



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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Secretary of Natural and Historic Resources

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Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
ADVANSIX RESINS & CHEMICALS, LLC  
FOR  
ADVANSIX HOPEWELL FACILITY  
VPDES Permit No. VA0005291**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15 and 62.1-44.34:20, between the Department of Environmental Quality (DEQ or Department) and AdvanSix Resins & Chemicals, LLC, (AdvanSix) regarding the AdvanSix Hopewell Facility for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation at 9 VAC 25-31-10, and 9 VAC 25-91-10.

**SECTION C: Findings of Fact and Conclusions of Law**

1. AdvanSix Resins & Chemicals, LLC (AdvanSix) is a business entity authorized to do business in Virginia and references to AdvanSix include its affiliates, partners, and subsidiaries. AdvanSix is a "person" within the meaning of Va. Code § 62.1-44.3.
2. AdvanSix owns and operates the Hopewell Facility (Facility) located at 905 E. Randolph Road, in Hopewell, Virginia, which discharges effluent and stormwater from AdvanSix's business operations. AdvanSix produces caprolactam, ammonium sulfate, cyclohexanol, cyclohexanone, and oxime chemicals at the Facility.

3. VPDES Permit No. VA0005291 (Permit) was re-issued under the State Water Control Law and VPDES Permit Regulation to AdvanSix on August 1, 2016 and December 1, 2024 and expires on November 30, 2029. The Permit allows AdvanSix to discharge from the Facility in strict compliance with the terms and conditions of the Permit.
4. On March 1 and March 7, 2022, DEQ conducted a compliance evaluation inspection of the Facility and observed the following:

- a. Documentation of annual wastewater and stormwater training for 2021 was not available at the time of the inspection.

Permit Part I.E.2.f(2)(f) states in part, "Employee Training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training and shall document all training sessions and the employees who received the training." The SWPPP states that stormwater training shall occur on an annual basis

- b. Good house-keeping measures were not exercised to clean-up exposed process material that is a potential source of pollutants to stormwater discharge.
  - i. Tracked material was present on the paved surface outside of ammonium sulfate storage buildings 12, 40, 41 and 42.
  - ii. Spilled material was observed at the ammonium sulfate unloading area by the conveyor to Building 40.
  - iii. An unknown white material was observed around the dumpsters adjacent to the sand blast area.
  - iv. Dried sulfur material was observed in and adjacent to stormwater drainage conveyances in the railcar sulfur unloading area.
  - v. Ditches leading to Outfall 906 contained an unknown accumulated white substance with elevated sulfate and nitrate properties.
  - vi. On March 7, 2022, a spilled white substance was observed on the perimeter road in the Outfall 906 drainage area.

Permit Part I.E.2.f(2)(a) states, "Good Housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges...problem areas include...storage areas, loading docks...The plan shall include a schedule for regular pickup and disposal of waste materials..."

5. On May 20, 2022, AdvanSix provided a response to the March 2022 DEQ inspection. In the response, AdvanSix stated that general spill prevention training occurred in 2021, and

wastewater and stormwater training was scheduled for June 2022. AdvanSix also outlined planned near and long-term improvements to address the good housekeeping violations.

6. Unpermitted discharges to state waters were observed during the inspection on March 1, 2022, and additional discharges were self-reported by AdvanSix on March 18 and December 9, 2022.
  - a. On March 1, 2022, an unpermitted outfall was observed adjacent to Outfall 907, discharging to Poythress run with a white substance in the effluent. At the March 7, 2022, inspection, AdvanSix reported two collapsed manholes in the perimeter ditch between the Outfall 906 and Outfall 912 drainage areas as the source of the discharge.
  - b. On March 18, 2022, AdvanSix reported an underground line failure for cooling water conveyed through the Kellogg Cooling Tower and subsequent process equipment. Water from the line failure was discharged to Poythress Run via Outfall 003 for 32 hours (3/17/22-3/18/22) at an initial rate of 100 gallons/minute, mitigated to 40 gallons/minute.
  - c. On December 9, 2022, AdvanSix reported an underground line failure for cooling water conveyed through the Kellogg Cooling Tower and subsequent process equipment. Water from the line failure was discharged to Poythress Run via Outfall 003 for 10.5 hours on December 9, 2022, at an initial rate of 200 gallons per minute.

Permit Part II.F states, "Except in compliance with a VPDES permit, or another permit, issued by the board or other entity authorized by the board, it shall be unlawful for any person to: Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."

