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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Glencoe Hazardous Waste Treatment, Storage and Disposal Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Clean Earth of Alabama, Inc. (“Clean Earth”) entered into a January 9th Consent Order (“CO”) addressing alleged violations of the Alabama Hazardous Waste Regulations. See Consent Order No. 24-XXX-CHW.

The CO provides that Clean Earth operates a permitted commercial hazardous waste treatment, storage and disposal facility (“Facility”).

The Facility is stated to operate pursuant to the authority of a permit and EPA identification number and is located in Glencoe, Alabama.

The Facility is also described as a:

- Large quantity generator of hazardous waste
- Used oil generator
- Large quantity handler of universal waste
- Universal hazardous waste transporter

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

- Failure to mark two containers of hazardous waste located in the Main Warehouse Building with the date of receipt.
- Failure to keep closed one 5-gallon container of hazardous waste located in Building #1.
- Failure to maintain an impervious coating which is free of cracks, gaps, or other deterioration in the Pharmaceutical Shredder Building.
- Failure to mark an identification of hazards on approximately 24 containers located in Building #2.
- Failure to properly manage damaged and leaking containers of hazardous waste.
- Failure to perform required leak detection and repair monitoring of all ancillary equipment associated with the hazardous waste storage tanks.

- Failure to mark all subject pieces of ancillary equipment connected to the hazardous waste storage tanks.
- Failure to manage and operate the container storage area in Building #2 in such a way as to minimize the possibility of rupture, leakage, or other damage.
- Failure to manage containers of hazardous waste in Building #2 in a manner that would prevent them from rupturing or leaking.
- Failure to operate or maintain Building #2 in a manner to prevent hazardous waste from being released by the unit.

Clean Earth neither admits nor denies ADEM's contentions. Further, it states in response to the CO:

1. The containers found in Building #1 that had been found without a date and that were found to be outside of storage were immediately moved into the proper location in the warehouse and the received date was added to the label.
2. The 5-gallon container that was found open was immediately closed.
3. Floor coatings in each building were evaluated. Floors that were discovered.
4. The containers in Building #2 that were missing hazard identification labels were identified and labeled properly.
5. The two containers found to be leaking in Building # 1 were immediately overpacked into other containers. Building #2 containers were also removed and overpacked.
6. Clean Earth added additional lines on the quarterly forms to show that all monitoring points are being read and recorded.
7. Clean Earth did a full inspection of all tags in the LDAR program. Any missing tags were replaced in the April quarterly monitoring event.
8. Building #2 is now maintaining the containers and secondary containment in a manner to that minimizes leaks and spills onto the floor.
9. Clean Earth has since instituted more frequent inspections of the housekeeping to improve the management of the shredder unit secondary containment. This was noted in ADEM's inspection on 7 /20/23.

A civil penalty of \$45,200 is assessed.

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