

Pretreatment/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Gordon County, Georgia Chemical Blending Facility Enter into Consent Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

08/12/2019

The United States Environmental Protection Agency ("EPA") and Phoenix Chemical Co., Inc., ("Phoenix") entered into a July 31st Consent Agreement ("CA") addressing alleged violations of the Clean Water Act. See Docket No. CWA 04-2019-4501.

The CA provides that from June 1996 to February 1, 2018, Phoenix owned and operated a miscellaneous chemical blending, distribution, and manufacturing facility ("Facility") in Gordon County, Georgia.

The Facility is stated to have discharged pollutants subject to Clean Water Act pretreatment standards and prohibitions within the meaning of sections 307(b), (c) and (d). Such pollutants are stated to have been discharged from the Facility to the Calhoun Wastewater Treatment Plant ("Plant"). The Plant is stated to comprised a public owned treated works ("POTW") and municipality within the meaning of sections 212(2) and 502(4) of the Clean Water Act. In addition, the Facility is stated to be a "significant industrial user."

The Phoenix discharge into the Calhoun POTW is stated to have consisted of different types of processed wastewaters.

An EPA contractor is stated to have conducted a Pretreatment Reconnaissance Inspection ("Inspection") of the Phoenix Facility on March 1, 2016, in order to assess the Facility's compliance with the pretreatment standards and the Clean Water Act. The Calhoun POTW issued a Categorical Industrial User Permit to Phoenix for the Facility.

EPA on January 20, 2017, sent an Information Request Letter to the Facility requesting information related to pretreatment standards compliance and the business information related to the Facility. An inspection report was enclosed with the request and indicated EPA's belief that Phoenix was likely subject to Liquid Detergents Clean Water Act categorical standards.

A supplemental request was sent on June 19, 2017, requesting information related to production-based measures and other pretreatment standards compliance matters.

The CA provides that neither Phoenix nor Calhoun POTW conducted required BOD7 sampling. It is also stated that based on EPA's review of information obtained from Phoenix that the following violations are alleged:

- Significant Industrial User discharge without a permit.
- Failure to submit monitoring and reporting in accordance with regulatory requirements.

Phoenix neither admits nor denies the factual allegations set out in the CA (except for jurisdiction).

A civil penalty of \$55,000 is assessed.

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