7. In its May 20, 2022, response letter, AdvanSix stated that it was scheduling work to investigate and plug the collapsed manholes and would ensure that all stormwater flow outlined within the Outfall 906 drainage area matches the SWPPP map.
8. On December 30, 2022, AdvanSix discovered that an oil cooler had developed an internal leak and called DEQ. On January 4, 2023, AdvanSix followed-up with a written report of a release of oil to Gravelly Run via Outfall 002. On January 19, 2023, AdvanSix submitted a follow-up letter which stated the leak occurred from October 16, 2022 to December 30, 2022, released approximately 220 gallons of oil, and AdvanSix described actions taken to prevent recurrence.

Permit Part II.F states, "Except in compliance with a VPDES permit, or another permit, issued by the board or other entity authorized by the board, it shall be unlawful for any person to: Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."

62.1-44.34:18.A states, "Discharge of oil prohibited; liability for permitting discharge. The discharge of oil into or upon state waters, lands, or storm drain systems within the Commonwealth is prohibited."

9. On January 19, 2023, AdvanSix submitted a letter which stated the leak stopped on December 30, 2022, and described its investigation into the leak and actions taken to prevent recurrence.
10. On March 17, 2022, AdvanSix reported missing flow data at Outfall 003 for approximately three hours on March 16, 2022.

Permit Part I.A.8.a requires a minimum Frequency of Analysis for Flow at permitted Outfall 003 of 'Continuous'.

11. On August 5, 2022, AdvanSix reported four missed daily Total Organic Carbon (TOC) samples at Outfall 003 between July 28 and August 1, 2022.

Permit Part I.A.8.a requires a minimum Frequency of Analysis for TOC at permitted Outfall 003 of '1 per day' from a 24-hour composite sample.

12. Incorrect stormwater effluent data was reported on annual DMRs for January 1 – December 31, 2021.

Permit Part II.A.1 states, "Samples and measurements required by this permit shall be taken at the permit designated or approved location and be representative of the monitored activity."

13. DMRs submitted for the January 1 – December 31, 2021 monitoring period were incomplete or inaccurate: 1) Outfall 904 – 911 DMRs did not include storm event information; 2) the "no discharge" box is checked; however, the Outfall 908 DMR reports data from Outfall 904; Outfall 904 was not identified in the SWPPP as substantially identical to Outfall 908; 4) Outfall 912 DMR storm event information does not match the collection date on the laboratory certificates.

Permit Part I.A.9.b states, "In addition to the analytical results, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event (a "measurable storm event" is defined as a storm event that results in an actual discharge from the site)."

14. Internal Outfall 101 consists of flow-weighted composites from two locations identified as EV-27 and EV19. During the March 2022 inspection, the EV-27 and EV-19 sample composite refrigerators were observed with internal temperatures above 6 degrees C. The required range is 1 to 6 degrees C. These refrigerators were also observed out-of-range at the previous, May 6, 2019 inspection. The logbook indicates that temperatures were logged, but corrective actions were not taken in response to temperatures out of range.

Permit Part II.A.1.a states, “Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.”

15. On January 27, 2023, DEQ issued Notice of Violation No. W2023-01-P-0001 for the violations listed in paragraphs C(4)-(14) above.
16. On March 7, 2022, March 21, 2022, May 20, 2022, August 5, 2022, December 13, 2022, and January 19, 2023, AdvanSix provided documentation regarding its return to compliance and responded to DEQ’s Notice of Violation.
17. In response to the violation described in paragraph C(10), AdvanSix installed a back-up generator at Outfall 003 for sampling and data collection systems. In response to the violation described in paragraph C(12), Advansix noted in its May 20, 2022 response letter that the 2021 Annual Stormwater DMRs were resubmitted to correct the data upload to the e-DMR system and a two-person technical review process is maintained for DMR preparation to minimize administrative errors in submission.
18. In response to the violation described in paragraph C(14), AdvanSix replaced samples immediately upon discovery and updated standard work checklists to include the required temperature range. AdvanSix also replaced both refrigerators. AdvanSix has committed to capital projects to reduce water discharges of total nitrogen, which includes a system to collect, treat, and discharge/dispose of the stormwater runoff and groundwater seeps from the Marine Operations area. The Marine Operations area consists of the areas draining to stormwater outfalls 904, 905, 906, 907, and 911, of which three outfalls will be permanently removed. Additionally, the permit required specific stormwater drains directly outside Building 12 to be directed to the process sewer by March 2028. Advansix notified DEQ in its Annual Stormwater Progress Report, dated March 27, 2025, that the requirement was completed as of the second quarter of 2024. The Permit requires enhanced monitoring and cleaning of ammonium sulfate handling areas. Advansix notified DEQ in the Permit Milestone Letter dated December 9, 2024 that the required program of routine inspection and cleaning to identify and address housekeeping concerns was implemented as of December 1, 2024.
19. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate issued by the Department, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”
20. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
21. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.



