



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Waste Transportation Enforcement: Alabama Department of Environmental Management and Sumter County, Alabama Commercial Hazardous Waste Transporter Enter into Order Addressing Alleged Violations

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The Alabama Department of Environmental Management (“ADEM”) and Buffalo Fuel Corporation (“BFC”) entered into a July 29th Special Order by Consent (“Order”) addressing an alleged violation involving hazardous waste transportation. See ORDER NO. 16-xxx-CHW.

BFC is stated to be a commercial hazardous waste transporter operating in Emell, Alabama.

The company operated under an Alabama Hazardous Waste Transport number. BFC is further stated to have at all times relevant to the findings in the Order operated as a non-rail hazardous waste transporter.

ADEM is stated to have issued to BFC an Alabama Hazardous Waste Transport Permit. This permit permitted BFC to transport hazardous waste within the State of Alabama. The permit was stated to have been effective for a term of three years – expiring on November 29, 2015.

The Order alleges that before the end of the three-year term, BFC did not submit to ADEM an application to renew its Alabama Hazardous Waste Transport Permit. Therefore, it is stated that as of November 30, 2015, BFC was not permitted to transport hazardous waste in Alabama.

The Order further alleges that:

On April 18, 2016, approximately four months after its permit expired, BFC submitted a Hazardous Waste Transport Permit application to the Department to renew its permit. This prompted an employee of the Department to contact BFC on May 5, 2016 to request information relating to the transportation of hazardous waste within the State of Alabama since the expiration date of BFC’s 2012 permit.

BFC is stated to have reported to ADEM in a letter dated May 5, 2016 that it transported 13 loads of hazardous waste within the State of Alabama after its Hazardous Waste Transporter Permit had expired between the dates of December 21, 2015 and April 27, 2016.

ADEM therefore alleges that based on the previously referenced admission that BFC violated certain requirements of Division 14 of the ADEM Administrative Code.

BFC contends that the alleged violation was due to a clerical error. The company states it lost the relevant customer and did not renew its permit as it was the only customer providing such loads in Alabama. The customer actually continued providing such loads and there was a lack of communication between dispatch and permit offices. When the error was discovered, efforts were made to renew the expired permit.

BFC neither admits nor denies ADEM's allegations.

The Order assesses a civil penalty of \$9,000.

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