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Resource Conservation and Recovery Act/Clean Water Act Citizen Suit Action: Southern Environmental Law Center Alleges Violations by Charleston County, South Carolina, Plastic-Pellet Packager

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The Southern Environmental Law Center ("SEL") filed a March 19th Complaint for Declaratory Injunctive Relief ("Complaint") against Frontier Logistics, L.P., ("Frontier") alleging violations of the Resource Conservation and Recovery Act ("RCRA") and Clean Water Act ("CWA").

The Complaint was filed on behalf of Charleston Waterkeeper and South Carolina Coastal Conservation League.

The Complaint describes Frontier as providing supply chain management services to the plastics industry. As part of such services, SELC states that Frontier has operated the Union Pier Terminal Facility ("Facility") in Charleston County, South Carolina, since at least April 2007. The Facility is stated to receive plastic pellets via rail and package them in bulk bags for shipment overseas.

The Complaint alleges that the Facility has released into the environment small pre-production plastic pellets described as "nurdles." Charleston Waterkeeper is stated to have collected:

... over 14,000 plastic pellets from the Cooper River, Charleston Harbor, and other Charleston area waterways, beaches, and parks since the organization began sampling in July of 2019.

It is claimed that pellets remain in Charleston waters and that Frontier is the likely source of the pollution.

The alleged violations include:

1. that Frontier has contributed and is contributing to the past or present handling, storage, treatment, transportation, or disposal of solid waste which may present an imminent and substantial endangerment to health or the environment in violation of RCRA, and
2. that Frontier is discharging pollutants into waters of the United States without a National Pollutant Discharge Elimination System permit in violation of the CWA.

The RCRA and CWA Federal District Court actions are brought pursuant to the citizen suit provisions of those statutes.

The Complaint requests that Frontier be ordered to:

- Perform and pay for such work as may be required to eliminate any present and future endangerment to health or the environment, and restraining Frontier from further violating RCRA
- Ordering Frontier to cease and desist unpermitted discharges, and restraining Frontier from further violating the CWA

Also requested is civil penalties and an award of costs of litigation, including reasonable attorney and expert witness fees.

A link to the Complaint can be found [here](#).