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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Tuscaloosa, Alabama, Wood Treatment Processing/Distribution Facility Enter into Consent Administrative Order

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The Alabama Department of Environmental Management ("ADEM") and KMG-Bernuth, Inc., ("KMG") entered into a February 10th Consent Order ("CO") addressing alleged violations of the ADEM Administrative Code that address hazardous waste regulation. See Consent Order No. 20-XXX-CHW.

The CO provides that KMG operates a pentachlorophenol wood treatment chemical processing and distribution facility ("Facility").

The KMG Facility is stated to have an EPA Identification Number and is located in Tuscaloosa, Alabama. The Facility is a large quantity hazardous waste generator as that term is defined in the relevant ADEM Administrative Code (Div. 14) provisions.

ADEM's Industrial Hazardous Waste Branch representatives are stated to have conducted a compliance evaluation inspection ("CEI") of the Facility on September 19, 2019. The purpose of the inspection was to determine compliance with all applicable requirements of Division 14 of the ADEM Administrative Code.

The CEI and review of the Facility's compliance allegedly identified certain violations which included:

- Storage of twelve 1-cubic yard containers of hazardous waste (F027) on site for longer than 90 days without first obtaining an accumulation time limit extension or a hazardous waste storage permit.
- Failure to maintain records of the job titles for each position at the facility engaged in hazardous waste management.
- Failure to maintain records of the written job description for each position at the facility engaged in hazardous waste management.
- Failure to maintain a written description of the type and amount of both introductory and continuing training for each position at the facility engaged in hazardous waste management.
- Failure to post the required warning signs at the entrances to both the 7-block dissolver and 10-block dissolver central accumulation areas.
- Failure to maintain a containment system such that it was free of cracks and gaps.

KMG asserts that it exercised due care and worked in good faith at all times applicable to the CO to manage F027 hazardous waste in a compliant manner. It further notes that it self-reported the potential noncompliance situation to ADEM seeking an extension of the 90-day accumulation time limit upon notice from a permitted offsite disposal facility of its inability to accept the waste in a timely manner.

KMG further asserts that the limited exceedance of the 90-day onsite waste storage limit resulted in circumstances beyond the company's control involving short-term, unanticipated storage capacity and site logistical issues at the permitted offsite disposal facility. In addition, there were no other options available to meet the 90-day onsite storage limit. It is further asserted that the company took immediate action to address the violations and ADEM's Notice of Violation and it has worked diligently to respond to the fire incident at the Facility.

KMG is stated to neither admit nor deny ADEM's contentions.

A civil penalty of \$14,600 is assessed.

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