



EPA Wastewater Settlement Highlights Industry Focused Enforcement Initiative

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EPA and the Department of Justice recently settled a Clean Water Act enforcement action with EMD Millipore Corp. of Jaffrey, NH, by lodging a Consent Decree in the U.S. District Court for the District of New Hampshire. The settlement is noteworthy because the enforcement action was taken as part of EPA's recent initiative targeting industrial wastewater dischargers. First announced in October, 2016, EPA's National Enforcement Initiative entitled *Keeping Industrial Pollutants out of the Nation's Waters* targets industrial sectors such as mining, chemical manufacturing, food processing, and primary metals manufacturing. The goal of the initiative is to build "compliance with Clean Water Act discharge permits" and cut "illegal pollution discharges."

Millipore is the life science division of Merck, a multinational pharmaceutical and chemical company. The Millipore facility at issue is in Jaffrey, New Hampshire, and it manufactures plastic membrane water filtration devices for the pharmaceutical and biomedical industry. The facility discharges industrial process wastewater to the local Publicly Owned Treatment Works (POTW) pursuant to a pretreatment permit issued by the Town of Jaffrey.

Federal and state regulations prohibit the discharge of pollutants that interfere with a POTW's operation or that pass through a POTW untreated. Millipore allegedly violated pretreatment regulations by allowing its wastewater discharge to cause "pass through or interference" at the POTW. Millipore also allegedly violated federal pH prohibition standards, failed to notify the POTW of slug loadings, and violated its permitted discharge flow rate limits. The violations allegedly occurred periodically from 2011 – 2015, when Millipore was said to have introduced organic waste into the POTW's treatment system which caused excessive ammonia nitrogen and cBOD to be discharged into the Contocook River.

The Consent Decree requires Millipore to upgrade its wastewater treatment system, initiate annual training for operators, and conduct sampling, analysis and quarterly monitoring. In addition, Millipore must pay a \$385,000 civil penalty.

The Millipore settlement is an important reminder to facilities discharging wastewater to a POTW pursuant to a locally-issued pretreatment permit. Although a pretreatment permit may be issued by a local POTW under authority of a sewer use ordinance or regulation, EPA has enforcement authority over the discharge pursuant to federal pretreatment regulations. If the threat of enforcement from a POTW is not enough to encourage compliance, the risk of an EPA enforcement action should be.

[United States of America v. EMD Millipore Corporation - Consent Decree](#)

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