



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

Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation and University of Tennessee Enter into Consent Order

08/30/2022

The Tennessee Department of Environment and Conservation (“TDEC”) and the University of Tennessee (“UT”) entered into an August 18th Consent Order and Assessment (“COA”) to address alleged violations of the Tennessee Hazardous Waste Management Regulations. See Case No. HWM 21-0022.

The COA addresses UT’s Knoxville main campus.

The UT main campus is stated to generate and/or store hazardous waste in six separate buildings on campus. Further, the main campus is stated to be a large quantity generator of hazardous waste and has an Environmental Protection Agency (“EPA”) Installation Identification Number. It is stated to have reported the generation of 10 hazardous waste streams for the 2020 reporting year. The waste streams were generated primarily from academic laboratory operations.

TDEC Division of Solid Waste Management (“Division”) personnel are stated to have conducted a walk-through of certain UT buildings on June 8 and 9, 2021, conducting a Compliance Evaluation Inspection (“CEI”). The CEI is stated to have consisted of a facility walk-through of laboratory and storage areas along with a records review.

The Division inspector is stated to have observed during the facility walk-through of certain buildings a number of alleged violations as identified in the COA. Such violations included, by way of example:

- Use of an improper closure device on a container
- Container not marked with the words “Hazardous Waste”
- Containers of universal waste lamps not closed or labeled
- Containers of universal waste lamps did not have an accumulation start date
- Universal waste lamps not in containers
- Lack of aisle space between drums of properly labeled containers in central accumulation areas (corrected during the CEI”)
- Ziplock bag of hazardous waste not closed
- Bottle of hazardous waste not marked with an indication of the hazard of the contents
- Several containers of hazardous waste under a hood not marked with an indication of the hazards of the contents

- Universal waste batteries not properly labeled

The Division subsequently issued a Notice of Violation (“NOV”) alleging certain violations. UT was required to initiate actions to correct the outstanding violations.

Division personnel conducted a follow-up inspection on August 24th. Certain violations cited in the NOV were stated to have been corrected. However, the Division inspector is stated to have observed additional violations during a facility walk-through:

- Universal waste lamps remained uncontained
- Ziplock bags of hazardous waste were not enclosed
- Container not labeled with the words “Hazardous Waste”
- Several containers of hazardous waste under a hood were not properly closed

A second NOV was issued.

UT submitted a letter to the Division on October 12, 2021, documenting actions it stated were taken to correct the outstanding violations. The letter indicated that all violations regarding proper closing, labeling with the words “Hazardous Waste” and marking with an indication of the hazards of the content had been corrected. Further, it stated all universal waste lamp violations had been corrected and an additional central accumulation area had been designated.

A second follow-up CEI is stated to have been conducted on November 22, 2021, in which certain alleged violations had been fully corrected. However, the Division inspector is stated to have observed additional violations:

- A small number of containers were not properly closed
- One container was not marked with the indications of the hazards of the contents

A third NOV was issued.

The COA indicates that during the course of the investigation the Division incurred damages in the amount of \$4,581.40. This is assessed to UT to be paid on or before the 31st day after receipt of the COA. Further, a civil penalty of \$12,170 is assessed.

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