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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Fort Payne Automotive Part Manufacturing Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Plasman ALA, LLC (“Plasman”) entered into a November 1st Consent Order (“CO”) addressing alleged violations of the ADEM Administrative Code addressing the regulation of hazardous waste. See Consent Order No. 24- XXX-CHW.

The CO states that Plasman operates an automotive part manufacturing facility (“Facility”) in Fort Payne, Alabama.

The Facility is stated to constitute:

- A large quantity generator of hazardous waste
- A small quantity handler of universal waste
- A used oil generator

A representative of ADEM’s Industrial Hazardous Waste Branch conducted a Compliance Evaluation Inspection (“CEI”) of the Facility on March 6th. The CEI and a review of the Facility’s compliance allegedly showed the following:

- Failure to perform required leak detection and repair monitoring of certain ancillary equipment associated with the hazardous waste storage tank
- Failure to mark all subject pieces of ancillary equipment connected to the hazardous waste storage tank
- Failure to perform required leak detection and repair monitoring of certain tank vents connected to the hazardous waste storage tank
- Failure to provide hazardous waste manifests for review
- Failure to have “No Smoking” signs posted at the central hazardous waste accumulation area which held ignitable waste
- Failure to maintain an impervious coating on the floor of the central hazardous waste accumulation area
- Failure to keep on file a written assessment reviewed and certified by a qualified Professional Engineer attesting to the integrity of the Facility’s hazardous waste storage tank

- Failure to label six 55-gallon containers of hazardous waste located in the central hazardous waste accumulation area with the words “Hazardous Waste”
- Failure to post the required “Danger – Unauthorized Personnel – Keep Out” signage at the central hazardous waste accumulation area
- Failure to provide for review the Facility’s hazardous waste training program
- Failure to provide documentation that the Facility had developed a quick reference guide for their contingency plan and that a copy of the plan had been sent to all local emergency responders
- Failure to provide documentation that the Facility had developed a contingency plan
- Failure to conduct required tank inspections on weekends and holidays

Plasman neither admits nor denies the ADEM’s contentions. However, it also notes that:

- It only failed to demonstrate that the leak detection and repair monitoring was not performed for the time period in which the records were requested during the inspection
- The required marking of ancillary equipment had been removed to perform maintenance and that the marking observed during the inspection had not been replaced at the time of the inspection
- It only failed to demonstrate that the leak detection and repair monitoring of certain tank vents was not performed for the time period with which the records were requested
- The Facility representative misrepresented the CAA during the inspection, as the CAA cited is not the Facility’s designated CAA
- By definition, Plasman operates a new tank system in accordance with ADEM Admin. Code r.335-14-1-.02 and is not in violation of the requirements stipulated under ADEM’s contentions. The correct cite is alleged to be ADEM Admin. Code r.335-14-6-.10(3)(g)

A civil penalty of \$35,160 is assessed.

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