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# Transportation/Hazardous Waste Enforcement: Alabama Department of Environmental Management and Transporter Enter Into Consent Order to Address Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The Alabama Department of Environmental Management ("ADEM") and HEPACO, LLC ("HEPACO") entered into a Consent Order ("CO") to address alleged violations associated with the transportation of hazardous waste. See Consent Order No. 16-XX-CHW.

The CO states that HEPACO operates an equipment storage facility in Birmingham, Alabama and is a hazardous waste transporter with an Environmental Protection Agency identification number located in Charlotte, North Carolina.

The company is further stated to be a permitted transporter of hazardous waste with no transfer facilities in Alabama.

ADEM contends in the CO that:

On October 21, 2015, ARCADIS U.S., Inc. (Arcadis) submitted written notification to the Department regarding the shipment of four 55-gallon steel drums containing spent carbon from the Former USBI Facility located at 130 Sparkman Drive in Huntsville, Alabama to the HEPACO waste staging facility in Birmingham, Alabama. In the notification, Arcadis informed the Department that the drums were transported by a licensed hazardous waste transporter (HEPACO) while waste characterization analytical was pending, and without a hazardous waste profile and transportation manifest. The four carbon drums were sampled by HEPACO for waste characterization purposed on September 15, 2015 with a composite sample of the carbon being submitted to Sutherland Environmental Company, Inc. (Sutherland) in Birmingham, Alabama. On September 25, 2015, Sutherland issued the laboratory analytical report for the waste characterization sample. The laboratory results showed that 1,1-dichloroethylene (1,1-DCE) was detected at 20 mg/L and exceeded the Toxicity Characteristic Leaching Procedure (TCLP) regulatory action limit for 1,1-DCE of 0.7 mg/L. Based on this result, the carbon in the four drums was considered a hazardous waste (EPA hazardous waste number D029).

The CO alleges that on November 2, 2015 a representative of ADEM conducted a compliance evaluation inspection of HEPACO to determine compliance with the applicable requirements of Division 14 of the ADEM Administrative Code. The compliance evaluation inspection and review of the company's compliance allegedly revealed that on September 23, 2015 HEPACO accepted four 55 gallon drums

containing spent carbon (a hazardous waste [D029]) from the former USBI facility in Huntsville, Alabama to its Birmingham, Alabama office without obtaining a uniform hazardous waste manifest from a generator.

Certain provisions of the ADEM Administrative Code prohibit a transporter from accepting hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the applicable requirements.

The CO also references an alleged violation by HEPACO of operation as a storage facility without first obtaining a permit from ADEM. The company allegedly stored off-site generated spent carbon hazardous waste (D029) in a trailer at its Birmingham, Alabama office from September 23 until November 9, 2015.

The CO notes that the applicable section of the ADEM Administrative Code requires a permit for the “storage” of any “hazardous waste” as identified or listed in the applicable chapter.

HEPACO neither admits nor denies ADEM’s contentions.

HEPACO agrees to a civil penalty in the amount of \$12,500.

[Click here to download a copy of the CO.](#)