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Hazardous Waste Enforcement: Alabama Department of Environmental Management Proposed Special Order of Consent for Calhoun County Bus Manufacturing Facility

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The Alabama Department of Environmental Management (“ADEM”) proposed February 7th a Special Order by Consent (“Order”) for New Flyer of America, Inc. (“New Flyer”) addressing alleged violations related to hazardous waste regulations under the Alabama Administrative Code. See Consent Order. No. 20-XXX-CHW.

The Order provides that New Flyer operates a commercial bus manufacturing facility (“Facility”) in Calhoun County, Alabama.

The Facility is stated to have received an EPA hazardous waste identification number. It is also stated to be a large quantity generator of hazardous waste.

ADEM personnel are stated to have conducted a compliance evaluation inspection (“CEI”) of the Facility on October 11, 2019, to determine compliance with all applicable requirements of Division 14 of the ADEM Administrative Code.

The CEI alleged identified the following violations:

- New Flyer stored 4 drums of ignitable hazardous waste (EPA hazardous waste number D001) in the central storage area for longer than 90 days without first obtaining an accumulation time limit extension or a hazardous waste storage permit.
- New Flyer failed to properly label one hazardous waste satellite accumulation container in the B1 Paint Kitchen.
- New Flyer failed to submit a quick reference guide of the contingency plan to local emergency responders as required.

New Flyer neither admits nor denies ADEM’s contentions.

A civil penalty of \$8,000 is assessed.

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