

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Dalton, Georgia Resin Manufacturing Facility Enter into Consent Agreement



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

02/20/2020

The United States Environmental Protection Agency (“EPA”) and Sanco, Inc., (“Sanco”) entered into a February 5th Consent Agreement (“CA”) addressing alleged violations of the regulations the State of Georgia has adopted to carry out the federal Resource Conservation and Recovery Act (“RCRA”) regulations. See Docket No. RCRA-04-2020-2101(b).

The CA provides that Sanco is a manufacturer (“Facility”) of resins and mineral fillers in Dalton, Georgia.

The Facility is described as having a location where manufacturing occurs and one where materials and waste related to the manufacturing operations are stored.

Sanco is stated to have notified the Georgia Environmental Protection Agency Division on August 22, 2011 that it was a generator of hazardous waste at the Facility. The notification is stated to not have included an indication it was storing hazardous waste at the warehouse. Sanco is stated to not have a permit to store, treat, or dispose of hazardous waste.

A compliance evaluation inspection (“CEI”) by EPA and the Georgia Environmental Protection Division is stated to have occurred on August 15, 2019 at both the manufacturing Facility and warehouse. The findings from the CEI is stated to have been documented on a Show Cause Letter/Inspection Report provided to Sanco.

Agency inspectors are stated to have been told that Sanco was storing approximately 175,240 pounds of spent blast media (“SBM”) at the warehouse. This material is stated to be generated from the use of blast media to strip paint from airplanes and equipment. Such use is stated to potentially result in cadmium and chromium being present in the SBM.

Records are also stated to have been reviewed that indicated that Sanco had received 118,120 pounds of SBM from US Technology Corporation in 2015 and 57,120 pounds from UST Media in 2018. The SBM is stated to have been stored in containers that are 1-cubic yard supersacks. Such containers are stated to have been neither labeled nor dated.

The CA references a returned new filler product called SF-17 and an additional truckload of SF-17 that is stored in the warehouse. Sanco is stated to estimate it is storing 86,400 pounds of the SF-17 at the warehouse. This material is stated to be a non-hazardous waste.

A sampling investigation of the USTM SBM and UST SBM by Sanco is stated to have indicated that both the UST and USTM SBM exhibited toxicity characteristics for cadmium and chromium. Sanco is stated to have not recycled, or transferred to a different site for recycling, at least 75 percent by weight or volume of the UST SBM by January 1, 2017. Further, the CA provides that Sanco has indicated it will not be able to recycle, or transfer to a different site for recycling, at least 75 percent by weight or volume of the amount of UST SBM by January 1, 2020.

Alleged violations provided by the CEI include:

- Hazardous waste UST SBM has been stored on-site in containers for greater than 180 days (storage of hazardous waste without a permit or interim status)
- Failure to mark containers storing the UST and USTM SBM with accumulation dates and/or with the words, "Hazardous Waste" (failure to comply with the marking and labeling requirements)
- Failure to keep close the containers holding UST and USTM SBM during accumulation ,except when it is necessary to add or remove waste (failure to comply with the container management requirements)

Sanco neither admits nor denies the factual allegations set forth in Section IV of the CA.

The CA requires that within 14 days of the effective date of the CA that the company shall notify EPA of the name and qualifications of its selected contractor, subject to approval, to carry out specified activities. The work is required to be done under the direction and supervision of a Professional Engineer licensed in the State of Georgia or other Georgia licensed Environmental Professional with expertise in environmental investigations and remediations.

The CA specifies that a Project Manager be designated and various work be undertaken related to the off-site disposal of certain materials and documentation of such work within prescribed time periods.

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