clean Water Act by not issuing regulations to prevent spills of hazardous substances from non-transportation, on-shore facilities, such as above-ground storage tanks, as required by the law. EPA has issued regulations for oil discharges from such facilities, but not other substances, the lawsuit stated.

"For more than four decades, EPA has failed to comply with a legal requirement under the Clean Water Act to issue regulations that would protect the public from hazardous substances spills from industrial facilities," said Erik Olson, director of the Health and Environment Program at NRDC. "It is long overdue in addressing this health and environmental threat, and injustice."

EPA spokeswoman Melissa Harrison declined to comment.

The environmental group legal filing noted that the spill of Crude MCHM and other chemicals from Freedom Industries in January 2014 "brought national attention to the fact that large, above-ground storage tanks containing dangerous chemicals near drinking water supplies are often unregulated and thus allowed to fall into disrepair."

In a previous notice of intent to sue filed earlier this year, the groups cited U.S. Coast Guard data that they said showed there were nearly 19,000 hazardous materials spills from above-ground storage tanks nationwide between 2005 and 2014.

Previous testimony from the U.S. Chemical Safety Board revealed yet another loophole: Materials stored in Freedom's tanks were considered "non-hazardous" and thus would have been exempt from the EPA rule being sought by the new lawsuit.

In West Virginia, state lawmakers passed a strong above-ground chemical tank safety law in January 2014, after the Freedom spill, but earlier this year significantly scaled back the scope of that legislation.

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