



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

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

05/10/2022

The United States Environmental Protection Agency ("EPA") and Ergon Baton Rouge, Inc., ("Ergon") entered into a May 3rd Consent Agreement ("CA") addressing alleged violations of the Louisiana hazardous waste regulations. See Docket No. RCRA-06-2022-0924.

Ergon is stated to be an "owner" or "operator" within the meaning of the relevant hazardous waste regulations of a facility ("Facility") in Baton Rouge, Louisiana.

EPA is stated to have investigated and reviewed records from February 2020 through October 2020 involving Ergon's hazardous waste related activities at the Facility and compliance with the Resource Conservation and Recovery Act ("RCRA") and the relevant regulations (i.e., the "Investigation").

The Investigation is stated to have determined that Ergon, at a minimum, generated and offered for transport and treatment hazardous waste having the characteristic of toxicity (D018) due to its benzene content.

Ergon is stated to be a generator of hazardous waste as those terms are defined in the hazardous waste regulations. See 40 CFR § 260.10.

The following violations are alleged in the CA:

- Failure to notify of generator category
- Failure to operate within stated generator status
- Storage of hazardous waste without permit or interim status

The CA requires that Ergon take the following actions within 90 days of the effective date of the document:

1. Respondent shall certify it has developed and implemented standard operating procedures (SOPs) to ensure that the Facility is operating in compliance with RCRA, and the regulations promulgated thereunder. This includes, but is not limited to, procedures for:
 - i. Managing hazardous waste while it is at the Facility, and
 - ii. Accurate counting of generated waste and notifying appropriate authorities of generator status.

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

A penalty of \$46,946 is assessed.

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