



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

Hazardous Waste Enforcement: Alabama Department of Environmental Management and Colbert County, Alabama Railroad Car Manufacturing Facility Enter into Special Order by Consent

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The Alabama Department of Environmental Management (“ADEM”) and Navistar Incorporated d/b/a Navistar – Cherokee Manufacturing Plant (“NI”) entered into a May 26th Special Order by Consent (“Order”) addressing alleged violations of Alabama hazardous waste regulations. See Consent Order No. 17-XXX-CHW.

The Order states that NI owns and operates a railroad car manufacturing facility (“facility”) in Colbert County, Alabama.

NI is stated to have identified itself as a large quantity generator in its last “Notification of Regulated Waste Activity” prior to an ADEM inspection.

The Order provides that ADEM conducted a compliance evaluation inspection of the NI facility on January 12, 2017 to determine compliance with applicable requirements of Division 14 of the ADEM Administrative Code. The agency alleges that pursuant to that inspection it identified certain violations of the Code which include:

- . . . stored one 275-gallon tote containing a mixture of mineral spirits, epoxy paint and a catalyst (hardener) in the hazardous waste storage area for greater than 90 days. . . without first obtaining a permit requesting extension
- . . . did not make a hazardous waste determination of the contents of certain containers described in the Order
- . . . did not place all hazardous waste in containers. Free liquids were allegedly present on top of one hazardous waste container in the Paint Kitchen/hazardous waste storage area
- . . . did not mark eight hazardous waste containers in the Paint Kitchen/hazardous waste storage area with the applicable EPA hazardous waste numbers
- . . . did not mark with the words “Hazardous Waste” or other words describing the contents of the aerosol cans satellite accumulation container located in the FreightCar America store area
- . . . did not post signs with the legend “Danger – Unauthorized Personnel – Keep Out” at any of the entrances to the Paint Kitchen/hazardous waste storage area

- . . . did not maintain at the site job descriptions for all employees that handled hazardous waste. A job description was available for one of the three employees that handled hazardous waste, but did not include the hazardous waste management duties of that employee.
- . . . did not provide adequate aisle space between containers in the Paint Kitchen/hazardous waste storage area
- . . . did not place all universal waste lamps and containers and keep those containers closed. One box of universal waste lamps located in the Maintenance Shop was not closed. In addition, at least six fluorescent and high-intensity discharge lamps in the same location were not containerized
- . . . did not ensure that all containers holding used oil were marked with the words "Used Oil." One 55-gallon drum of used oil in the FCA Maintenance Shop lacked the required marking.
- . . . did not keep closed all containers holding used oil. One 55-gallon drum of used oil in the FCA Maintenance shop had an open funnel in the bung. One 275-gallon tote of used oil in the Fabrication Area had an open lid.

ADEM is stated to have issued NI a Notice of Violation citing the alleged violations of the Code observed or that existed at the time of the January 12, 2017 compliance evaluation inspection. Further, NI responded to the Notice of Violation.

NI has corrected the issues found in the January 12, 2017 compliance evaluation inspection. However, NI is stated to neither admit nor deny ADEM's contentions.

A civil penalty of \$15,000 is assessed.

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