



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 4 2019

MEMORANDUM

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SUBJECT: Spent Blast Media Mismanagement Alert

FROM: Gregory Sullivan, Director 
Waste and Chemical Enforcement Division, EPA Office of Civil Enforcement

TO: EPA Regional ECAD Directors

The United State Environmental Protection Agency (EPA) is alerting EPA Regions of health and environmental concerns related to the handling, storage, and recycling of spent blast media. *Please share this information with your state counterparts.*

Since 2001, EPA has grappled with the legacy of spent blast media resulting from the sale and use of blast media for cleaning, removing paint, and maintaining equipment surfaces, from smaller pieces of equipment to large aircraft. Once used, blast media becomes spent blast media (SBM) containing a mixture of abrasives (plastic beads, aluminum oxide, or urea) and material removed by the blast media, such as airplane paint chips which have high levels of metals, mostly cadmium, chromium, and lead. These hazardous constituents can exceed the RCRA regulatory level for toxicity and can leach into the soil and reach nearby waterbodies through runoff.

The storage and recycling of SBM collected from generators and sent to recyclers producing cement blocks, cultured marble, railroad ties, and other material, has resulted in a history of gross mismanagement,¹ particularly when the recycled product is placed on or under the ground. Actions related to the mismanagement of SBM include the following examples:

- Criminal Proceedings² (Business owner sentenced to five years in prison)

¹ See, e.g., Lustgarten, Abraham. "How Military Outsourcing Turned Toxic". Propublica September 26, 2017; Patrick, Robert. "Millions of pounds of hazardous waste illegally trucked to Missouri, feds say". St. Louis Post-Dispatch. September 5, 2017.

² In June 2019, in the Eastern District of Missouri, four defendants pled guilty to crimes related to the transportation of RCRA hazardous waste to a facility in Berger, MO. Defendants were sentenced on January 11, 2019 and various defendants were ordered to jointly pay \$1.5 million in restitution to the EPA (Case No. 4:17-cr-00189). In March 2018, in the Middle District of Georgia, defendant pled guilty to one count of Conspiracy to Bribe a Public Official in violation of 18 U.S.C. § 371. Defendants were sentenced on January 8, 2019 to a 5-year term of imprisonment and 3 years of supervised release. The defendants were jointly and severally required to pay \$870,000 in restitution, and the corporate defendants each were ordered to pay \$1.5 million in fines (Case No. 5:17-cr-00029). In February 2019, in the Western District of Kentucky, defendant was indicted for one count of knowingly storing RCRA hazardous waste without a permit (Case No. 5:17-cr-00002).

- Civil Enforcement Actions³
- Cleanup of two SBM storage sites under the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA
- Clean up of four SBM storage sites under the Resource Conservation and Recovery Act, RCRA
- Clean up costs have been over \$4,000,000.

The reuse of SBM in recycled products and materials may fail to meet the standard of legitimate recycling, and SBM use in products placed on the land may also violate RCRA “use constituting disposal” requirements. This Alert seeks to convey EPA’s serious concern with the storage and recycling of SBM. Regions and States should be aware of this history of SBM mismanagement and its environmental effects in the event that SBM matters arise in their jurisdictions⁴. If you have any questions, please contact Negin Mostaghim at Mostaghim.Negin@epa.gov or call (202) 564-4694.

³ Consent Agreement and Final Order (CAFO) Region 4, USTAE (March 19, 2019); CAFO Region 4, Middle Georgia Speedway (December 18, 2018); CAFO Region 4, UST (October 29, 2018); CAFO, Region 7, UST (September 21, 2016).

⁴ Several States have already faced clean up and serious challenges with SBM including AR, GA, KY, MO, and MS.