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## Transportation/Hazardous Waste Enforcement: Alabama Department of Environmental Management and U.S. Department of the Army (Anniston Army Depot/Munitions Center) Enter into Consent Order

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

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The Alabama Department of Environmental Management (“ADEM”) and the United States Department of the Army (“Army”) entered into an October 31st Consent Order (“CO”) addressing alleged transportation related hazardous waste violations. See Consent Order NO. 16-xxx-CHW.

The CO addresses the Anniston Army Depot (“Depot”) and Anniston Munitions Center (“Munitions Center”) – both located in Calhoun County, Alabama.

The Munitions Center is a Permittee and tenant of the Depot (assigned EPA Identification Number AL3 210 020 027).

The Munitions Center’s primary activities are stated to involve the treatment of waste munitions by open burning, open detonation and thermal treatment closed disposal processes and the associated storage of waste within permitted igloos for these operations. Both the Munitions Center and Depot are listed permittees on Alabama Hazardous Wastes Management and Minimization Act permit AL3 210 020 027, for the treatment and storage of hazardous waste.

The Munitions Center and Depot are alleged to have offered a shipment of hazardous waste ammunition to a transporter on November 18, 2015 that had not received an EPA identification number and an Alabama Hazardous Waste Transporter Permit.

A January 19, 2016, submission from the Depot notified ADEM that the facility had sent a shipment of hazardous waste ammunition off-site for disposal to General Dynamics Ordnance and Tactical Systems in Missouri (referencing the facility’s ID number) using a transporter that did not have a valid EPA identification number or an Alabama Hazardous Waste Transporter Permit. Therefore, ADEM issued the Depot a Notice of Violation (“NOV”) dated January 26, 2016 for a violation that was self-reported by the Depot to ADEM on December 21, 2015, pursuant to the Depot’s Hazardous Waste Permit.

ADEM’s NOV cited the Depot for failure to verify that a transporter had a valid EPA identification number or an Alabama Hazardous Waste Transporter Permit. The Depot is stated to have provided a detailed

response to the ADEM NOV letter. Further, a review team was stated to have been established by the Depot to determine and implement corrective actions. The review is stated to have determined that:

...existing Anniston Munitions Center (ANMC) procedures provided for verification of the hazardous waste transporter EPA identification number and Alabama Hazardous Waste Transporter Permit but were not followed properly.

The CO describes a measure put in place to prevent a recurrence of the violation as:

...a pre-shipment checklist was developed for hazardous waste ammunition shipments. The checklist identifies the actions required to ensure environmental compliance and verifies that personnel perform the requirements prior to shipment. Additional training was performed to implement the checklist. Following the violation, no additional hazardous waste shipments were performed until all corrective actions were implemented.

Neither the Depot nor the Munitions Center admit violating any statutes or regulations. The entities agreed to a civil penalty of \$4,250.

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