Pretreatment Enforcement/Clean Water Act: Alabama Department of Environmental Management and Polyethylene Terephthalate Pellet Production Facility Enter into Consent Order

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The Alabama Department of Environmental Management and Indorama Ventures Sustainable Solutions LLC ("IVSS") entered into an October 19th Consent Order ("CO") addressing alleged violations of a State Indirect Discharge ("SID") permit.

The CO describes IVSS as a facility that produces polyethylene terephthalate flakes and pellets in Athens, Alabama.

ADEM is stated to have issued a SID permit to IVSS in 2021. Such permit established limitations on the discharge of pollutants from a point source into the Athens Wastewater Treatment Plant ("WWTP").

Discharge Monitoring Reports are stated to have indicated that IVSS discharged pollutants in violation of the limits imposed by the permit. Such effluent violations are listed in Attachment #1 of the CO.

ADEM is stated to have issued a Warning Letter ("WL") to IVSS in 2022 referencing the alleged exceedances and noting a failure to submit an updated ADEM Form 186 including sampling results within 180 days after initiation of the discharge as required by the permit.

IVSS subsequently responded with an updated ADEM Form 186 and stated that it intended to install a neutralization system by June 2022 to maintain the levels of pH in the discharge between 5.0 – 10.5 S.U.

In response to an ADEM Notice of Violation IVSS indicated that during an evaluation of the proposed neutralization system it was determined that process modifications within the plant would be required prior to its installation. Such process modifications were subsequently completed which included the installation of a new shaker table and screener intended to improve the solids removal process. Further, the consulting firm is stated to have indicated that it could not provide a performance guarantee that the designed neutralization system would maintain the levels of pH as required by the permit.

Therefore, other engineering vendors were evaluated with the goal of finishing the project within 10 to 11 months. The response is also stated to have included missing Form 421s for certain monitoring periods.

ADEM subsequently determined that the forms had been submitted in a timely manner. However, the form was submitted under IVSS's General Permit through the AEPACS system.

A civil penalty of $40,000 is assessed. Further, the CO provides IVSS the option of performing a Supplemental Environmental Project which could offset a portion of the penalty at a ratio of $1.00 of penalty for every $3.00 spent on the Supplemental Environmental Project. However, the Supplemental Environmental Project is not allowed to reduce the penalty below $20,000.

A copy of the CO can be downloaded here.