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Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Proposed Order Addressing Kingston Treatment Storage and Disposal Facility

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a proposed Director’s Order and Assessment (“Order”) to Diversified Scientific Services, Inc. (“DSSI”) addressing alleged violations of the Tennessee hazardous waste regulations. See Case No. HWM-21-009.

The Order provides that DSSI is a subsidiary of Perma-Fix Environmental Services and authorized to treat, store and dispose of low-level radioactive mixed hazardous wastes at a facility located in Kingston, Tennessee (“Facility”).

The Facility is stated to operate under a Storage Permit for the storage and treatment of mixed low-level radioactive hazardous waste and a Combustion Permit for combusting of hazardous waste for energy recovery. It is further described as being licensed to process low-level radioactive material and low-level radioactive-process used oil. In addition, it has authorization under the Toxic Substances Control Act to process, treat, and combust mixed polychlorinated biphenyl (“PCB”) waste and operates as a permitted hazardous waste treatment storage, and disposal facility along with other activities.

The Division of Solid Waste (“Division”) of TDEC is stated to have conducted a Compliance Evaluation Inspection (“CEI”) on June 17, 2021, of the Facility. A records review is also stated to have been undertaken.

The Division is stated to have subsequently issued a Notice of Violation (“NOV”) to DSSI for alleged violations identified during the CEI which included:

1. Failure to provide adequate documentation proving that storage of the radioactive-contaminated lithium wastes was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
2. Failure to properly label two pedal-operated satellite accumulation containers to indicate the hazards of the contents.

3. Failure to provide a mechanism to track the accumulation start date of the universal waste batteries.

A follow-up inspection by Division personnel is stated to have been conducted on August 19th. A subsequent September 10, 2021, NOV is stated to have been issued to DSSI for alleged:

- Failure to provide adequate aisle space in the Inert Waste Storage Area

The Division and DSSI met in a meeting on September 17, 2021, to discuss the alleged violations, corrective actions taken, and any additional information and practices implemented to prevent a reoccurrence of the violations. DSSI is stated to have presented additional information regarding corrective measures taken to address the alleged violations which included an explanation based on the Facility's delay in obtaining a modification to the Facility's Title V Clean Air Act Permit. This is stated to have prevented the timely treatment of the radioactive-contaminated lithium waste.

The Order states that DSSI was able to demonstrate that the corrective actions implemented would prevent a reoccurrence of these violations.

The Division is stated to have incurred damages in the amount of \$900. Further, the Order proposes to assess a civil penalty in the amount of \$8,420.

The Order provides certain appeal rights.

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