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## TSD/Hazardous Waste Enforcement: Alabama Department of Environmental Management and Etowah County, Alabama Commercial Facility Enter Consent Order to Address Alleged Violations

### Arkansas Environmental, Energy, and Water Law Blog

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The Alabama Department of Environmental Management (“ADEM”) and Giant Resource Recovery – Attalla, Inc. (“GRR”) entered into a November 30<sup>th</sup> Consent Order (“CO”) to address alleged violations involving hazardous waste management. See Consent Order No. 16-XXX-CHW.

The CO states that GRR operates a commercial hazardous waste treatment and storage facility pursuant to an Alabama Hazardous Waste Management and Minimization Act permit in Etowah County, Alabama.

Representatives of the United States Environmental Protection Agency and ADEM are stated to have conducted a Compliance Evaluation Inspection (“CEI”) of the GRR facility on January 27 and 28 of 2015.

ADEM determined that the GRR facility allegedly violated certain requirements of Division 14 of the ADEM Administrative Code and its previously referenced permit. The violations are alleged to include:

- GRR exceeded its permitted storage capacity in the Compactor Storage Area. The permitted storage capacity of GRR’s Compactor Storage Area is 62,150 gallons or two hundred and twenty six (226) 275-gallon containers. The inspection team documented that two hundred and seventy (270) 275-gallon cardboard boxes and thirty eight (38) 275-gallon plastic totes of hazardous waste aerosol cans were being stored in the Compactor Storage Area at the time of the inspection.
- GRR stored the following containers of hazardous waste at the Facility for greater than one year: one 275-gallon cardboard box containing hazardous waste aerosol cans in the Aerosol Unit Warehouse, one metal 55-gallon drum of hazardous waste in the Permitted Hazardous Waste Container Storage Area, one 85-gallon overpack drum of hazardous waste in the Permitted Hazardous Waste Container Storage Area, and one 10-gallon overpack container of hazardous waste in the Permitted Hazardous Waste Container Storage Area. GRR failed to demonstrate that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- GRR did not secure in the closed position closure devices on the roofs of the following hazardous waste storage tanks subject to 40 CFR §264 Subpart CC: Tank 1, Tank 2, Tank 5, Tank 9, and the Disperser Tank.

- GRR did not maintain a sufficiently impervious base underlying the containers in the Permitted Hazardous Waste Container Storage Area. Specifically, the coating on the floor between row A-2 and row A-8 of the Permitted Hazardous Waste Container Storage Area was worn away.
- GRR did not maintain the secondary containment system in the Tank Farm in accordance with the requirements of ADEM Admin. Code r. 335-14-5-.10(4). Specifically, cracks and gaps were present in the floor and walls of the secondary containment system.
- GRR did not mark the following containers with the date upon which each period of accumulation began: one metal 55-gallon drum of hazardous waste in the Permitted Hazardous Waste Container Storage Area and one fiber 55-gallon drum of hazardous waste in the Permitted Hazardous Waste Container Storage Area. The wastes in these containers were generated on-site by GRR.
- GRR did not label the Disperser Tank, which contained hazardous wastes restricted from land disposal, with the required information, nor was this information maintained in the Facility's operating record.
- GRR did not maintain or furnish for inspection documentation demonstrating that it had performed annual structural integrity tests on the Disperser Tank.
- GRR did not maintain the required training documentation at the facility.

The CO provides that Giant neither agrees with nor admits ADEM's contentions. The company responded to the allegations stating:

GRR contends:

- The daily inventory counts for the Compactor Storage Area for January 27 and 28, 2015 indicate the number of containers to be below the permitted storage capacity. Notwithstanding the previous statement, GRR asserts that, at no time, was there any risk to the environment in that area's actual secondary containment capacity (12,000 gallons) exceeded 10% of the storage quantity alleged during the inspection (84,700 gallons x 10% = 8,470 gallons of required secondary containment).
- GRR conducted Subpart CC inspections of the storage tank and disperser mixing tank closure devices in December 2014. Items identified during the inspections were properly and immediately addressed.
- Although the records were not presented during the January 27 and 28, 2015 inspections, integrity testing had been performed on the mixing portion of the disperser unit in 2014 concurrently with the other storage tanks at the facility.

ADEM agrees to a voluntary civil penalty of \$9,350.00.

[Click here to download a copy of the CO.](#)