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# Hazardous Waste Enforcement: Alabama Department of Environmental Management and Jefferson County, Alabama Custom Paint Manufacturer Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Titan Coatings, Inc. (“TCI”) entered into a September 5th Consent Order (“CO”) addressing alleged violations of certain hazardous waste regulations. See Consent Order No. 17-XXX-CHW.

The CO states that TCI operates a facility that manufactures and distributes custom paints in Jefferson County, Alabama.

The Jefferson County, Alabama facility’s operation is stated to be classified as a large quantity generator as that term is defined in ADEM Admin. Code r. 335-14-1-.02(1)(a)153.

ADEM personnel are stated to have conducted a compliance evaluation inspection (“CEI”) on March 27, 2017 at the TCI facility. The CEI and a review of the TCI facility’s compliance allegedly identified the following violations:

- Accumulation of two metal 55-gallon drums of hazardous waste on-site for greater than 90 days without first obtaining a permit for the storage of hazardous waste from ADEM
- Failure to prepare accurate hazardous waste manifests in accordance with the instructions in 335-14-3-Appendix I. The facility allegedly failed to write the EPA Identification Number assigned to its facility in Box 1 of the manifests.
- TCI’s most recent biennial report (June 30, 2014) failed to include the EPA Identification Number assigned to its facility
- Failure to submit a biennial report to ADEM in 2016
- Failure to provide documentation indicating that copies of the contingency plan had been submitted to local law enforcement, fire departments, hospitals, and ADEM Field Operations Division and local emergency response teams
- Failure to adequately prevent or minimize entry of unauthorized personnel into the central hazardous waste accumulation area
- Failure to post warning signs at each entrance to the central hazardous waste accumulation area

- Failure to place containers of hazardous waste on a base that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation
- Stacking of containers of hazardous waste in the central hazardous waste accumulation area three containers high
- Failure to maintain sufficient aisle space between containers of hazardous waste in the central hazardous waste accumulation area
- Satellite accumulation containers in the central hazardous waste accumulation area were not labeled with the words “Hazardous Waste” or with other words identifying their content

TCI neither admits nor denies ADEM’s contentions.

The CO assesses a civil penalty of \$20,000.

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