



August 10, 2020

Ken Ledoux – President
Faircast Inc.
905 West Depot Street
Fairfield, IA 52556

SUBJECT: FODB Complaint #28597 – Spill reporting

Mr. Ledoux:

On August 4, 2020, our office received a report from the National Response Center (NRC) alleging an on-going oil leak from a compressor was being discharged to the storm sewer at the Faircast facility located at 509 Depot Street in Fairfield, Iowa. On this same day, I met with Plant Manager Doug Bonnizio and yourself to discuss the allegations and to review site conditions. You confirmed there was a release of oil that resulted from equipment failure and that the oil ran from inside the building onto a concrete slab and dirt area outside the building. However, you denied pumping the material to the storm sewer. You also stated the incident has since been addressed and impacted areas remediated.

Inspection of the affected area did not substantiate the allegations identified in the complaint and it did appear some remedial efforts had been initiated. As such, no additional action is being required at this time. However, to ensure you and your staff are aware of regulations pertaining to release reporting, we are enclosing a copy of Chapter 131 of the Iowa Administrative Code that details requirements for reporting of hazardous conditions. If there is any doubt a release/spill meets the criteria of a hazardous condition, incident should be reported to the department within 6-hours of on-set or discovery.

If you have questions, please contact this office.

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU

A handwritten signature in black ink, appearing to read "Terry Jones", is written over the typed name.

Terry Jones
Environmental Specialist Senior

Encl. Chapter 567-IAC-131

xc: DNR Records Section, DNR, Des Moines
Faircast Industrial File

Suspense **NA**

N: ESD06\tjj\ww\industrial\faircast\FODB cmp 28597

567—131.1(455B) Definitions. For purposes of this chapter:

"Corrosive" means causing or producing visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage of a hazardous substance from its packaging, causing or producing a severe destruction or erosion of other materials through chemical processes.

"Department" means the department of natural resources.

"Hazardous condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

"Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. "Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR §172.101).

"Irritant" means a substance causing or producing dangerous or intensely irritating fumes upon contact with fire or when exposed to air.

"Toxic" means causing or producing a dangerous physiological, anatomic or biochemical change in a biological system.

567—131.2(455B) Report of hazardous conditions. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department at (515) ~~725~~ 8694 and the local police department or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. Reports made pursuant to this rule shall be confirmed in writing as provided in 131.2(2).

131.2(1) Verbal report. The verbal report of such a hazardous condition should provide information on as many items listed in 131.2(2) as available data will allow.

131.2(2) Written report. The written report of such a hazardous condition shall be submitted to the department within 30 days and contain the following information:

- a. The exact location of the hazardous condition.
- b. The time and date of onset or discovery of the hazardous condition.
- c. The name of the material, the manufacturer's name and the volume of each material involved in the hazardous condition in addition to contaminants within the material if they by themselves could cause a hazardous condition.
- d. The medium (land, water or air) in which the hazardous condition occurred or exists.
- e. The name, address and telephone number of the party responsible for the hazardous condition.
- f. The time and date of the verbal report to the department of the hazardous condition.
- g. The weather conditions at the time of the hazardous condition onset or discovery.
- h. The name, mailing address and telephone number of the person reporting the hazardous condition.
- i. The name and telephone number of the person closest to the scene of the hazardous condition who can be contacted for further information and action.
- j. Any other information, such as the circumstances leading to the hazardous condition, visible effects and containment measures taken that may assist in proper evaluation by the department.

131.2(3) Reporting of subsequent findings. All subsequent finding and laboratory results should be reported and submitted in writing to the department as soon as they become available.