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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Marshall County, Alabama Orthopedic Instrument/Medical Device Manufacturing Facility Enter into Special Order by Consent

09/04/2019

The Alabama Department of Environmental Management (“ADEM”) and Orchid Orthopedic Solutions Alabama, LLC, (“OOSA”) entered into an August 20th Special Order by Consent (“Order”) addressing alleged violations of portions of the ADEM Administrative Code regulating hazardous waste. See Consent Order No. 19-XXX-CHW.

The OOSA manufacturing facility (“Facility”) that is the subject of the Order is located in Marshall County, Alabama.

The Facility is stated to be a Large Quantity Generator of hazardous waste and a Small Quantity Handler of universal waste as those terms are defined in ADEM Admin. Code Div. 14.

A representative of the United States Environmental Protection Agency (“EPA”) and representatives of ADEM’s Industrial Hazardous Waste Branch are stated to have conducted a Compliance Evaluation Inspection (“CEI”) at the Facility on April 15th . The Facility is stated to have stored chromium waste (D007) in the secondary containment system for the electroplating operation without first obtaining a permit. This is partially described as capturing:

. . . spills of plating solution and rinsate from its plating system inside a secondary containment system located below the plating line and failed to conduct timely removal of these wastes, thereby operating the secondary containment system as a hazardous waste storage tank.

The CEI is stated to have identified the following violations:

- storage of hazardous waste without obtaining a permit
- failure to mark satellite accumulation containers with the words “hazardous waste”
- failure to post “No Smoking” signs at the central accumulation area
- failure to provide adequate secondary containment
- failure to maintain documentation of job titles and written job descriptions

- failure to clean up broken universal waste lamps
- failure to mark containers holding universal waste lamps with one of the required phrases
- failure to demonstrate the length of time universal waste lamps had been accumulated on site
- failure to mark used oil containers with the words “used oil”

OOSA neither admits nor denies ADEM’s contentions.

A civil penalty of \$16,500 is assessed.

The Order also requires that OOSA submit documentation demonstrating the integrity of the secondary containment system associated with the electroplating operation within 30 days.

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