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Hazardous Waste Enforcement: Alabama Department of Environmental Management and Huntsville DVD Packaging Facility Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Technicolor Home Entertainment Services Southeast LLC ("Technicolor") entered into a November 24th Consent Order ("CO") addressing alleged violations of the Alabama Hazardous Waste Regulations. See Consent Order No. 21-XXX-CHW.

The CO provides that Technicolor operates a DVD packaging facility ("Facility") in Huntsville, Alabama.

Technicolor is stated to have previously manufactured pre-recorded multimedia products.

It is stated that as a result of its operations and according to the definition set forth in ADEM Admin. Code Div. 14, Technicolor was classified as a Large Quantity Generator ("LQG") of hazardous waste in 2019. It was further classified as a Small Quantity Generator ("SQG") of hazardous waste in 2020. Finally, it was stated to be an LQG of hazardous waste in 2021.

An ADEM Industrial Hazardous Waste Branch representative is stated to have conducted a compliance evaluation inspection ("CEI") of Technicolor on April 13th. The CEI and a review of Technicolor's compliance is alleged to have indicated the following violations:

- Failure to prevent the unknowing entry into hazardous waste storage areas
- Failure to post required "No Smoking" signs
- Failure to post required "Danger – Unauthorized Personnel Keep Out" signs
- Failure to mark hazardous waste containers with the words "Hazardous Waste"
- Failure to mark hazardous waste containers with an indication of the hazards
- Failure to mark hazardous waste containers with an accumulation date
- Failure to provide for review of all manifest for the previous three years
- Failure to conduct and document weekly inspections of all areas where hazardous waste is stored
- Failure to provide training records for employees that handle hazardous waste
- Failure to provide a waste minimization plan for review
- Failure to provide documentation that the Facility's contingency plan had been sent to all local emergency responders
- Failure to provide for review the job title for each position that handles hazardous waste
- Failure to provide for review the job description for each position that handles hazardous waste

- Failure to provide a written description of the type and amount of training needed for each person that handles hazardous waste
- Failure to obtain a permit prior to storing hazardous waste

Technicolor states that it has been and continues to be committed to operating the Facility and its other operations in full compliance with applicable laws and regulations governing the generation, storage, and disposal of hazardous and solid waste. The company also states that it:

. . . strives to maintain good relationships with all of its various stakeholders and to conduct its operations in compliance with applicable laws and regulations. Technicolor has been forthcoming and transparent with ADEM regarding the closure of the Facility and challenges associated with closing the Facility while maintaining access to and control of certain records that must be maintained after the Facility is vacated.

Technicolor had announced the intention of the scheduled Facility closure and was working toward vacating and returning the Facility to the property owner. Employees are stated to have been working diligently to close the Facility and ensure activities were in compliance with applicable requirements.

As of August 13th, Technicolor states it has vacated the Facility and no longer generates any hazardous waste. Further, the Facility is stated to have taken all necessary steps prior to the Facility closure to transport for disposal all hazardous waste generated at the Facility. In addition, Technicolor states there were no leaks or releases of hazardous waste from the Facility.

Technicolor neither admits nor denies ADEM's contentions.

A civil penalty of \$13,320 is assessed.

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