

FOR: SPILL CENTER, INC.
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SPILL CENTER BACKGROUND

Spill Center Offers Regulatory Expertise and 24-hour Support to Help Transporters Limit Costs and Liability After Hazmat Spills

Spill Center®, based in Hudson, Mass., is an environmental claims and spill management company serving the transportation, chemical and insurance industries. Formed in 1990 by Tom Moses, president, the company helps its subscribers limit spill-related costs and liability. Using a proprietary environmental claims reporting, tracking and documentation system, Spill Center helps level the playing field for spill generators who must deal with regulatory authorities, cleanup contractors and third-party claimants.

Spill Facts: Spill Center staffers fill out more than 300 DOT Incident Report Forms each month as part of the company's program of spill-related services for subscribers.

Most spills processed by Spill Center involve diesel fuel from ruptured truck saddle tanks and broken cross-over lines. The average amount of fuel spilled is 104 gallons. The average cost to clean it up nationwide is \$9,400. Fines for non-compliance can total thousands of dollars, such as in the following case history:

A carrier (a Spill Center subscriber) was involved in a 65-gallon spill of diesel fuel at a road-

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paving site near Atlanta. Local police and fire personnel responded and contained the spill, which they did not consider to be a major incident. The carrier assumed it had done everything that needed to be done until a letter came from the Georgia Department of Natural Resources. The agency had learned about the spill three weeks after it occurred.

The paving contractor was ordered to tear up 500 feet of interstate he had paved, and the carrier was ordered to complete spill remediation at the site. The work had to be done within two and a half weeks or the carrier would start incurring fines of \$30,000 a day for failure to comply.

Note: Rather than notifying Spill Center at the time of the spill, the carrier did not call us until after the letter was received. Immediately upon notification, Spill Center staff:

- Advised the carrier to stop the paving contractor from handling the contaminated soil and asphalt at the site;
- Helped the carrier hire an environmental contractor who was qualified – technically and legally – to dispose of the material;
- Started preparations to fight the unreasonableness of the agency's demands.

The site was completely remediated the day before the \$30,000-a-day fines were to start. The cost to the carrier was over \$40,500, including some \$30,000 to the paving contractor (whose invoice was negotiated down 20% by Spill Center).

But if the carrier had called Spill Center at the time of the spill, the whole containment, cleanup and disposal project could have been completed for about \$8,200, simply by following the carrier's custom-tailored spill emergency contingency plan that was on file at Spill Center.

Spill Center's Objective

Spill Center's objective is to limit the costs and liability of its subscribers by providing expertise in spill cleanup and reporting requirements; documentation of compliance with all applicable local, state and federal regulations to avoid fines and other penalties; and audits of contractor invoices to protect against inflated cleanup costs. The Spill Center also documents losses to place the fleet in a legally defensible position to counter third-party lawsuits resulting from spills.

Spill Center Strategy

Spill Center provides a custom contingency plan for each subscriber, detailing the steps to take in response to spills and other information needed to contain cleanup costs and limit the transporter's liability in the event of spills. Spill Center services include providing contractor referrals, regulatory reporting (by telephone and in writing), and line-by-line auditing of invoices.

To complement existing fleet safety and compliance programs, Spill Center adds 7-day, 24-hour support, ensuring adequate response at night and on weekends. It also helps reduce the administrative costs associated with keeping track of reporting requirements for each jurisdiction through which the subscribers' equipment travels.

Spill Center's proprietary automated systems track incidents, produce standard and customized reports and generate root cause analysis data for subscribers. The information helps managers identify conditions and trends that can be addressed within their organizations to improve safety.

Spill Center Resources

Spill Center maintains a database of over 3,000 private spill cleanup contractors throughout North America. It receives no commissions or other gains from contractors. A computerized listing of local, state and federal spill reporting requirements and contacts is also kept by Spill Center staff, who include legal, technical and environmental specialists. A toll-free hotline is staffed around the clock to answer subscribers' questions and to activate contingency plans.

Subscribers & Affiliations

Spill Center offers a range of tailored services to railroads, trucking fleets, private carriers, truck leasing companies, chemical and environmental companies and insurers. Subscribers include some of the largest truckload, LTL and private fleets, such as Roadway Express, Consolidated Freightways, Frito-Lay, BOC Gases and Praxair.

