Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Proposed Order and Assessment Addressing Shelby County Commercial Hazardous Waste Treatment and Storage Facility

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The Tennessee Department of Environment and Conservation ("TDEC") issued on November 15th a Proposed Director's Order and Assessment ("OA") to Tradebe Treatment and Recycling of Tennessee, LLC ("TTRT") addressing alleged violations of the Tennessee Hazardous Waste Regulations. See case No. HWM 24-0014.

The AO provides that TTRT operates a commercial hazardous waste treatment and storage facility in Shelby County, Tennessee.

The facility has a United States Environmental Protection Agency installation identification number and is permitted by TDEC to conduct certain hazardous waste treatment and storage activities.

The TDEC Division of Solid Waste Management ("Division") is stated to have conducted a Compliance Evaluation Inspection ("CEI") on March 27th at the facility. The inspection is stated to have consisted of a facility walk-through and a review of the hazardous waste regulations.

The Division inspector is stated to have observed in Unit 207 one five-gallon cardboard box container of hazardous waste that was wet and not in good condition. Such container was repackaged during the CEI.

The Division inspector is also stated to have observed an area of the hazardous waste storage tanks and related equipment, and several equipment Leak Detection and Repair ("LDAR") emission monitoring tags on the floor inside the secondary containment. The tags were replaced during the CEI.

In reviewing the facility files and records related to the management of hazardous waste, the Division inspector is stated to have observed the following:

- Failure to have a current copy of the facility operating permit on site (the permit copy onsite did not have the latest update, a January 29 permit modification).
- Failure to conduct weekly inspections at least every seven days on two occasions.

- Failure to maintain weekly inspection logs for the month of October 2023 and the first week of November 2023.
- Failure to maintain daily inspection logs for 22 days between February 2023 and February 2024..
- Failure to maintain LDAR air emission monitoring logs for the entire year of 2023, the month of January 2024, and for 15 days in February 2024.
- Failure to file exception reports with the Commissioner on 13 occasions of not having received the signed return manifest within 45 days of shipment.
- Failure to sign the manifests accompanying rejected shipments on 16 occasions.

The Division inspector is stated to have observed in Unit 204, 43 containers of wastes restricted from land disposal that had been stored onsite by the Respondent for more than one year. At the time of the inspection, the facility was actively working to ship the containers for disposal, as required by the 2023 civil order and were negotiating to settle the civil order.

A follow-up inspection is stated to have been conducted on June 12th. The Division inspector observed that the onsite operating permit was up to date and current and inspection records were complete for the months of April, May, and June of 2024 and that the LADR emission records for May and June of 2024 were complete. No additional violations were observed.

The Division is stated to have incurred damages in the amount of $1,800.00. Further, a civil penalty of $36,600.00 is assessed.

The AO provides certain appeal rights.

A copy of the AO can be downloaded here.