DEP seeks new fines, plan for W.Va. chemical plant

VICKI SMITH - Associated Press - Associated Press

West Virginia environmental regulators are seeking nearly $250,000 in new water pollution fines against the owner of a Northern Panhandle chemical plant under revisions to a settlement reached more than two years ago.

The Department of Environmental Protection says the former PPG Industries plant in Natrium has made good progress since the parties reached a corrective-action plan in 2010, but the plant has struggled to consistently meet the mandatory pollution limits for various chemicals.

The plant manufactures chlorine, caustic soda, muriatic acid and calcium hypochlorite. It was sold in January as part of a $2.5 billion deal Pittsburgh-based PPG made with Georgia Gulf.

The combination of the former PPG unit and Georgia Gulf has been renamed Axiall Corp.

In 2010, Marshall County Circuit Judge David Hummel ordered Pittsburgh-based PPG to pay the state more than $1.3 million for polluting the Ohio River. The DEP had sued the previous year over discharges that regulators said violated the federal Clean Water Act.

PPG had been discharging pollutants including mercury, iron, copper, chlorine, sulfides and aluminum under a 2005 state permit but the DEP's Division of Water and Waste Management argued the company often exceeded its daily limits for some or all the substances.

The new agreement is a revision to the previous one and would require Hummel's approval. It does not, however, require PPG to admit any wrongdoing. It focuses on long-term plans to reduce the levels of chemicals called BHC-Alpha, BHC-Beta and BHC-Gamma. BHC stands for benzene hexachloride.

Though BHC has not been manufactured at the plant since 1961, the DEP says groundwater around the plant is tainted with the chemical. It believes that groundwater is infiltrating sewer lines and is being discharged from two outfalls, leading to the violations.

Since 2010, PPG has spent $378,000 on a carbon treatment system for well water at the site and another $860,000 cleaning, lining and reconfiguring its outfall pipes, the court filing says. The DEP says the company is also continuing to implement a five-year plan to reduce mercury pollution.

PPG confirmed Friday that it had filed the joint motion with DEP, which calls for a total of $449,968 in fines. But the filing shows the amount due is actually smaller because of credit from previous payments.

PPG spokesman Jeremy Neuhart said PPG has invested $1.5 million since 2011 to comply with the terms of its permit.

The new agreement says any additional permit violations could result in fines of $1,000 to $6,000 per day, depending on the concentrations of the pollutants.

If the plant owners fail to comply with or complete the long-term corrective action plan, they could face fines of $500 a day for the first 15 days, with those rates rising to $750 per day and $1,000 per day as violations continue.

The agreement also requires the company to submit its BHC compliance plan by June 1 and achieve full compliance with effluent standards by Dec. 31, 2015.

The DEP routinely enters consent agreements to work with the polluters and to ensure its long-term agreements are legally binding. The DEP is accepting public comment on the Natrium agreement through March 25.

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