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

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The Alabama Department of Environmental Management (“ADEM”) and Safety-Kleen Systems, Inc. (“Safety-Kleen”) entered into a December 22nd Consent Order (“CO”) addressing alleged violations of the Alabama Hazardous Waste Regulations. See Consent Order No. 24-XXX-CHW.

The CO provides that Safety-Kleen operates a waste collection, transportation, and recycling facility (“Facility”) in Jefferson County, Alabama.

Because of its operations the Facility is stated to constitute the following, as those terms are defined in ADEM Admin. Code. Div. 14.:

- Large quantity generator of hazardous waste
- Hazardous waste transporter/transfer facility
- Used oil generator
- Used oil transportation/transfer facility
- Large quantity handler of universal waste

A representative of ADEM’s Industrial Hazardous Waste Branch conducted a Compliance Evaluation Inspection (“CEI”) of the Facility on March 23rd. The CEI and a review of Safety-Kleen’s compliance is stated to have shown the following:

- Failure to conduct weekly inspections of the central accumulation area located at the 10-day area on the weeks of March 15, 2021; March 22, 2021; March 29, 2021; April 5, 2021; April 12, 2021; and December 20, 2021.
- Failure to conduct weekly inspections of the central accumulation area located at the small warehouse.
- Failure to mark or label a tractor trailer containing waste solvent located outside of the transfer Facility and two 55-gallon containers of hazardous waste in the small warehouse accumulation area with the words “Hazardous Waste.”

- Failure to mark or label two 55-gallon containers of hazardous waste in the small warehouse accumulation area with the indication of the hazards of the contents.
- Failure to mark or label a tractor container containing hazardous waste solvent located outside of the transfer facility, two 55-gallon containers of hazardous waste in the small warehouse accumulation area.
- Four 55-gallon containers of site-generated waste in the central hazardous waste accumulation area/10-day area with an accumulation start date.
- Failure to provide for review during the CEI job titles and employee names for each position related to hazardous waste management.
- Failure to provide for review during the CEI written job descriptions for each position related to hazardous waste management.
- Failure to provide for review during the CEI written descriptions of the type and amount of continuing training for each position involving hazardous waste management.
- Failure to provide for review during the CEI records indicating that employees were provided with hazardous waste management training.
- Failure to maintain adequate aisle space in the central hazardous waste accumulation area – 10-day area.
- Failure to indicate the location of emergency equipment in its contingency plan.
- Failure to provide for review during the CEI documentation that the contingency plan was sent to local emergency responders.
- Failure to provide for review during the CEI the contingency plan quick reference guide.
- Failure to provide for review during the CEI records of the length of time hazardous waste shipments were stored in the transfer facility.
- Storage of hazardous waste at the transfer facility for more than 10 days without a permit.

Safety-Kleen neither admits nor denies ADEM's contentions. However, Safety-Kleen also states that it:

. . . has experienced transportation delays and disruptions with scheduled shipments as a result of a shortfall in capacity at hazardous waste disposal facilities nationwide. These incidents were unplanned, without notice, and are not within the control of the facility. In instances where the facility has notice of a transporter delay, efforts are taken to obtain alternate transportation. All waste staged at the facility was inspected and managed by individuals trained in hazardous waste management. There have been no negative impacts to human health or the environment as a result of any issues noted. Safety-Kleen consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

The CO assesses a civil penalty of \$29,500.

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