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TSD/Hazardous Waste Enforcement: Alabama Department of Environmental Management and Etowah County, Alabama Enter into Special Order by Consent

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The Alabama Department of Environmental Management ("ADEM") and Giant Resource Recovery-Attalla, Inc. ("Giant") entered into a November 15th Special Order by Consent ("Order") addressing alleged violations of certain hazardous waste regulations.

Giant is stated to operate a permitted commercial hazardous waste treatment and storage facility ("Facility") in Attalla, Alabama.

The Order provides that on July 10th-11th representatives of the United States Environmental Protection Agency (Region 4) and ADEM's Industrial Hazardous Waste Branch conducted a Compliance Evaluation Inspection ("CEI") of the Facility to determine compliance with all applicable requirements of Division 14 of the ADEM Administrative Code.

The CEI and a review of Giant's compliance allegedly revealed the following:

- One tractor trailer containing hazardous waste aerosol cans was outside of the waste management units described in Table III.1 of its permit
- Failure to maintain an intact impervious coating on the containment system associated with the Solids Processing Area
- The satellite accumulation area was located outside of the control of the operator of the process generating the waste
- Failure to mark containers in the Container Storage Area and boxes located in the Aerosol Warehouse, which had been onsite for over 72 hours with the date of receipt
- Failure to properly label boxes of hazardous waste aerosol cans located in Aerosol Warehouse

The Order provides that all container marking issues were corrected immediately following the inspection. Further, Giant is stated to have responded to the preliminary inspection report. The response is stated to have included documentation showing that the remaining alleged violations had also been corrected.

Giant is stated to contend that it was not storing hazardous waste outside of its permitted management units, but that the tractor trailer was temporarily placed during the internal movement of containers from one permitted waste area to another.

The company neither admits nor denies ADEM's contentions.

A civil penalty of \$7,500 is assessed.

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