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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Beloit, Wisconsin Food Ingredient Manufacturer Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Kerry Biofunctional Ingredients, Inc. d/b/a Kerry Bio Sciences (“Kerry”) entered into an April 10th Consent Agreement (“CA”) addressing alleged violations of Subtitle C of the Resource Conservation and Recovery Act (“RCRA”) and its regulations implementing requirements for the management of hazardous waste. See Docket Number : RCRA-02-2017-7108.

Kerry is described as the owner and operator of:

... a manufacturing facility (“facility”) that has been engaged in the manufacture and distribution of ingredients for food manufacturers and provides savory ingredients, sweet ingredients, food coating systems, nutritional systems and specialty protein applications for the pharmaceutical industry.

Kerry is a subsidiary of Kerry, Inc. whose North American Headquarters is situated in Beloit, Wisconsin.

The CA provides that Kerry operates a facility in Norwich, New York (“Facility”) that has been a generator of hazardous waste.

EPA is stated to have conducted an inspection on July 14-15, 2016, of this Facility to determine its compliance with Subtitle C of RCRA and its implementing regulations (including New York’s authorized hazardous waste regulations).

EPA is stated to have issued, pursuant to Section 3007 of RCRA, a Request for Information which sought in part information and documentation relating to the Facility’s handling of hazardous waste and acute hazardous waste at the Norwich Facility. Kerry responded to EPA’s information request.

As a result of the July 2016 inspection and Kerry’s response to the Request for Information, the Facility is alleged to have failed to:

1. Make hazardous wastes determinations for certain waste-streams found at the Facility
2. Keep a complete copy of each hazardous waste manifest for at least three years
3. Meet the conditions necessary to accumulate hazardous waste without having obtained a permit or qualifying for interim status

Such alleged failures are stated to be violations of the RCRA regulations.

The CA assesses a civil penalty of \$20,000.

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