Hazardous Waste Enforcement: Alabama Department of Environmental Management and Marshall County Specialty Tank Manufacturer Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Pinnacle Manufacturing, LLC ("Pinnacle") entered into a March 5th Consent Order ("CO") addressing alleged violations of the Alabama Hazardous Waste regulations. See Consent Order No. 24-XXX-CHW.

The CO provides that Pinnacle operates a specialty tank and container manufacturing facility in Marshall County, Alabama.

The facility's operations qualify it as a large quantity generator of hazardous waste as defined in ADEM Admin Code Div. 14.

A representative of ADEM's Industrial Hazardous Waste Branch conducted an inspection of the facility on May 7, 2024. The inspection and a review of the facility's compliance is stated to have indicated the following:

- Failure to make a waste determination on solvent-contaminated personal protective equipment and paint-related debris found in the general trash.
- Storage of hazardous waste in the secondary containment system for Plant #2 Paint Kitchen for more than 90 days without a permit.
- Failure to comply with the following:
- Keep on file a written assessment reviewed and certified by qualified professional engineer attesting to the integrity of the secondary containment system located in Plant # 2 Paint Kitchen.
- Inspect at least once each operating day, above ground portions of the tank system, if any to detect corrosion or release of waste.
- Failure to mark or label the secondary containment system located in Plant # 2 Kitchen with the words "Hazardous Waste" and the EPA hazardous waste numbers.
- Failure to mark or label the secondary containment system located in Plant # 2 Kitchen with an indication of the hazards of the contents.

- Failure to provide for review inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste had been emptied from the secondary containment system located in Plant # 2 Kitchen within 90 days of it entering the system.
- Failure to conduct weekly inspections of the central hazardous waste accumulation areas in Plant # 1 Paint Kitchen, Plant # 1 Dress Out, and Plant # 2 Paint Kitchen.
- Failure to post "No Smoking" signs at the central hazardous waste accumulation areas.
- Failure to have secondary containment systems for the central hazardous accumulation areas.
- Failure to maintain an impervious coating on the floor of the central hazardous waste accumulation areas in Plant # 1Paint Kitchen, Plant # 1 Dress Out, and Plant # 2 Paint Kitchen.
- Failure to adequately restrict access to the central hazardous waste accumulation areas in Plant # 1 Paint Kitchen, Plant # 1 Dress Out, and Plant # 2 Paint Kitchen.
- Failure to post "Danger – Unauthorized Personnel Keep Out" signs at the previously-referenced areas.
- Failure to mark containers of hazardous waste in the previously referenced hazardous waste accumulation areas with accumulation start dates.
- Failure to label containers of hazardous waste in the previously referenced accumulation areas with the words "Hazardous Waste".
- Failure to mark containers of hazardous waste in the previously referenced hazardous waste accumulation areas with an identification of the hazards.
- Failure to mark or label containers of hazardous waste in the previously referenced accumulation areas with the appropriate EPA hazardous waste numbers.
- Failure to keep closed containers of hazardous waste in Plant # 1 Paint Kitchen, Plant # 1 Dress Out, and Plant # 2 Paint Kitchen.
- Failure to maintain aisle space for inspections and movement of emergency equipment in central hazardous waste accumulation area.
- Failure to mark or label satellite accumulation containers with the words "Hazardous Waste".
- Failure to mark or label satellite accumulation containers with an indication of the hazards of its contents.
- Failure to keep closed multiple satellite accumulation containers of hazardous waste.
- Failure to provide for review documentation that hazardous waste management training had been provided to an employee that handles hazardous waste.
- Failure to provide for review job titles for each position that handles hazardous waste.
- Failure to provide for review job descriptions for each position that handles hazardous waste.
- Failure to provide for review written descriptions of the type and amount of training needed for each employee that handles hazardous waste.
- Failure to provide for review the final signed manifest for multiple shipments of hazardous waste.
- Failure to provide for review documentation that the facility's contingency plan and all revisions had been submitted to all local emergency responders.
- Failure to provide for review documentation that the facility had developed a quick reference guide for their contingency plan and that a copy had been sent to all local emergency responders.

Pinnacle neither admits nor denies ADEM's contentions.

A civil penalty of $29,080.00 is assessed.

A copy of the CO can be downloaded here.