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Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation and Tennessee Hardwood Manufacturing Company Enter into Settlement Agreement/Order

Arkansas Environmental, Energy, and Water Law Blog

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The Tennessee Department of Environment and Conservation ("TDEC") and Mullican Flooring, L.P. ("MF") entered into an October 27th Settlement Agreement and Order ("Order") addressing alleged hazardous waste violations.

The Order states that MF is a hardwood and veneer floor manufacturing company ("facility") located in Johnson City, Tennessee.

The facility is stated to be a Large Quantity Generator of hazardous waste. Further it has an United States Environmental Protection Agency Installation Identification Number.

The Order states the TDEC Division of Solid Waste Management ("Division") conducted Compliance Evaluation Inspection at the facility on February 23rd/24th, 2016. A follow-up inspection was stated to have been performed at the facility on April 18, 2016.

The Order alleges that violations were identified that included:

- MF failed to label 19 55-gallon containers of coating/solvent waste with the words "Hazardous Waste" in 90-day accumulation areas as required by the relevant Tennessee rules
- MF failed to place accumulation start dates on 19 55-gallon containers of coating/solvent waste in the 90-day accumulation areas as required by the Tennessee rules
- MF failed to close three 55-gallon containers of coating/solvent waste in the hazardous waste 90-day accumulation area as required by the Tennessee rules
- MF failed to properly containerize coating/solvent waste that was on the floor around one of the hazardous waste containers in the hazardous waste 90-day accumulation area as required by the Tennessee rules
- MF failed to provide adequate aisle space between the containers of hazardous waste in the hazardous waste 90-day accumulation area as required by the Tennessee rules
- MF failed to have a facility emergency plan that met the regulatory requirements of a Hazardous Waste Contingency Plan as required by the Tennessee rules

- MF failed to provide facility personnel with hazardous waste training relevant to the positions in which they are employed as required by the Tennessee rules
- MF failed to have records documenting hazardous waste management position, employee names filling the jobs, written job descriptions or a written description of training job experience as required by the Tennessee rules
- MF failed to develop a Hazardous Waste Reduction Plan as required by the Tennessee rules

MF is assessed damages in the amount of \$304.70.

MF is assessed a civil penalty in the amount of \$17,000.

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