



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Hazardous Waste Enforcement: Alabama Department of Environmental Management and Huntsville Solar Panel Manufacturing Facility Operator Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and LG Electronics USA, Inc. (“LG”) entered into a January 6th Consent Order (“CO”) addressing alleged violations of the ADEM Administrative Code addressing hazardous waste. See CO No. 21-XXX-CHW.

The CO provides that LG operates a solar panel manufacturing and assembly facility (“Facility”) in Huntsville, Alabama.

The Facility is stated to constitute a large quantity generator as that term is defined in ADEM Admin. Code Div. 14 as a result of its operations.

LG is stated to have submitted a self-reporting notification of potential noncompliance to ADEM on May 4, 2020.

The CO provides that based on a review of this submittal and a compliance evaluation inspection conducted on May 26, 2020, the agency has allegedly made the following determinations regarding the Facility’s compliance status:

- Failure to submit a complete and correct ADEM Form 8700-12
- Failure to make a proper waste determination on lead contaminated solar panel module manufacturing waste that is generated
- Failure to properly characterize the previously referenced waste and subsequent management as a nonhazardous waste
- Failure to make a waste determination on waste rags generated
- Failure to prepare a Uniform Hazardous Waste Manifest for each shipment of hazardous waste (referencing lead contaminated solar panel module manufacturing waste)
- Offering hazardous waste to a transporter that had not received a United States Environmental Protection Agency identification number and Alabama Hazardous Waste Transport Permit
- Sending hazardous waste for disposal to facilities that were not designated facilities or otherwise authorized to receive the waste

LG neither admits nor denies ADEM's contentions.

The CO further provides that upon learning of the potential noncompliance-compliance waste activities through LG's audit findings the Facility responded to the issues identified by ADEM in its June 29, 2020, Notice of Violation – implementing corrective measures. Such activities are stated to have included:

- Performance of waste characterization analysis of the solar panel module manufacturing waste materials
- Immediately ceased disposal of the previously referenced material
- Engaged a recycling firm specializing in solar cell materials to assist with recycling the scrap solar panel module manufacturing materials
- Collected and submitted sampling for waste characterization analysis for waste rags

LG is stated to have addressed the alleged violations asserted by ADEM and implemented measures to prevent their recurrence. The Facility has also stated it is committed to assuring compliance with local, state, and federal regulations.

A civil penalty of \$192,500 is assessed.

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