



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF E-MAIL RECEIPT REQUESTED

Mr. Tracy Barber
Senior EHS Manager
UPL NA, Inc.
1457 Eastland Avenue
Kingstree, South Carolina 29556
tracy.barber@upl-ltd.com

Re: Industrial User Reconnaissance Inspection Report

Dear Mr. Barber:

Thank you for the time and cooperation extended to the representative of the United States Environmental Protection Agency, Region 4 during the February 24, 2022, inspection of the UPL NA facility in Kingstree, South Carolina. Enclosed is a copy of the report for this inspection. If you have any questions about the report, please contact Mr. David Phillips at (404) 562-9773 or via email at phillips.david@epa.gov.

Sincerely,

Castillo, Jairo

Digitally signed by
Castillo, Jairo
Date: 2022.05.04
14:46:13 -04'00'

Jairo Castillo, Chief
Wastewater Enforcement Section
Water Enforcement Branch

Enclosure

cc: Mr. Brian Wisnewski
South Carolina DHEC



**United States Environmental Protection Agency Region 4
Clean Water Act – Reconnaissance Inspection Report**

PT – UPL – 022422

SECTION A: Data System Coding

NPDES No.	MO/DAY/YR	Inspection-Type	Lead Inspector	Facility-Type
N/A	2/24/2022	ROS (Reconnaissance without Sampling)	David Phillips	Unpermitted Industry

SECTION B: Basic Field Data

Name and Location of Facility Inspected: (For industrial users, add recipient's NPDES permit number) UPL NA Inc. 1457 Eastland Avenue Kingstree, South Carolina 29556 Receiving POTW: SC0035971	Entry Date/Time: 2/24/2022 9:26 AM	Permit Effective Date: N/A
	Exit Date/Time: 2/24/2022 10:21 AM	Permit Expiration Date: N/A
Facility Representative(s) / Title / Contact Info: Mr. Tracy Barber, Sr. EHS Manager	Other Facility Data / Permits Held: SC00023200048 (CAA Minor); SCR006037 (Stormwater); SCR000769919 (RCRA)	
Facility Responsible Official / Contact Info: Mr. Tracy Barber, Sr. EHS Manager (843) 382-6856 tracy.barber@upl-ltd.com	Additional Inspectors / Agency / Department: Ms. Lori Baxley / SCDHEC / Columbia Mr. Danny Nicholas / SCHDEC / Columbia Ms. Shauna Stevens / SCDHEC / Myrtle Beach	

SECTION C: Areas Evaluated

☐	Permit	☒	Potential for Discharge	☒	Regulated Processes	☐	Industrial Pretreatment System
☐	Record keeping Compliance	☐	Self-monitoring Compliance	☐	Self-reporting Compliance	☐	Municipal Sewage Treatment System
☐	Slug Discharge Controls	☐	Monitoring Data	☐	Self-Monitoring Equipment	☐	Solids Handling/Disposal
☐	Compliance with Enforcement Action	☐	Other: -				

SECTION D: Summary of Findings / Comments

See attached Section D.

Lead Inspector Digital Signature: DAVID PHILLIPS Digitally signed by DAVID PHILLIPS Date: 2022.05.04 15:11:41 -04'00'	ECAD Unit / Phone Number / E-mail WEB/WES – (404) 562-9773 – phillips.david@epa.gov
Supervisor Digital Signature: Castillo, Jairo Digitally signed by Castillo, Jairo Date: 2022.05.04 14:46:00 -04'00'	ECAD Unit / Phone Number / E-mail WEB/WES – (404) 562-9257 – castillo.jairo@epa.gov



Section D: Summary of Findings / Comments

On February 24, 2022, the EPA was accompanied by SCDHEC representatives to conduct an unannounced Reconnaissance Inspection (RI) of the UPL NA facility located at 1457 Eastland Avenue in Kingstree, South Carolina. The inspectors were greeted by Mr. Tracy Barber, the facility's Senior Environmental, Health, and Safety Manager, and presented credentials.

This RI was conducted in support of a broader investigation of the pretreatment program that the receiving publicly owned treatment works (POTW) is authorized to implement. The EPA interviewed Mr. Barber (the facility representative) to learn more about the facility's processes and potential for discharge. A walk-through of the facility was omitted based on the knowledge obtained and the EPA's safety preparedness. The following is a summary of the RI findings and observations.

