



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Proposed Director's Order and Assessment Addressing Memphis Paint Manufacturer

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The Tennessee Department of Environment and Conservation ("TDEC") issued a January 17th Proposed Director's Order and Assessment ("Order") to Sherwin-Williams Company ("Sherwin-Williams") addressing alleged violations of the Tennessee Hazardous Waste Regulations. See Case No. HWM 24-0015.

The Order provides that Sherwin-Williams manufactures paints for traffic applications in Memphis, Tennessee.

The facility is stated to have reported operating as:

- A large quantity generator of hazardous waste.
- A small quantity handler of universal waste.

TDEC Division of Solid Waste Management ("Division") personnel are stated to have conducted a Compliance Evaluation Inspection ("CEI") on April 10, 2024, at the facility. The CEI is stated to have consisted of a facility walk-through of areas related to the generation and management of hazardous waste, universal waste, and a records review.

Alleged violations are stated to have included:

- One satellite accumulation area container (SAA) of solvent-contaminated wipes was not labeled with the words "Hazardous Waste." (Corrected during the CEI).
- Two 55-gallon drums labeled "H Alkyd Liquid" did not have accumulation start dates and one was not marked with an indication of the hazards of the contents.
- One 55-gallon drum labeled "H Coal Tar" did not have an accumulation start date and was not marked with an indication of the hazards of the contents. (Hazard indicator placed on the drum during the CEI).
- One 55-gallon drum labeled "H Rags" did not have an accumulation start date.
- No spill kits were present in this Central Accumulation Area.

- One 55-gallon SAA container was not labeled with the words “Hazardous Waste.” (Corrected during the CEI).
- Four of forty-one 55-gallon drums were not marked with an indication of the hazards of the contents. (Corrected during the CEI).
- Annual Reports for 2021 through 2023 did not reflect universal waste activity and, toxicity codes were missing on the associated waste stream reports.
- One manifest was not available for review.
- Weekly inspections for the laboratory Central Accumulation Area had not been conducted.
- The facility hazardous waste reduction plan was not signed and not dated.
- The annual progress report had not been updated since 2021.
- No documentation of the attempts to make arrangements with local emergency response agencies was available.
- The facility contingency plan emergency contact information was not up to date.
- The facility quick reference guide (QRG) had not been submitted to local emergency response agencies.

A Notice of Violation was subsequently issued.

Sherwin-Williams submitted documentation on June 25, 2024, to the Division which indicated correction of all outstanding violations cited in the Notice of Violation.

A follow-up inspection is stated to have been conducted on June 27, 2024. All violations are stated to have been corrected. Further, in a July 2024 letter, Sherwin-Williams disputed the Division’s determination regarding the QC Laboratory area Central Accumulation Area. They indicated an absence of awareness of specific guidance that would require a SAA to be physically within the QC Laboratory and this room has been used as a SAA for many years without the Division determining it to be a Central Accumulation Area during previous inspections.

TDEC later referred Sherwin-Williams to Rule 0400-12-01-03(i)(f) which outlines the requirements of waste accumulation.

The Division is stated to have incurred damages in the amount of \$1,500.00. A civil penalty of \$3,220.00 is assessed.

The Order provides certain appeal rights.

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