Citizen Suit Enforcement/Clean Water Act: Three Rivers Waterkeeper and Monaca, Pennsylvania Plastic Manufacturing Facility Enter into Consent Decree Addressing Alleged Violations Associated with Plastic Pellets



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PennEnvironment and Three Rivers Waterkeeper entered into a September 3rd Consent Decree and Order ("Consent Decree") with BVPV Styrenics LLC and its parent company, Styropek USA, Inc. addressing alleged violations of the Clean Water Act. See Civil Action No. 2:23-cv-02067-NR.

The two environmental groups had filed the action in the Western District Court for the Western District of Pennsylvania alleging that the companies' manufacturing facility in Monaca, Pennsylvania discharged plastic pellets (nurdles) through an underwater pipe in Racoon Creek in violation of the Clean Water Act.

The Pennsylvania Department of Environmental Protection ("DEP") had intervened on behalf of the plaintiffs in the federal district court action.

The environmental organizations and DEP alleged that stormwater discharge from the facility resulted in pellets on the water's surface, on creek banks, and in river sediment. DEP allegedly determined that stormwater discharges from the facility picks up pellets present on site causing discharge of pellets.

The Consent Decree proposes $2.6 million in penalties and remediation costs related to the discharged pellets. New turbidity curtains at the facility's lagoons and upgrading wastewater treatment with cloth media filters and other improvements, along with stricter monitoring and stormwater control procedures are required.

A copy of the initial Complaint and the Consent Decree can be downloaded here.