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Supplemental Environmental Project/Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation and Watertown Electroplating Facility Enter into Settlement Agreement

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The Tennessee Department of Environment and Conservation (“TDEC”) and Moody & Associates, Inc., d/b/a Technical Plating (“Moody”) entered into a Settlement Agreement and Order (“Agreement”) addressing alleged violations of the Tennessee Hazardous Waste Regulations. See Case No. HWM18-0007.

The Agreement provides that Moody is the operator of an electroplating business (“Facility”) in Watertown, Tennessee.

The Facility is stated to be a large quantity generator of hazardous waste. Further, it is stated to have a United States Environmental Protection Agency (“EPA”) ID number of TND 08-146-4810.

TDEC Division of Solid Waste Management (“Division”) personnel, along with EPA staff, conducted a compliance evaluation inspection (“CEI”) of the Facility on February 28, 2018. The CEI allegedly identified violations described as:

- Weekly inspections of two 55-gallon drums containing spent filters in the plating area had not been conducted
- A 55-gallon drum containing acid had not had a hazardous waste determination
- A 55-gallon drum containing an unknown solid material located in a decommissioned walk-in drying oven had not been the subject of hazardous waste determination
- A bulk bag in the 90-day storage area which contained spent effluent filters had stored hazardous waste for more than 90 days
- A bulk bag of hazardous wastewater treatment sludge in the 90-day storage area was not closed
- Small amount of hazardous wastewater treatment sludge on the outside of two bulk bags in the 90-day storage area (including on and under the pallets holding the bags)
- Five 55-gallon drums containing a hazardous parts cleaning solution accumulating in the wastewater treatment area were not marked with accumulation start dates
- Five 55-gallon drums accumulating in the wastewater treatment areas were inadequately labeled

- Small amounts of hazardous wastewater treatment filter press sludge was on the floor around the filter press, on the ramp leading outside of the wastewater treatment system, and on the pavement outside of the building
- The bulk collection bag beneath the filter press was not labeled to identify its contents
- The Facility could not provide certain records of the weekly inspections of the 90-day storage area
- The Facility had not distributed current copies of the Facility's emergency contingency plan to local emergency response agencies
- The Facility's emergency contingency plan did not have the most current secondary contact information
- The Facility could not produce documentation of required training for personnel who handle hazardous waste.

Moody submitted in a series of email communications documentation of the substantial correction of all outstanding violations. An exception is stated to be the distribution of the emergency contingency plan to local emergency response agencies and required adequate training for employees who handle hazardous waste.

Division personnel conducted a follow-up CEI on June 1, 2018 and observed that all outstanding violations had been corrected.

The Division proposed a penalty in the amount of \$25,500. However, Moody proposed a Supplemental Environmental Project ("SEP") to offset the civil penalty.

The Agreement notes that all SEPs must have a 2:1 value of the offset portion of the penalty in accordance with TDEC policy. Therefore, the set value for this assessed penalty must be at least \$51,000.

Moody's SEP is stated to be directed to eliminating its production of hazardous waste. It will require Moody to incur capital costs to:

1. Purchase a Volute Screw Press;
2. Purchase four 2,500-gallon cone bottom tanks;
3. Purchase a Heated Vacuum Ribbon Blender or filter press;
4. Purchase an Ultra-Filtration/Reverse Osmosis System; and
5. Purchase and install a wastewater evaporator/Crystallizer

The SEP is projected to be completed by December 31, 2021 at an estimated cost of between \$107,500 and \$134,500. A detailed explanation of the SEP is provided in Exhibit A of the Agreement.

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