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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Leland, North Carolina, Chemical Production Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and American Distillation, Inc. (“ADI”) entered into a January 12th Consent Agreement (“CA”) addressing alleged violations of the North Carolina hazardous waste regulations. See Docket No. RCRA-04-2021-2111(b).

The CA provides that ADI owns and operates a chemical production facility (“Facility”) in Leland, North Carolina.

The Facility is stated to service its customers by providing distillation, dehydration, reaction, carbon treating and blending activities. Products produced from chemical mixtures provided to ADI are stated to include ethyl acetate, tert butyl alcohol, isopropyl alcohol, ethyl alcohol, miscellaneous alkanes, amines, esters and ketones.

The Facility is stated to be registered with the North Carolina Department of Environmental Quality as a Large Quantity Generator of hazardous waste.

EPA and the North Carolina Department of Environmental Quality are stated to have conducted a Compliance Evaluation Inspection (“CEI”) at the Facility on November 4, 2020. The CEI is stated to have determined that ADI was using isopropyl alcohol beginning January of 2015 and acetone beginning May of 2017, through November of 2019 to clean tanks at the Facility.

Solvents used to clean the Facility’s tanks are stated to have generated isopropyl alcohol and acetone solvents which were transferred and accumulated in two tanks and ancillary equipment prior to being fed to one of the Facility’s distillation columns for reclamation. Both the isopropyl alcohol and acetone solvents are stated to have flash points of less than 140 degrees Fahrenheit and are stated to be D001 characteristic and D001/F002 characteristic/listed hazardous wastes, respectively.

ADI is stated to have not made hazardous waste determinations on the spent isopropyl alcohol or acetone solvents generated and managed in tanks and ancillary equipment at its Facility. Further, the CA provides that at the time of the CEI ADI had not filed a notification with the North Carolina Department of Environmental Quality to become a handler of hazardous secondary materials in accordance with the relevant North Carolina hazardous waste regulations. ADI is alleged not to have fulfilled tank inspection

and monitoring requirements on its tank and ancillary equipment that were used to manage isopropyl alcohol and acetone, D001 and D001/F002 hazardous wastes.

ADI is stated to neither admit nor deny the factual allegations set forth in Section 4 of the CA.

A civil penalty of \$39,500 is assessed.

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