



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

Hazardous Waste Enforcement: Alabama Department of Environmental Management and Athens Automotive Gasket Manufacturing Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and American Leakless Company LLC (“ALC”) entered into a November 9th Consent Order (“CO”) addressing alleged violations of the Alabama regulations related to Hazardous Waste. See Consent Order No. 21-XXX-CHW.

The CO provides that ALC operates an automotive gasket manufacturing facility (“Facility”) located in Athens, Alabama.

The Facility is stated to constitute a large quantity generator as a result of its operations.

A representative of ADEM’s Industrial Hazardous Waste Branch is stated to have conducted a Compliance Evaluation Inspection (“CEI”) of the Facility on July 2, 2020. The CO states that the CEI and a review of ALC’s compliance indicated the following alleged violations:

- a. Failure to submit a correct and complete ADEM Form 8700-12. ALC notified as a small quantity generator of hazardous waste while operating as a large quantity generator of hazardous waste.
- b. Failure to make a proper waste determination on methyl ethyl ketone (MEK) solvent contaminated manufacturing waste and rags generated at the Facility. ALC failed to properly characterize this waste and subsequently managed it as non-hazardous waste.
- c. Failure to prepare a uniform hazardous waste manifest for each shipment of hazardous waste (i.e. MEK contaminated manufacturing waste and rags) sent for disposal.
- d. Sent hazardous waste (i.e. MEK contaminated manufacturing waste and rags) for disposal to a facility that was not a designated facility or otherwise authorized to receive the waste.

- e. Stored MEK spent solvent waste onsite for more than 90 days without a permit or an extension.
- f. Engaged in treatment of hazardous waste without a permit at least four times.
- g. Stored hazardous waste, not in satellite accumulation, in an area at the facility that failed to adequately restrict access.
- h. Stored liquid hazardous waste (i.e. MEK spent solvent waste) outside of a containment system.
- i. Failed to conduct and document weekly inspections of certain hazardous waste accumulation areas.
- j. Failed to post "No Smoking" signs around ignitable waste located in a building.
- k. Failed to post the required signage around hazardous waste located in certain accumulation areas.
- l. Failed to label certain 55-gallon containers of MEK spent solvent waste with the words "Hazardous Waste."
- m. Failed to mark certain 55-gallon containers of MEK spent solvent waste with accumulation start dates.
- n. Failed to provide the required training for employees that handle hazardous waste.
- o. Failed to provide a contingency plan for review.
- p. Failed to provide a waste minimization plan for review.
- q. Failed to provide for review all manifests for the last three years.

The CO provides that ALC neither admits nor denies ADEM's contentions.

A civil penalty of \$79,250 is assessed.

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