I. Records/Reports

The EPA's Enforcement and Compliance History Online system indicates this facility holds a minor Clean Air Act permit (SC00023200048), reports under RCRA as a very small quantity generator (SCR000769919), and does not hold a direct discharge CWA permit. The facility holds a general stormwater permit (SCR006037). The POTW servicing the vicinity (Kingstree POTW, SC0035971) has not been reporting the facility to SCDHEC as an industrial user, or as a user requiring an individual pretreatment permit.

II. Facility Site Review

The facility representative shared that UPL NA Inc. (UPL), is the U.S.A. subsidiary of United Phosphorous Limited, which is a global herbicide and pesticide manufacturer. United Phosphorous Limited is the fifth largest agricultural chemical company in the world, and has a presence in over 138 countries.

UPL acquired the former Firestone rubber facility in Kingstree and, after retooling it, began formulating herbicide on September 1, 2018. Between that time and 2021, production was limited to one primary herbicide product. The active ingredient, Glufosinate, is produced in India and delivered to the facility for storage and use in formulating retail products. Production in that timeframe typically occurred between November and April.

Since 2021, production has annualized and expanded into five primary products that are formulated for retailing under 24 different brands. The Kingstree facility currently formulates three herbicide products on-site; their pesticide active ingredients are Glufosinate, Clethodim, 1-2-4 Trimethylbenzene, and Naphthalene. The other two products are insecticides whose complete formulations are delivered from Japan; the Kingstree facility only performs packaging. The pesticide active ingredient in the two insecticides is Kasugamycin (also an acute aquatic toxin). The facility representative noted that its TSCA reporting records are held by the corporate office located in King of Prussia, Pennsylvania.

The facility representative stated that all process wastewater is diverted into two storage vessels located onsite: a wastewater tank used for cleaning reagent and other chemical totes (~ 5% volume), and wastewater tank that receives the production wash water collected from a trench and sump system in the production area (~ 95% volume). He noted the latter has a 16,000 gallon capacity. The collected process wastewaters are disposed off-site through a contract with Industrial Waste Services, which transports about three tanks per month to the Lee County Solid Waste treatment, storage, and disposal facility that is located in Bishopville, South Carolina.

Stormwater collected around the facility, the bulk chemical transfer station, and two above-ground bulk chemical tank farms is ditched to a surface pond. The facility representative noted that monthly monitoring is performed under the SCDHEC general permit at two outfalls before the surface pond is pumped down. This monitoring does not include testing for the pesticide active ingredients that are stored for use.

The facility representative stated that, to his knowledge, UPL had not been contacted by the POTW concerning submission of any industrial user survey or permit application during its five years of operation. He stated the first such contact with the POTW occurred approximately two weeks prior to this EPA inspection, whereby the Town of Kingstree's contracted engineer requested a list of the reagents being used and product information that UPL later provided.

III. Findings/Recommendations

As described, the UPL facility appears to collect and transport off-site most, if not all, of its process wastewaters. The facility representative also indicated the possibility of installing an evaporator system with air pollution control as an alternative to the off-site transportation, an option which may yield a net savings and possibly reduce the environmental risk.

A more thorough inspection by the authorized POTW pretreatment program is needed to confirm whether or not a potential for discharge to the sewer has existed, necessitating an individual user permit. If a discharge to the POTW were to occur, then this facility would likely be regulated as a categorical user in 40 CFR Part 403, be subject to new source pretreatment standards in 40 CFR Part 455, Subpart C as well as local limits, and require a significant investment in pretreatment. The Kingstree POTW is capable of providing secondary treatment for sanitary sewage, and is not designed as an advanced treatment facility for complex organics.

Although the recent visit by the Town of Kingstree's contracted engineer suggests the Town is beginning an inquiry into the facility, the Town's POTW pretreatment program should have identified the facility as a possible industrial user prior to the commencement of production in 2018, and conducted a survey to evaluate its potential for a discharge (40 CFR §403.8(f)(2)(i)). Another survey should have occurred thereafter prior to the facility's 2021 expansion in production. The information provided by the facility representative suggests these activities did not occur.

SCDHEC has issued this facility a general stormwater permit, whereas an individual permit would be more appropriate to assure monitoring and treatment of any fugitive pesticide active ingredients into the surrounding environment.

- END OF REPORT -