



DEPARTMENT OF HEALTH

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**IES Downstream, LLC receives \$708,627 penalty
for alleged improper disposal of hazardous wastes**

HONOLULU –The Hawai'i Department of Health (DOH) and IES Downstream, LLC (IES) reached a settlement of alleged violations of the state's hazardous waste laws involving IES' management of wastes at its petroleum terminal and tank farm in Kapolei. Pursuant to this settlement, the Department has obtained a Stipulated Judgment and Order in the Environmental Court that, in addition to requiring IES to pay a civil penalty of \$708,627, also obligated IES to transport about 289,000 lbs. of hazardous waste to a permitted hazardous waste treatment, storage and disposal facility on the mainland. IES has denied the allegations and does not admit any liability.

The hazardous waste management violations occurred in December 2018 as IES was transitioning from a petroleum refinery to a bulk terminal operation and preparing to sell its refinery assets. The transition generated various hazardous wastes, some of which were improperly sent to facilities not permitted to accept hazardous waste.

“Waste generators are required to make a hazardous waste determination on their waste prior to disposal, and if generators actively make this determination, we believe this type of violation could be prevented,” said Thomas Brand, Hazardous Waste Program Supervisor in the Solid & Hazardous Waste Branch of the Department of Health.

A complaint led to a nine-month investigation of the incident by DOH, which involved multiple interviews with IES employees and contractors. During the investigation, IES cooperated with the department to ensure a return to compliance with hazardous waste rules and assisted with the effort to recover improperly managed hazardous wastes and transport them to a permitted treatment, storage, and disposal facility.

There are a number of resources for organizations to avoid violations:

- Hawai'i Department of Health, Solid and Hazardous Waste Branch, Hazardous Waste Section, offers less harmful chemical options for businesses
<https://health.hawaii.gov/shwb/hazwaste/>
Phone: (808) 586-4226
- Hawaii Green Business Program, operated jointly by the Department of Business, Economic Development and Tourism and the Department of Health
<https://greenbusiness.hawaii.gov/contact-us/>
Phone: (808) 286-4730
- U.S. Environmental Protection Agency
<https://www.epa.gov/hw>.

To protect Hawai'i from pollutants that endanger people and the environment, the Department of Health regulates the generation, transportation, treatment, storage, and disposal of hazardous wastes. The department's Solid and Hazardous Waste Branch promotes pollution prevention and waste minimization, develops partnerships with waste generators and the regulated community, guides the rehabilitation of contaminated lands, and aggressively enforces environmental laws.

For further information, contact Thomas Brand of the Hazardous Waste Program at (808) 586-4226.

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