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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Geismar, Louisiana Manufacturing Facility Enter into Consent Decree

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The United States Environmental Protection Agency and Louisiana Department of Environmental Quality (collectively "EPA") entered into a January 12th Consent Decree ("CD") with Innophos, Inc. ("Innophos") addressing alleged violations of the Resource Conservation and Recovery Act ("RCRA") hazardous waste regulations.

Innophos manufactures purified phosphoric acid for merchant-grade acid.

The CD requires that Innophos cease shipments of certain waste to a facility that is allegedly not authorized to receive it. The Innophos facility is alleged to have sent hazardous waste streams to a neighboring phosphoric acid manufacturing facility that produces acid from phosphate ore. The referenced waste stream is called RP Pondwater and consists of an acidic stream contaminated with arsenic, cadmium and chromium. The other waste stream is denominated Raffinate which consists of a concentrated acid stream contaminated with cadmium and chromium.

The CD also requires Innophos to modify the way the Raffinate stream is handled by disposing the waste only in disposal ways that are authorized or by treating the waste on-site. This is a measure that the facility has already implemented.

EPA is stated to have discovered the alleged violations during an inspection of the Geismar facility in 2004. The Innophos facility is stated to have already made the necessary changes to come into compliance with regards to the RP Pondwater waste stream by modifying its filter process. Further, the company is stated to be pursuing an underground injection control well permit for disposal of the Raffinate waste stream.

The CD assesses a \$1,398,000 civil penalty.

[A copy of the CD can be downloaded here.](#)