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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Sumter County Hazardous Waste TSD Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Chemical Waste Management, Inc., (“CWMI”) entered into a July 12th Consent Order addressing alleged violations of the Alabama hazardous waste regulations. See Consent Order No. 21-XXX-CHW.

The Consent Order (“CO”) provides that CWMI operates a commercial hazardous waste treatment, storage, and disposal facility (“TSD Facility”) under an Alabama Hazardous Waste Management and Minimization Act (“AHWMMA”) permit.

CWMI is stated to have self-reported to ADEM an alleged TSD Facility violation on February 17th. The alleged violation self-reported stated:

- Pursuant to AHWMMA Hazardous Waste Treatment, Storage, and Disposal Permit Condition Part VII.1.1., the Permittee shall not place any hazardous waste(s) which is prohibited from land disposal, or which does not meet all applicable land disposal restrictions (LOR) treatment standards (as listed in ADEM Admin. Code R. 335-14- 9, incorporating 40 CFR 268), in any landfill cell.
- Between December 29, 2020 and January 3, 2021, approximately 320,436 gallons of site generated leachate (EPA Hazardous Waste No. F039) from Tank #1407 were transferred into landfill cell number 3 for dust suppression. This material was subject to land disposal restrictions, but CWM does not have sampling data to demonstrate that the applicable treatment standards were met.

Representatives of ADEM’s Industrial Hazardous Waste Branch are stated to have conducted a compliance evaluation inspection (“CEI”) on March 23-25 of the TSD Facility. The CEI is stated to have indicated the following:

- Storage of hazardous waste restricted from land disposal (referencing one roll-off container of hazardous waste stored for greater than one year)

CWMI neither admits nor denies ADEM’s contentions in the CO. Further, it stated:

- CWM monitors the total flow of untreated and treated leachate in and out of its Tank Farm. Prior to December 2020, CWM monitored the flow in and out of the Tank Farm by visually observing tank levels, manually recording the data, and manually calculating the total volumes transferred in and

out of Tank Farm #4. In December 2020, in order to provide additional control over Tank Farm transfers, CWM installed and began testing a new system of meters that automatically record the flow volumes in and out of each tank (the "PLC System"). Upon reviewing the data generated by the new PLC System, a discrepancy was identified between the PLC System data and manual data. As a result of CWM's investigation of this discrepancy, CWM determined that it did not have the data to confirm that leachate transferred from one tank (Tank # 1407) back to the landfill met Land Disposal Restrictions. All of the leachate transferred from Tank #1407 was returned to the landfill for use as dust suppression within the lined footprint of cell number 3; therefore, CWM is aware of no actual or potential hazards to the environment or human health as a result of the incident. CWM self-reported the incident to the Department on February 17, 2021.

- The waste at issue discovered during the Department's March 23-25, 2021 CEI was a roll-off container of material awaiting further treatment in a permitted and secure storage location at the Facility. Although the waste was placed into storage on March 3, 2020 as indicated on the container label, CWM inadvertently recorded the wrong date in CWM's electronic hazardous waste tracking system. The unintentional discrepancy between the label and the electronic tracking system resulted in storage longer than one year. Upon discovery of the issue, the waste in the container was treated and properly disposed. There were no spills or releases from the container, and the container did not present any threats to human health or the environment while in storage.

A civil penalty of \$14,400 is assessed.

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