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# Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Chattanooga Coating Facility

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The Tennessee Department of Environment & Conservation (“TDEC”) issued a proposed Director’s Order and Assessment (“Order”) to Techniques Surfaces, USA, Inc. (“TS”) addressing alleged violations of the Tennessee hazardous waste regulations. See Case No. HWM23-0012.

The proposed Order addresses a coatings facility (“Facility”) in Chattanooga, Tennessee.

TS is stated to operate a custom nitride treatment process for steel parts at its Facility. Further, the Facility is stated to operate as a Resource Conservation and Recovery Act:

- Large quantity generator of hazardous waste
- Used oil generator
- Small quantity handler of universal waste

The TDEC Division of Solid Waste Management (“Division”) is stated to have been notified by TS of the generation of five hazardous waste streams.

A Compliance Evaluation Inspection (“CEI”) was conducted by the Division on April 12th and 13th.

The proposed Order describes a small leak in a pipe carrying hazardous rinse wastewater from the nitriding process rinse tanks to a hazardous waste holding tank and spillage on a floor. TS Facility personnel repaired the leak and cleaned up the spill during the CEI.

The Division inspector is also stated to have observed an overflow of wash rack wastewater on the ground outside of the production area of the building. Facility personnel are stated to have pumped the overflow wastewater into a tote, and the overflow wastewater was then placed into the hazardous wastewater storage tank.

In the satellite accumulation area (“SAA”) of the warehouse area, the Division inspector is stated to have observed five 15-gallon drums of hazardous wastewater sludge. Two of the drums are stated to have not been closed and four not labeled. However, they were closed and appropriately labeled during the CEI.

The proposed Order provides that during the records review the Division inspector observed:

- Between April 2020 and April 2023, seven weekly inspections of the central accumulation area (CAA) had been conducted more than seven days from the previous weekly inspection.
- The Facility had not developed a Quick Reference Guide for the Contingency Plan.
- The Facility Hazardous Waste Reduction Plan had not been signed or dated.
- The Facility did not have a Hazardous Waste Treatment Permit for the hazardous wastewater evaporator.

A Notice of Violation is stated to have been sent to TS on May 11th alleging:

1. Failure to repair a leak of a tank system.
2. Failure to close two of five SAA containers and failure to label four of five SAA containers with the words "Hazardous Waste" and with an indication of the hazards of the contents.
3. Failure to conduct timely weekly inspections of the CAA.
4. Failure to develop a Quick Reference Guide for the Contingency Plan.
5. Failure to sign and date the Hazardous Waste Reduction Plan.
6. Failure to have a Hazardous Waste Treatment Permit for the hazardous wastewater evaporator.

TS is stated to have requested a 30-day extension to attend a Show Cause meeting because of Facility personnel sickness. Further, TS is stated to have noted that violations 1 and 2 and 3-5 had been corrected.

A follow-up inspection is stated to have been conducted on July 25th.

The proposed Order states:

- Facility personnel stated that the hazardous rinse wastewater evaporator had been taken out of service on June 26, 2023, due to a malfunction.
- Hazardous rinse wastewater evaporator was not on site.
- Hazardous rinse wastewater holding tank had been labeled with an accumulation start date of June 26, 2023, indicating that this tank was now considered to be a hazardous waste storage tank.
- Twelve 275-gallon totes containing hazardous rinse wastewater were observed and were all labeled appropriately and had been marked with accumulation start dates.
- Appropriate emergency preparedness and prevention equipment was in place.

On July 31st the Division acknowledged that all outstanding violations had been corrected.

The proposed Order states that the Division has incurred damages in the amount of \$1,725. Further, the proposed Order assesses a penalty of \$9,400.

The proposed Order provides certain appeal rights.

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