Hazardous Waste Enforcement: Alabama Department of Environmental Management and Dothan Aircraft Repair/Refurbishment Facility Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Commercial Jet Services LLC ("CJS") entered into an April 21st Consent Order ("CO") addressing alleged violations of the Alabama hazardous waste regulations. See Consent Order No. 22-XXX-CHW.

The Order provides that CJS operates an aircraft repair and refurbishment facility in Dothan, Alabama ("Facility").

The Facility holds an EPA hazardous waste identification number. Further, the CO provides that as a result of its operations at the Facility qualifies as:

- Large quantity generator
- Small quantity handler of universal waste
- Used oil generator

A representative of ADEM's Industrial Hazardous Waste Branch is stated to have conducted a compliance evaluation inspection ("CEI") of the CJS Facility on August 19, 2021. The CEI allegedly identified the following violations:

- Storage of hazardous waste for more than 90 days without a permit or an extension to the 90-day accumulation period
- Failure to make waste determinations on the following waste in the hazardous waste central accumulation area
- Failure to mark or label the following satellite accumulation containers with the words "Hazardous Waste:"
- Failure to mark or label the following satellite accumulation containers with an indication of the hazards of the content:
- Failure to keep closed certain containers of hazardous waste located in the central hazardous waste accumulation area
- Failure to mark or label certain containers of hazardous waste located in the central hazardous waste accumulation area with the words "Hazardous Waste"

- Failure to mark or label certain containers of hazardous waste located in the central hazardous waste accumulation area with an indication of the hazards of the contents
- Failure to mark or label certain containers of hazardous waste located in the central hazardous waste accumulation area with accumulation start dates
- Failure to mark or label certain containers of hazardous waste located in the central hazardous waste accumulation area with the appropriate Environmental Protection Agency hazardous waste numbers
- Stored certain universal waste located in the central hazardous waste accumulation area for more than a year
- Failure to keep closed three 55-gallon drums containing used oil located in the used oil area
- Failure to mark or label certain containers of used oil with the words “used oil”
- Failure to include the location of emergency equipment in the Facility’s contingency plan
- Failure to develop a quick reference guide for the contingency plan
- Failure to demonstrate that the Facility personnel inspected central accumulation weekly
- Failure to provide for review copies bearing the handwritten signature of the owner or operator of the designated Facility of the hazardous waste manifest dated January 5, 2021

CJS neither admits nor denies ADEM’s contentions except to the extent it specifically denies those contentions in certain paragraphs in the CO.

Specifically, CJS states the following in Paragraphs 10, 11, and 12 of the CO:

10. On August 19, 2021, when ADEM conducted a CEI of Commercial Jet Services, Commercial Jet Services was not notified prior to the inspection date that ADEM was coming to the premises for an inspection despite the fact that the country was in the midst of the COVID19 pandemic and it was well known that the pandemic effected how businesses conducted their operations and managed their staff during that time.

11. With regard to paragraph 4(o) of the Department's Contentions above, Commercial Jet Services provided weekly inspection reports for 2021, when it provided its response letter dated November 22, 202 to ADEM's Notice of Violation. Accordingly, Commercial Jet Services did not fail to demonstrate that facility personnel inspected central accumulation areas weekly.

12. With regard to paragraph 4(p) of the Department's Contentions above, Commercial Jet Services in its response letter dated November 22, 2021 to ADEM's Notice of Violation, provided a copy bearing the handwritten signature of the owner or operator of the designated facility of the hazardous waste manifests dated January 5, 2021. Given that ADEM did not initially specify in its correspondence to Commercial Jet Services what type of copy it was seeking, the transport copy was provided. When ADEM clarified at an informal meeting that it was seeking a copy of the designated facility copy, Commercial Jet Services supplied ADEM with the requested designated facility copy. Accordingly, Commercial Jet Services did not fail to provide for review copies bearing the handwritten signature of the owner or operator of the designated facility of the hazardous waste manifests dated January 5, 2021.

The CO assesses a civil penalty of $16,920.

A copy of the CO can be downloaded here.