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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Florence, Alabama, Tile Manufacturing Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Monarch Ceramic Tile, Inc., (“Monarch”) entered into a January 8th Consent Order (“CO”) addressing an alleged violation of the ADEM Admin. Code related to hazardous waste. See Consent Order No. 19-XXX-CHW.

Monarch is stated to own and operate a porcelain tile manufacturing facility (“Facility”) in Florence, Alabama.

The CO provides that Monarch has a hazardous waste identification number. Further, as a result of the Facility’s operations, it is stated to be a Large Quantity Generator (“LQG”) as that term is defined in ADEM Admin. Code Div. 14.

ADEM is stated to have received a Notification of Regulated Waste Activity from Monarch on July 5, 2018. Based on this submittal and subsequent correspondence from Monarch, ADEM states that it determined the following:

Pursuant to ADEM Admin. Code r. 335-14-8-.01(1)(c), AHWMMMA requires a permit for the “treatment”, “storage”, and “disposal” of any “hazardous waste” as identified or listed in Chapter 335-14-2. ADEM Admin. Code r. 335-14-3-.01(7)(a) allows a large quantity generator to accumulate hazardous waste on site without a permit or interim status for no more than 90 days provided it meets all of the conditions for exemption. Monarch stored waste that was hazardous for chromium for greater than 90 days without a permit. Monarch generated twenty-five (25) 55-gallon drums (~12,500 lbs.) of waste that exhibited the characteristic of toxicity for chromium (EPA Hazardous Waste No. D007) while conducting maintenance on a heat exchanger at its Florence, Alabama, facility on February 19, 2018. Under ADEM Admin Code r. 335-14-1-.02(1)(a) 147., a generator who generates 1,000 kilograms or 2200 pounds of non-acute hazardous waste is a large quantity generator. The volume of hazardous waste generated during this maintenance event resulted in Monarch being subject to the applicable requirements of a Large Quantity Generator as defined by ADEM Div. 14 regulations. Monarch subsequently stored this hazardous waste on-site until June 21, 2018, which is greater than the ninety (90) days a Large Quantity Generator is allowed to store hazardous waste on-site without a permit.

Monarch contends in the CO that it was operating under the premise that it was exempt from LQG rules due to episodic generation provisions. Further, the company states it is not aware of any irreparable harm to the environment or to the health or safety of the public as a result of the violation.

The Company neither admits nor denies ADEM's contentions.

A civil penalty of \$9,000 is assessed.

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