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Rubicon's lack of equipment maintenance alarms regulators, but results in little enforcement

BY MARK SCHLEIFSTEIN | STAFF WRITER

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A photo of pipelines used to transport hazardous wastes inside the Rubicon manufacturing facility, taken by an EPA official during a Sept. 16, 2014 inspection. Accidental releases from pipelines and other equipment on the company site resulted in the exposure of 130 workers and contractors over 10 years.

EPA

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The failure of Rubicon LLC to keep up with maintenance of the myriad pipes and equipment on its 81-acre site in Geismar has alarmed both federal and state regulators, though the deficiencies have resulted in little punitive action, files from the federal Environmental Protection Agency and the state Department of Environmental Quality show.

The most recent maintenance problems at Rubicon were enough of a concern to prompt multi-day inspections by both the EPA and the DEQ in August 2019.

State records show that during the past 10 years, Rubicon has twice changed the way it schedules its inspections, which are aimed at assuring that even a tiny hole in a pipe doesn't endanger anyone. The records also show the company has never completed inspections of all its facilities in that same 10-year period.



The company's most recent EPA inspection focused on Rubicon's compliance with federal chemical accident prevention rules. Inspectors from the DEQ accompanied others from the EPA in its review of the facility.

An EPA spokeswoman said the agency has not yet taken any action against the company stemming from the August 2019 inspection. But an EPA staff report warned of serious concerns with Rubicon's mechanical integrity.

"Rubicon currently has 158 overdue inspections on piping circuits and vessels," the EPA report said. "An additional 27 overdue inspections are currently 'on daily sheets' for inspection soon."

And the report concluded that the plant's emergency response program didn't document proper first aid and emergency medical treatment for accidental human exposures, though when interviewed, the site nurse was able to discuss treatment measures and its exposure response plan.

State concerns about the company's operation actually began much earlier, according to a review of a dozen DEQ enforcement actions between 2006 and 2019, including two in which the company was fined.

The company was ordered to pay \$30,000 in February 2007 for dozens of violations of state and federal regulations dating back to 1991 that included:

- Failures to monitor hundreds of components, including pumps, valves, and connectors at various times during that 16-year period.
- Allowing filter bags that capture contaminants to be out of service for more hours than allowed in the facility's permits.
- Releasing more than 115 tons of hazardous chemicals above limits set by the company's permits.

In April 2010, the company was fined \$7,912 for a series of violations dating back to 2005, including nine incidents involving the release of chemicals at levels that exceeded permit limits — often as a result of operator error or monitoring equipment mishaps — and the failure to submit a monitoring report.

In June 2019, DEQ issued a compliance order and a notice of potential penalty to Rubicon saying the company "failed to perform inspections and tests on process equipment at a frequency consistent with good engineering practices."

The order said the company wasn't able to explain how inspections were properly conducted for 281 vessels and pipe circuits in one manufacturing unit, and it pointed out that inspections required under long-term risk assessment program revisions that took effect in 2011 had never been completed.

In September, the company sent the state an updated list of when various inspections would be completed, with many not scheduled until 2021, when part of the facility will be shut down for process revisions.

DEQ spokesman Greg Langley said further action by the state on the outstanding violations will occur after the last inspections are made.

"Once that has been achieved, the department and the respondent will have discussions regarding resolution of the violations, which will either be through a settlement agreement or a penalty assessment," Langley said in an email response to questions. "The company must be in compliance before any talks about settlements or penalties can proceed."

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