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# Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Director's Order and Assessment Addressing Memphis, Tennessee Chemical Compound Production Facility

## Arkansas Environmental, Energy, and Water Law Blog

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The Tennessee Department of Environment and Conservation ("TDEC") issued a February 6th Director's Order and Assessment ("Order") to Velsicol Chemical, LLC ("VC") addressing alleged hazardous waste/used oil violations. See Case No. HWM 16-0050.

The Order states that VC operates a facility that produces industrial grade chemical compounds in Memphis, Tennessee.

The VC facility is described as a conditionally exempt small quantity generator ("CESQG") of hazardous waste.

The facility is stated to operate pursuant to Hazardous Waste Management Facility Permit TNHW-158 and has a United States Environmental Protection Agency identification number.

The Order provides that the facility ceased production in 2011 and the process units, storage tanks, and a hazardous waste incinerator have been demolished. The facility is stated to consist of:

- A corrective action treatment facility for the treatment of contaminated groundwater
- A soil consolidation area for the onsite storage of contaminated soils
- A maintenance shop
- An unused laboratory
- Several warehouses for lease

TDEC personnel conducted a Compliance Evaluation Inspection ("CEI") on July 28, 2016 and July 29, 2016.

The Order provides that during the facility inspection a TDEC employee observed in one of the warehouses (which is stated to serve as the facility's designated hazardous waste storage area):

- One closed, inverted, unlabeled, 55-gallon drum
- One pallet with seven shrink-wrapped, unlabeled 10-gallon buckets

- One pallet with four unlabeled 15-gallon containers and one unlabeled 10-gallon bucket of smaller containers
- One pallet of four shrink-wrapped boxes containing unlabeled, smaller containers

VC personnel were stated to be unable to identify the contents of the containers that may have been left by a former tenant or may have been discovered during the demolition of the various buildings on site.

Weekly inspection records of the hazardous waste storage areas are stated to indicate that three drums of hazardous waste had been stored for 330 days. These drums were stated to have been generated during the period the facility operated as a Large Quantity Generator. Further, the TDEC employee is stated to have observed that the southwest sections of the security fence were overgrown by trees and weeds such that the condition of the fence (therefore, the security of the site) could not be verified as required by VC's Permit.

A Notice of Violation was issued to VC for the alleged violations cited during the previously referenced CEI.

VC responded on September 23, 2016 with a letter documenting certain corrective measures taken to address the alleged violations cited in the Notice of Violation. A subsequent TDEC Show Cause meeting with representatives of VC included an update by the company on various issues related to the CEI. The Order states that VC's representatives were able to provide information on changes that should prevent recurrence of the violations and mitigate, but not preclude, enforcement action against the Respondent.

The Order alleges certain violations which include:

- Failure to conduct hazardous waste determinations
- Storing hazardous waste for greater than 180 days without obtaining an extension (therefore storing hazardous waste without a Permit)
- Failure to provide adequate security at the Memphis, Tennessee facility

The Order proposes to assess damages of \$2,464.14 and assesses a civil penalty of \$11, 550.

VC is provided a right of appeal of the Order pursuant to Tennessee Code Annotated § 68-212-215.

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