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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Theodore, Alabama Paint Manufacturing Facility Enter into Special Order by Consent Addressing Alleged Violations

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The Alabama Department of Environmental Management ("ADEM") entered into a Special Order by Consent ("Order") dated June 7th addressing an alleged violation of the Alabama hazardous waste regulations.

Mobile Paint Manufacturing Company of Delaware, Inc. dba Mobile Paint Mfg. Co., Inc. ("Mobile Paint") is stated to operate a paint manufacturing facility in Theodore, Alabama.

Mobile Paint's manufacturing facility has an EPA identification number and is designated a large quantity generator of hazardous waste, and a small quantity handler of universal waste.

Representatives of ADEM's Industrial Hazardous Waste Branch and United States Environmental Protection Agency Region 4 are stated to have conducted a compliance evaluation inspection ("CEI") of Mobile Paint on December 9, 2015. The purpose of the CEI is stated to have been to determine compliance with all applicable requirements of Division 14 of the ADEM Administrative Code.

The CEI is alleged to have revealed the following:

Mobile Paint stored four 55-gallon drums and one 5-gallon container of hazardous waste on site for more than 90 days, yet did not comply with the requirements of Chapters 335-14-5 and 335-14-8. At the time of the CEI, three of the 55-gallon drums were dated "8/25/15" (106 days) and the fourth drum was dated "8/27/15" (104 days). The 5-gallon container was dated "8/14/15" (116 days). Mobile Paint neither requested an extension of the 90-day limit nor obtained a hazardous waste storage facility permit from the Department.

The Order states that pursuant to ADEM Administrative Code r. 335-14-3-.03(5)(b) a large quantity generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 335-14-5 and 335-14-6, and the permit requirements of 335-14-8 unless he has been granted an extension of the 90 day period. Further, ADEM Administrative Code r. 335-

14-8-.01(1)(c) is stated to require a permit for the “storage” of any “hazardous waste” as defined or listed in Chapter 335-14-2.

Mobile Paint contends in the Order that its management team is dedicated to protecting the environment and takes seriously the company’s role as a responsible member of the community, therefore, protecting the environment extends to the community as well. It further states that it has established check and balance measures to ensure compliance and environmental protection and that ways are sought continuously to increase the protection of the environment and maintain compliance with local, state, and federal regulations.

Mobile paint neither admits nor denies ADEM’s contentions.

An \$11,000 civil penalty is assessed by the Order.

[A copy of the Order can be downloaded here.](#)