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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Baton Rouge, Louisiana, Specialty Monomers Production Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Deltech Monomers Op Co, LLC (“Deltech”) entered into a November 10th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) regulations. See Docket No. RCRA-06-2022-0912.

The CAFO provides that Deltech operates a facility (“Facility”) producing specialty monomers and selling shipments of vinyl toluene, para-methylstyrene, tertiary-butystyrene, and divinylbenzene.

The Facility is stated to be a RCRA facility within the meaning of LAC 33:V.109.

EPA is stated to have conducted a RCRA records review from December 7-10, 2020, of the Facility’s activities as a generator of hazardous waste including a review of information voluntarily provided to EPA by Deltech (i.e., the “Investigation”).

EPA is stated to have discovered during the Investigation that the Facility, at a minimum, generated and offered for transport and treatment certain hazardous wastes which were listed on the manifests as having the following waste codes:

- D001 (Ignitability)
- D007 (Chromium)
- D008 (Lead)
- D018 (Benzene)

Such wastes are deemed to be hazardous wastes and the Facility is a generator. EPA is stated to have determined during the Investigation that Deltech declared its generator status as a large quantity generator of hazardous waste.

The CAFO alleges RCRA violations addressing the following issues:

- Waste Determinations (i.e., alleged failure to make hazardous waste determinations for five waste profiles)

- Contingency Plan Requirements (alleged failure to make arrangements from 2017 to 2020 of the Hazardous Waste Contingency to local authorities and emergency responders and keep records of the necessary arrangements)
- Training Requirements (alleged failure to provide records required personnel training for its employees)

The CAFO requires that Deltech undertake certain activities within 60 calendar days of the effective date of the document which include:

- Certify assessment of all waste streams
- Certify that it currently has an EPA hazardous waste identification number for the Facility
- Provide, with its certification, a copy of the Facility's SOPs (i.e., Standard Operating Procedures)

A civil penalty of \$80,249.50 is assessed.

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