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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Jefferson County Freight Transportation Terminal Operator Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and XPO Logistics Freight, Inc. (“XPO”) entered into a February 8th Consent Order (“CO”) addressing alleged violations of the Alabama hazardous waste regulations. See Consent Order No. 23-XXX-CHW.

The CO provides that XPO operates a freight transport facility (“Facility”) in Jefferson County, Alabama.

The Facility is stated to be a small quantity generator of hazardous waste as that term is defined in ADEM Admin. Code Div. 14.

A representative of ADEM’s Industrial Hazardous Waste Branch is stated to have conducted a Compliance Evaluation Inspection (“CEI”) of the XPO Facility on August 15, 2022.

The CEI and a review of XPO’s compliance is stated to have indicated the following:

- Storage of four containers of hazardous waste in the hazardous waste central accumulation area for more than 180 days without a permit or being granted an extension
- Failure to properly manage a leaking and deteriorating five-gallon bucket of hazardous waste located in the hazardous waste central accumulation area
- Failure to keep closed two containers of hazardous waste located in the central accumulation area
- Failure to perform weekly inspections of the hazardous waste central accumulation area that were adequate to identify and address a leaking and deteriorating container
- Failure to mark or label 13 containers of hazardous waste located in the central accumulation area with the words “Hazardous Waste”
- Failure to mark or label 19 containers of hazardous waste located in the central accumulation area with an indication of their hazards
- Failure to mark or label 12 containers of hazardous waste located in the central accumulation area with accumulation start dates
- Failure to mark or label 21 containers of hazardous waste located in the central accumulation area with appropriate hazardous waste numbers

- Failure to maintain and operate the hazardous waste central accumulation area in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste
- Failure to maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to the hazardous waste central accumulation area
- Failure to submit a complete 8700-12 to ADEM for 2021

XPO neither admits nor denies ADEM's contentions.

A civil penalty of \$18,600 is assessed.

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