Affiliations are maintained with industry organizations, including American Trucking Association's Safety Management Council, National Private Truck Council, and CHEMTREC®,

the Hazmat Emergency Communications Center of the American Chemical Council.

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TESTIMONIALS

Spill Center Subscribers Talk About the Advantages

BOC Gases, Murray Hill, NJ – *Multi-national Producer of Industrial and Specialty Gases Hauling its Own Products with a US Distribution Fleet of 1,500 power units*

"We have a very comprehensive emergency response program to handle our products, but we felt we could benefit from Spill Center's resources to help us handle over-the-road spills of diesel fuel and oil. Since we cover almost 50 states, it is very difficult to keep up with all the different regulations and reporting requirements related to environmental releases. Spill Center helps us identify qualified spill cleanup contractors wherever we have an incident on the road.

We have relatively few spills in the course of a year, but Spill Center deals with these incidents every day – 24 hours a day, seven days a week. They are knowledgeable about who to deal with and what it should cost to handle spills anywhere in the country. I expect them to save us a lot of time and effort in managing any spills that might occur in our transportation operations."

– *Jim Merriam, BOC Gases Environmental Affairs Manager*

Triple Crown Services, Fort Wayne, Ind. – *LTL Carrier Hauling General Freight, Midwest to East Coast with 500 power units*

"Back in the good old days when you had a spill, the fire department would show up, pull

out a fire hose, wash the diesel down, and nobody said anything. Today of course, it's an

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environmental issue, and you end up with state and county people out there. It can get very involved and expensive. Like most fleet safety directors, I wear many hats. We are involved in hazardous materials, transportation safety, regulatory issues, OSHA requirements and a wide range of other things. As a result, we have a fairly broad knowledge base from which to draw, but keeping up with environmental regulations and variances you find from state to state and county to county requires an expertise that many of us don't have. There just isn't the time or the staff to keep track of everything.

So we rely on the Spill Center. They handle my reporting to keep me out of trouble with the authorities. They have current listings of qualified cleanup contractors, and they help me find contractors in areas where I don't already have people set up. I know I can always go to the Spill Center with a question and get a reliable answer. To me, that's invaluable because it allows me to handle these incidents properly and avoid fines and unreasonable charges."

– Tim Fox, Triple Crown Services Safety Manager

Daily Express, Inc., Carlisle, Pa. – *Truckload Carrier Hauling Heavy Equipment Nationwide with 400 power units, mostly owner-operators*

"It's difficult to know every environmental regulation for every locality throughout the country. Spill Center offers that expertise everywhere, around the clock. It's nice to know that you have it, so that you're not inadvertently violating regulations or forgetting to make notifications. It's not the insurance companies' responsibility to report spills to the authorities, and they don't pay fines for failure to report.

What's nice about Spill Center is you can report a spill to them and they make sure that all the right authorities are notified. And since Spill Center monitors cleanup activities and audits the invoices, you can also be sure that all the steps needed to contain the spill and keep your costs down for the cleanup are taken care of, too."

– Kristi Smith, Daily Express Claims Supervisor

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MANAGEMENT

Thomas Moses, founder and president of Spill Center, is an environmental attorney and a former toxicologist with the U.S. Environmental Protection Agency. He started Spill Center with the belief that no company will ever have enough spills to justify creating and maintaining all the spill resources needed for adequate protection today. He founded the Spill Center to provide support and claims management expertise for transporters.

Moses recognizes a growing concern in the transportation industry over local ordinances that authorize reimbursement to emergency response agencies. The ordinances are becoming overly broad and unfair, with few limits on the type of costs that can be charged, he feels. Since he deals with these ordinances on a regular basis, he has started conducting workshops for emergency planning personnel on fair billing for services. He also advises regulatory agencies.

His specialties include environmental and safety regulatory compliance, spill response management, and environmental claims resolution, negotiation and settlement. As an environmental attorney for the insurance industry, he provided environmental claims and spill management, including managing facility response, containment and remediation, and negotiating with regulatory agencies. As a legal specialist for Standard Oil, he interpreted safety and environmental regulations and developed legally defensible compliance procedures.

He is a member of the American Chemical Society, American Association for the Advancement of Science, Environmental Law Institute, and he holds a certificate in Hazardous Materials Control and Emergency Response from Georgia Institute of Technology.

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