



LOUISVILLE METRO HAZMAT ORDINANCE APPEALS & OVERSEERS BOARD - 2021 SUMMARY

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ANNUAL REPORT

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HAZARDOUS MATERIALS ORDINANCE

AUTHORITY AND PURPOSE

The authority for the Hazardous Materials Ordinance (HMO) is KRS 67C.115(2), Chapter 95 of the Louisville Metro Code of Ordinances currently Ordinance 121, Series 2007.

The purpose of the HMO is for the protection of public health and safety in Louisville Metro, through prevention and control of hazardous materials incidents and releases and to require timely reporting of releases.

APPEALS AND OVERSEERS BOARD

The Appeals and Overseers Board was created under Section 12 of the HMO, December 1985 (currently Section 95.13 of Ordinance 121, Series 2007). The purpose of the Board is to ensure that an appeal process is made available to those persons aggrieved by an enforcement action of the administering agency (MSD) under the HMO. An appeal may question the adequacy of a Hazardous Materials Spill Prevention and Control Plan (HMPC Plan) and/or a penalty imposed under the HMO. Upon receipt of an appeal, the Appeals and Overseers Board schedules a hearing with MSD and the complainant to review the case and offers recommendations for a solution.

The Board also serves to coordinate and integrate the policies and procedures of the regulating agencies regarding application of the HMPC Plans. In addition, the Board will review proposed amendments or modification of the HMO and submit appropriate recommendations to the Council members of the Greater Louisville Metro Government.

Each year the Board prepares a summary of its activities and those of the administering agency (MSD) for submittal to the Mayor. This report covers the period from January 1 to December 31, 2021.

The HMO Appeals and Overseers Board is committed to meeting the needs of those to whom it reports each year. To that end, the Board welcomes your feedback and comments regarding the information presented in this report. Please direct comments to Jacquelyn Quarles, MSD Deputy General Counsel.

The Board wishes to express its gratitude to the MSD staff for their continued excellence in providing support and assistance. The help of Jacquelyn Quarles, Adraine Niehoff-Ritman, Kandyce Groves, Jeremy Knight, Mike Moore, Beth Tanner, Scott Shrader, Ben Davidson, Amber Pauly, Robert Rose, John McQueen, Kitt Tuttle and Bob Pifine is particularly appreciated and acknowledged.

EXECUTIVE SUMMARY

METROPOLITAN SEWER DISTRICT (MSD)

The Louisville and Jefferson County Metropolitan Sewer District (MSD) is the administering agency for the HMO. MSD is the approval authority for Hazardous Material Spill Prevention Control (HMPC) Plans. During the reporting year, there were 501 companies in Jefferson County that had approved HMPC Exemptions and 683 companies that had approved HMPC Plans. Exemptions from an approved HMPC Plan are based on Section 95.07(B) of the HMO and include companies that handle small quantities of hazardous materials which could not cause a dangerous release.

The Appeals and Overseers Board met on January 27 and July 28 in the year 2021.

The HMO requires industrial and commercial businesses that manufacture, use, or store reportable quantities of listed hazardous materials or substances to submit a plan that addresses what spill prevention and control measures will be in effect for those hazardous materials. The plan also addresses how releases of those materials will be reported to appropriate authorities. This documentation is known as the Hazardous Material Spill Prevention and Control Plan (HMPC plan). The main objective of the HMPC plan is to obtain pertinent information/data about an industry's chemicals on site, and the facilities and structures used to contain, process and store hazardous materials. Also required are detailed disclosures of equipment, maps, plans and materials that will be used to mitigate releases and/or spills. The plans account for or identify sewer facilities on site, describe training requirements for employees, and include an Attachment outlining the industrial facility's spill plan.

