

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Borger, Texas, Refinery Enter into Consent Agreement



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The United States Environmental Protection Agency ("EPA") and Phillips 66 Company ("Phillips 66") entered into a September 15th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the Resource Conservation and Recovery Act ("RCRA") Hazardous Waste Regulations. See Docket No. RCRA-06-2023-0950.

The CAFO provides that Phillips 66 is an operator of a refinery ("Refinery") in Borger, Texas.

Phillips 66 neither admits nor denies the specifications and conclusions of law contained in the CAFO.

EPA is stated to have conducted a RCRA record review of the Refinery's activities as a generator of hazardous waste from May 2021 through July 2023. The federal agency is stated to have determined that the Refinery generated, and offered for transport and treatment, hazardous waste.

EPA is stated to have determined based on its review that the Refinery generated hazardous waste in 2022. However, the Refinery is stated to have failed to file a notification with EPA and the State of Texas pursuant to Section 3010(a) of RCRA.

A virtual inspection of the Refinery is stated to have been conducted by EPA from June 14, 2021, through June 21, 2021.

Phillips 66 is ordered to within 30 calendar days of the effective date of the CAFO to provide in writing the following:

- Phillips 66 shall certify that it has assessed all its solid waste streams at the Facility to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the Borger Refinery Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for:
 - making hazardous waste determinations;
 - managing hazardous wastes;
 - reporting, transporting, and disposing of hazardous waste;
 - preparing its manifests; and
 - meeting the requirements of the land disposal requirements;
- Phillips 66 shall certify that it has accurately and adequately complied with its RCRA Section 3010 notification for the Facility and within the prescribed time period; and

- Phillips 66 shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

A civil penalty of \$2,844.00 is assessed.

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