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# Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Inman, South Carolina Chemical Manufacturing Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Milliken & Company (“MC”) entered into a July 9th Consent Agreement (“CA”) addressing an alleged violation of the South Carolina regulations related to the management of hazardous waste. See Docket No. RCRA-04-2019-4005(b).

The CA provides that MC is the owner and operator of the Milliken Chemical-Dewey Plant (“Facility”) which is a chemical manufacturing facility located in Inman, South Carolina.

The South Carolina Department of Health and Environmental Control (“DHEC”) is stated to have issued a Hazardous Waste Permit to MC authorizing it to store up to 112 fifty-five gallon containers of hazardous waste in an area of the Facility identified as the “Waste Storage Pad.”

EPA and DHEC are stated to have conducted a Compliance Evaluation Inspection (“CEI”) on July 10th and September 26th, 2017. EPA’s findings are stated to have been provided to MC in a report dated April 19, 2018. EPA and MC are stated to have conducted various discussions of the alleged findings.

EPA is alleged to have observed the Facility, during the July 10, 2017 inspection, storing:

. . . numerous containers of materials, at various stages of processing, at the Facility’s Flame Pad Area and Outdoor Storage Area, located adjacent to the Waste Storage Pad, the permitted hazardous storage area, some for over a year, without making a hazardous waste determination on these wastes.

The previously referenced allegations are stated to constitute a failure to make an accurate hazardous waste determination on the waste stored for more than a year at the Facility’s Flame Pad Area and Outdoor Storage Area, without either returning these wastes to the process, recycling or selling as a product.

MC contends that it characterized all of the materials in question and managed them in a compliant manner.

The CA provides that in the regular course of its operations at the Facility, MC generates various spent tetramer solid waste streams. It is further provided that based on the information collected from MC, the company allegedly failed to make hazardous waste determinations on these wastes between March 2015 and September 2017. This is alleged to constitute a failure to make an accurate hazardous waste

determination on spent tetramer solid waste streams generated at the Facility between March 2015 and September 2017.

MC submitted on September 13, 2018, written investigative findings and positions with respect to EPA's findings and allegations and provided supplemental submittals as information developed or as EPA requested additional information. MC contended it implemented a re-characterization study to accurately characterize the spent tetramer solid waste stream and addressed its management of the spent tetramer solid waste stream to ensure compliance with applicable federal and state law and regulations.

MC neither admits nor denies the factual allegations and determinations set out in the CA.

The CA requires that MC certify performance over a number of measures related to the referenced waste tetramer. Such measures are spelled out in paragraph 47 of the CA. Further, a civil penalty of \$150,000 is assessed.

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