As administering agency for the HMO, MSD is responsible for reviewing and approving HMPC plans and exemptions, conducting inspections at businesses with a HMPC plan, responding to hazardous materials incidents in Metro, determining whether violations of the HMO have occurred and imposing appropriate enforcement actions (correction notices, notices of violation and/or administrative fines) on the responsible parties involved in the violation. MSD is part of the Metro response community along with other agencies such as Louisville and Suburban Fire Departments, Metro Public Health and Wellness, and the Metro Emergency Management Agency, as well as various State response agencies. MSD is committed in its continued cooperation with other response agencies to maximize the community's resources in order to provide the best possible emergency response in our community. It is recognized and acknowledged by MSD that the program's success is in large part due to the dedication and commitment displayed by all of the agencies involved in emergency response in this community.

During this reporting period, MSD Environmental Compliance Inspectors (ECIs) continued all of the activities associated with the HMO including HMPC Plan and Exemption review and approval, inspections, Incident Response, and MSD Customer Relations Request Response. In addition, MSD continued to administer the Incident Response Mitigation Program and to hold monthly Response Group Meetings (RGMs).

Additionally, ECIs have continued entering chemical inventory information into the IPS inventory database. This data will continue to be shared with other emergency response agencies upon request to assist emergency response and long-term planning efforts. All of the hazardous material data collected has geographic coordinates associated with it.

Using a Geographic Information System (GIS) to enhance emergency response and hazardous materials planning has given MSD a strategic advantage when analyzing the storage of materials in different parts of the county and ultimately a better understanding of the risk associated with the use of those materials.

Key statistics for January 1 through December 31, 2021 are as follows:

Total Incidents to which MSD responded.....	157
Declared Hazmat Incidents to which MSD responded	71
Requests for response from FD to which MSD responded	29
Other request to which MSD responded	57
Facilities with HMPC exemptions	501
Facilities with HMPC Plans.....	683
Fines Levied by MSD.....	None
Fines Levied by EMA	None

The following table lists enforcement actions taken for violations of the HMO for the period January 1 – December 31, 2021. The table lists the enforcement actions by incident number.

COMPANY	INCIDENT NUMBER	DATE OF VIOLATION	MATERIAL RELEASED	REASON FOR VIOLATION	SECTION OF HMO VIOLATED
LG&E	21ER1027	03/31/21	Non-PCB transformer oil	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
Ferrara Bakery	21ER1042	04/27/21	Anhydrous Ammonia	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
Clariant Corporation	21ER1050	05/03/21	68% Nitric Acid	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
MSD Central Maintenance Facility	21ER1072	06/08/21	Diesel Fuel	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
Teasdale Foods	21ER1076	06/11/21	Palm Oil	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
Valvoline Instant Oil Change	21ER1082	06/25/21	Motor Oil	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
White Castle	21ER1084	06/29/21	Diesel Fuel	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
MSD Morris Forman Water Quality Treatment Center	21ER1096	07/22/21	15% Sodium Hypochlorite Solution	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)

Reynolds Consumer Products	21ER1140	11/12/21	Oil Water Mixture	Notice of Violation for delayed or failure to notify "911"	95.06 (A) (1)
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CURRENT BOARD MEMBERSHIP

Ms. Connie Mendel Chairperson	Regulatory Community
Ms Corinne Greenberg Vice-Chairperson	Industrial Community
Mr. Peter Raymond	Industrial Community
Mr. Mike Lehn	Industrial Community
Ms. Lori Carson	Industrial Community
Col Charles Adkisson	Response Community
Ms. Cheryl Fisher Secretary	General Public
Col. Sean Dreisbach	Response Community
Mr. George Becker	General Public

MSD STAFF ASSISTANCE

Jacquelyn Quarles	Deputy General Counsel
Mike Moore	Operations Director – Support Services
Adraine Niehoff-Ritman	Industrial Programs Manager
Kandyce Groves	FOG Program Administrator
Bob Pifine	HazMat & Industrial Storm Water Supervisor
Amber Pauly	Environmental Compliance Inspector
Scott Shrader	Environmental Compliance Inspector
Jeremy Knight	Environmental Compliance Inspector
Ben Davidson	Senior Environmental Compliance Inspector
Robert Rose	Environmental Compliance Inspector
John McQueen	Environmental Compliance Inspector
Kitt Tuttle	Senior Environmental Compliance Inspector

