

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**PTS Worldwide Inc.
Anniston, Calhoun County, Alabama
EPA Identification Number: No Number**

ORDER NO. 17-XXX-HW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (hereinafter "AHWMMA"), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS:

1. PTS Worldwide Inc. (hereinafter "PTS") is a transportation company that specializes in cargo security operating in Anniston, Calhoun County, Alabama, under USDOT Number 1835664, whose corporate offices are located at 115 East DeKalb Street in Somonauk, DeKalb County, Illinois. At all times relevant to these findings, PTS was an unpermitted, non-rail hazardous waste transporter.
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16, as amended.
3. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.
4. On January 19, 2016, Anniston Army Depot (ANAD) notified the Department,

that on November 18, 2015, it shipped hazardous waste ammunition to EBV Explosives Environmental Company (EEC) in Carthage, Missouri using PTS as the hazardous waste transporter.

5. PTS does not have an Alabama Hazardous Waste Transport Permit or an EPA Identification Number.

6. The Department issued to ANAD a Notice of Violation on January 26, 2016 for shipping waste ammunition to EBV Explosives Environmental Company (EEC) in Carthage, Missouri via PTS that did not have a valid EPA Identification Number or an Alabama Hazardous Waste Transporter Permit.

7. Pursuant to ADEM Admin. Code r. 335-14-4-.01(2)(c), a non-rail transporter must not transport hazardous wastes without having received an Alabama Hazardous Waste Transport Permit in compliance with rules 335-14-8-.09 through 335-14-8-.13.

According to hazardous waste manifest number 002708374 JJK, on November 18, 2015, PTS transported approximately 21,000 pounds of waste cartridges for weapons (D003, D007, and D020) generated by ANAD (EPA Identification Number AL3210020027) in Anniston, AL to EBV-EEC (EPA Identification Number MOD98578164) without having received an Alabama Hazardous Waste Transport Permit in compliance with rules 335-14-8-.09 through 335-14-8-.13.

8. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department shall not exceed \$250,000.00. Each day such a violation continues shall constitute

a separate violation. In arriving at this civil penalty, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATION:** In arriving at the civil penalty, the Department considered the general nature and magnitude of the violation along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) **THE STANDARD OF CARE:** In considering the standard of care manifested by PTS, the Department noted that the violation noted above was non-technical in nature and easily avoidable. Consequently, PTS did not exhibit a standard of care commensurate with applicable regulatory standards.

(c) **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department is not aware of any significant economic benefit conferred upon PTS as a result of the violation referenced herein.

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT:** There are no known environmental effects to mitigate as a result of the violation referenced herein.

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, PTS does not have a documented history of noncompliance with respect to the applicable requirements of Division 14 of the ADEM Administrative Code.

(f) **THE ABILITY TO PAY:** The Department does not have any evidence indicating that PTS is unable to pay the civil penalty.

8. The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, and has concluded that the civil penalty herein is appropriate for the violation cited herein (see Attachment A, which is made a part of the Department's Findings).

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§22-22A-5(10), 22-22A-5(18), 22-30-20, and 22-30-19(a) and (b), as amended, it is hereby ORDERED:

A. That, within forty-five days of the receipt of this Order, PTS shall pay to the Department a civil penalty in the amount of \$5,500 for the violation cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment acceptable to the Department and shall be remitted to:

Office of General Counsel

Alabama Department of Environmental Management

P.O. Box 301463

Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Order shall reference PTS's name and address, and the ADEM Administrative Order number of this action.

B. That, immediately upon the receipt of this Order and continuing thereafter, PTS shall not transport hazardous waste without having received an Alabama Hazardous Waste Transport Permit in accordance with ADEM Admin. Code rs. 335-14-8-.09 to 335-14-8-.13.

C. That, PTS shall comply with all terms, conditions, and limitations of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

D. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

E. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against PTS for the violations cited herein.

F. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against PTS for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this _____ day of _____, _____.

Lance R. LeFleur
Director

Attachment A
 PTS Worldwide Inc.
 Somonauk, Illinois
 Facility ID No. XXX-XXXX

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
Transporting hazardous waste without first having obtained an Alabama Hazardous Waste Transport Permit	1	\$5,000	\$500	\$0	Total of Three Factors
TOTAL PER FACTOR		\$5,000	\$500	\$0	\$5,500

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$0
Total Adjustments (+/-) <i>Enter at Right</i>	\$0

Economic Benefit (+)	\$0
Amount of Initial Penalty	\$5,500
Total Adjustments (+/-)	\$0
FINAL PENALTY	\$5,500

Footnotes

** See the "Findings" portion of the Order for a detailed description of each violation and the penalty factors.*