22. The Department has issued no permits or certificates to AdvanSix for the discharges other than VPDES Permit No. VA0005291.
23. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under State Water Control Law.
24. Based on the results of the March 1 and 7, 2022 inspection, file reviews, and AdvanSix responses, the Department concludes that AdvanSix has violated the Permit and Va. Code § 62.1-44.5 and 62.1-44.34:18.A and 9 VAC 25-31-50, as described above.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15 and 62.1-44.34:20, the Department orders AdvanSix, and AdvanSix agrees to:

Pay a civil charge of \$55,841 within 30 days of the effective date of the Consent Order in settlement of the violations cited in this Consent Order.

Payment shall be made either by credit card at [www.deq.virginia.gov](http://www.deq.virginia.gov), or check, certified check, money order or cashier’s check payable to the “Treasurer of Virginia,” and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

AdvanSix shall include its Federal Employer Identification Number (FEIN) and Taxpayer Identification Number, if different, with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Consent Order with \$45,470 for deposit into the VEERF and \$10,371 for deposit into the Virginia Petroleum Storage Tank Fund (VPSTF). The TIN is required under Federal law (26 USC § 6723) and **this consent order cannot be terminated until the TIN is provided**. In accordance with United States Code (26 USC § 1.6050X) and the Code of Federal Regulations (26 CFR § 1.6050X-1) this information will be provided by DEQ to the Internal Revenue Service. To provide DEQ with your TIN please mail the attached Virginia Form W-9 with your payment. If the Department has to refer collection of the civil charge due under this Consent Order to the Department of Law, AdvanSix shall be liable for attorneys’ fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Department may modify, rewrite, or amend this Consent Order with the consent of AdvanSix for good cause shown by AdvanSix, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Consent Order addresses and resolves only those violations specifically identified in Section C of this Consent Order and in NOV No. W2023-01-P-0001 dated January 27, 2023. This Consent Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Consent Order.
3. For purposes of this Consent Order and subsequent actions with respect to this Consent Order only, AdvanSix admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. AdvanSix consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Consent Order.
5. AdvanSix declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Consent Order.
6. Failure by AdvanSix to comply with any of the terms of this Consent Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Consent Order is found to be unenforceable for any reason, the remainder of the Consent Order shall remain in full force and effect.
8. AdvanSix shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. AdvanSix shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. AdvanSix shall notify the DEQ Enforcement Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Consent Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Enforcement Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Consent Order.

- 9. This Consent Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Consent Order shall become effective upon execution by both the Director or his designee and AdvanSix. Nevertheless, AdvanSix agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Consent Order shall continue in effect until:
  - a. The Director or his designee terminates the Consent Order after AdvanSix has completed all of the requirements of the Consent Order;
  - b. AdvanSix petitions the Director or his designee to terminate the Consent Order after it has completed all of the requirements of the Consent Order and the Director or his designee approves the termination of the Consent Order; or
  - c. the Director or Department terminates the Consent Order in his or its sole discretion upon 30 days' written notice to AdvanSix.

Termination of this Consent Order, or any obligation imposed in this Consent Order, shall not operate to relieve AdvanSix from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by AdvanSix and approved by the Department pursuant to this Consent Order are incorporated into this Consent Order. Any non-compliance with such approved documents shall be considered a violation of this Consent Order.
- 13. The undersigned representative of AdvanSix certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Consent Order and to execute and legally bind AdvanSix to this document. Any documents to be submitted pursuant to this Consent Order shall also be submitted by a responsible official of AdvanSix.
- 14. This Consent Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Consent Order, and there



are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Order.

15. By its signature below, AdvanSix voluntarily agrees to the issuance of this Consent Order.

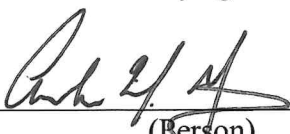
And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.



\_\_\_\_\_  
Kristen Sadtler, Enforcement Director  
Department of Environmental Quality

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AdvanSix Resins & Chemicals, LLC voluntarily agrees to the issuance of this Consent Order.

Date: 9/2/2025 By: , Site Leader  
(Person) (Title)  
AdvanSix Resins & Chemicals, LLC

