



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 10 2014

The Honorable Brian Higgins
U.S. House of Representatives
Washington, D.C. 20515-3226

Dear Congressman Higgins:

Thank you for your letter of February 3, 2014 to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the January 31, 2014 explosion at the Tonawanda Coke Corporation facility in Tonawanda, New York. EPA remains deeply concerned about the problematic operation of the Tonawanda Coke facility. After the explosion, EPA began an investigation to determine how the incident occurred and if there are any violations of the federal Emergency Planning Community Right to Know Act, Superfund law or the Clean Air Act.

On February 10, 2014, EPA staff, accompanied by staff of the New York State Department of Environmental Conservation, inspected the facility. During the inspection, EPA interviewed Tonawanda Coke employees and observed facility equipment in an attempt to determine as much information as possible about the operation of the facility at the time of the explosion. The EPA also consulted with the New York State Department of Environmental Conservation on the Notice of Violations that it issued to Tonawanda Coke on February 7, 2014 and February 26, 2014 to address the explosion. The EPA is focused on determining what actions can be taken to ensure future incidents of this nature are prevented.

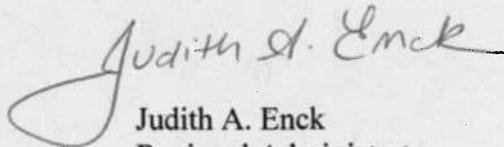
As you know the EPA and the New York State Department of Environmental Conservation have taken several enforcement actions against the Tonawanda Coke facility over the past several years. Following the completion of a 2009 community air quality monitoring study conducted by the state, it was revealed that Tonawanda Coke was emitting high levels of benzene. The EPA and the New York State Department of Environmental Conservation conducted a full evaluation of the facility to determine its compliance with federal and state laws and regulations. As a result of that work, the EPA and the state took several enforcement actions against the facility including actions under the Clean Air Act, Clean Water Act and the Resource Conservation and Recovery Act. Under the enforcement agreements announced in 2010, Tonawanda Coke was required to make improvements and repairs, which resulted in a reduction of benzene emissions from the facility of about two-thirds.

As you also know, on March 28, 2013, Tonawanda Coke and its environmental control manager Mark L. Kamholz were each found guilty by a federal jury of eleven counts of violating the Clean Air Act and three counts of violating the Resource Conservation and Recovery Act. Mark Kamholz was also found guilty of obstructing justice. Sentencing is scheduled for March 19, 2014 before Chief Judge William M. Skretny, who presided over the trial.

Over the past several weeks EPA staff has been in contact with Mr. David Grossman of your staff to keep you informed about the progress of our investigation. The EPA will continue to keep you updated on the status of our ongoing activities.

If you have further questions, please contact me at (212) 637-5000 or Mike McGowan, Chief of the Intergovernmental and Community Affairs Branch, at (212) 637-4972.

Sincerely,



Judith A. Enck
Regional Administrator

cc: Honorable David Michaels
Assistant Secretary of Labor
Department of Labor - OSHA

Robert Kulick
Regional Administrator
Department of Labor - OSHA
