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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Refuse Truck Body Manufacturer Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and the Heil Company, Inc. (“Heil”) entered into a June 12th Consent Order (“CO”) addressing alleged violations of the Alabama Hazardous Waste Regulations. See Consent Order No. 24-XXX-CHW.

The CO provides that Heil operates a refuse truck body manufacturing facility (“Facility”) in Fort Payne, Alabama.

The Facility’s operations are stated to:

- Constitute a large quantity generator of hazardous waste.
- Constitute a used oil generator.
- Constitute a small quantity handler of universal waste.

A representative of ADEM’s Industrial Hazardous Waste Branch is stated to have conducted a Compliance Evaluation Inspection (“CEI”) on November 6, 2023, of the Heil Facility.

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

- Failure to prepare a uniform hazardous waste manifest for each shipment of hazardous waste.
- Sending hazardous waste for disposal to a facility that was not a designated facility or otherwise authorized to receive the waste
- Failure to make a proper waste determination on solvent contaminated PPE and partially full one-gallon solvent containers generated at the Facility.
- Storage of hazardous waste in secondary containment systems for the paint storage area and paint mix area for 90 days without a permit.
- Failure to conduct weekly inspections of the central hazardous waste accumulation area.
- Failure to post “No Smoking” signs at the central hazardous waste accumulation area.
- Failure to maintain an impervious coating on the floor of the central hazardous waste accumulation area.
- Managed the secondary containment systems located in the paint storage area and the paint mix area as hazardous waste storage tanks and failed to inspect them at least once each operating day.

- Failure to mark four 55-gallon containers of hazardous waste in the central hazardous waste accumulation area.
- Managed the secondary containment systems located in the paint storage area and paint mix area as hazardous waste storage tanks and failed to mark or label them with the words “Hazardous Waste”.
- Managed the secondary containment systems located in the paint storage area and paint mix area as hazardous waste storage tanks and failed to mark or label them with an indication of the hazards of the contents.
- Stored four 55-gallon containers of hazardous waste in the central accumulation area and failed to prevent unknowing entry to this area.
- Failure to provide documentation that it had sent the contingency plan to all local emergency responders.
- Failure to provide documentation that it had developed a quick reference guide for the contingency plan and that a copy of the plan had been sent to all local emergency responders.
- Failure to keep closed one 5-gallon container of used oil.
- Failed to label one 5-gallon container of used oil.

Heil neither admits nor denies ADEM’s contentions. It further states that its actions in taking the secondary containment systems located in the paint storage area and paint mix area out of service precludes such systems being regulated as hazardous waste storage tanks and has, in doing so, satisfied any obligations that may present exist with respect to such systems.

A civil penalty of \$26,120 is assessed.

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