



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Solid Waste Management
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

May 19, 2023

Reeashi LLC
6069 Macon Cove
Memphis, TN 38134-7600

CERTIFIED MAIL
7012 1640 0002 2375 9618
RETURN RECEIPT REQUESTED

RE: CASE NO. HWM22-0026

Dear Reeashi LLC:

Enclosed please find an Order and Assessment issued to you by the Tennessee Department of Environment and Conservation, Division of Solid Waste Management. Please read it carefully and pay special attention to the NOTICE OF RIGHTS section.

Regarding payment of any penalties or damages, please submit a copy of the payment to via email to Christopher.Lagan@tn.gov or by mail to:

Chris Lagan
Division of Solid Waste Management
William R. Snodgrass Tennessee Tower
312 Rosa Parks Avenue, 14th Floor
Nashville, TN 37243

If you or your attorney have any questions, please contact James Dye by email at James.M.Dye@tn.gov by phone at 615-532-0859.

Sincerely,

Christopher Lagan

[Christopher Lagan \(May 22, 2023 09:08 CDT\)](#)

Chris Lagan, Compliance and Enforcement Manager
Division of Solid Waste Management

cc: Alan Newman, EPA Region 4, Atlanta GA
Lisa A. Hughey, Director, DSWM
Craig Almanza, Deputy Director of Central Operations, DSWM
Rob Ashe, Deputy Director of Field Operations, DSWM
Beverly Philpot, Hazardous Waste Program Manager, DSWM
Cody Munday, Cookeville Environmental Field Office, DSWM
Nicholas Stengel, Cookeville Field Office Manager, DSWM
Jim Holt, Memphis Environmental Field Office Manager, DSWM
James Dye, Compliance and Enforcement, DSWM
Records@SWM.tn.gov

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:)	DIVISION OF SOLID WASTE
)	MANAGEMENT
DRY CLEAN SUPER CENTER)	
TNR-00-000-9886)	CASE NO. HWM 22-0026
)	
REEASHI LLC)	
)	
RESPONDENT)	

DIRECTOR’S ORDER AND ASSESSMENT

NOW COMES Lisa A. Hughey, Director of the Tennessee Division of Solid Waste Management, and states:

PARTIES

I.

David Salyers, P.E., is the duly appointed Commissioner of the Tennessee Department of Environment and Conservation (Department) and is charged with the responsibility for administering and enforcing the Tennessee Hazardous Waste Management Act of 1977, Tennessee Code Annotated sections 68-212-101 through -121 and the Tennessee Used Oil Collection Act of 1993, Tennessee Code Annotated sections 68-211-1001 through -1019 (Acts). Lisa A. Hughey is the duly appointed Director of the Division of Solid Waste Management (Division). She has received written delegation from the Commissioner to administer and enforce the Acts.

II.

Reeashi LLC (Respondent) is a domestic corporation and is authorized to conduct business in the State of Tennessee. Respondent has an initial Tennessee Secretary of State filing

date of December 16, 2021 and a delayed filing date of January 1, 2022. It purchased 520 Market Blvd, Memphis, Tennessee 38017 on or about January 22, 2022. Respondent's agent for service of process is Reeashi LLC, 6069 Macon Cove, Memphis, Tennessee 38134-7600.

JURISDICTION

III.

When the Commissioner finds that provisions of the Acts are not being carried out, the Commissioner or his representative (Commissioner) is authorized to issue an order for correction to the responsible party. Tenn. Code Ann. §§ 68-212-111 and 68-211-1012. Further, the Commissioner is authorized to assess damages and civil penalties against any person who violates any provision of the Acts or any rule, regulation, or standard adopted pursuant to the Acts. Tenn. Code Ann. §§ 68-212-114 and 68-211-1012. Rules governing hazardous waste and used oil management have been promulgated. Tenn. Code Ann. § 68-212-107; Tenn. Comp. R. & Regs. 0400-12-01-.01 -.02 (Rules).

IV.

The Respondent is a "person." Tenn. Code Ann. § 68-212-104(14).

FACTS

V.

The Respondent conducts commercial dry cleaning and laundry operations at its facility (the facility) located at 520 Market Blvd, Memphis, Tennessee 38017. Based on information provided to the Division inspector, the Respondent is a Small Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and generates two hazardous waste streams from the dry cleaning operations: Spent perchloroethylene and filters (WS #1) and distillation

bottoms (WS #2). The facility has an Environmental Protection Agency (EPA) installation identification number of TNR 00-000-9886.

VI.

The July 28, 2022, Compliance Evaluation Inspection

On July 28, 2022, the Division conducted an unannounced Compliance Evaluation Inspection (CEI) to evaluate the facility's compliance with the Rules. The owner, Mr. Sammy Patel, informed the Division inspector the facility had changed ownership in January 2022. At a satellite accumulation area (SAA) located behind the dry cleaning machines, the Division inspector observed two containers of hazardous waste still bottoms that were not labeled with the words "Hazardous Waste" and were not marked with an indication of the hazard of the contents. The posted emergency contact numbers listed contacts that were no longer employees at the facility.

During the records review portion of the CEI, the Division inspector observed the following:

- The facility had not notified the Division of the recent change in ownership or the current point of contact.

VII.

On August 26, 2022, the Division issued a Notice of Violation (NOV) to the Respondent for the Rules violations found during the CEI. The NOV cited the following violations:

1. Failure to label or clearly mark each container with the words "Hazardous Waste"
2. Failure to mark or label a container with an indication of the hazard.
3. Failure to maintain current information on emergency contacts posted as information.
4. Failure to notify the Division of a change in ownership of the facility.

The Respondent was instructed to provide documentation of the correction of the violations by September 15, 2022.

VIII.

On September 20, 2022, the Respondent requested a 30-day extension. The Division granted this extension the same day.

IX.

On November 2, 2022, the Division sent a letter offering the Respondent the opportunity to schedule a Show Cause meeting to discuss the violations, the corrective actions taken, and any additional information and practices implemented to prevent a recurrence of the violations. The letter was delivered on November 5, 2022. The Respondent did not timely respond to the letter as required. The Respondent subsequently contacted the Division but has yet to return to compliance.

X.

On January 11, 2023, the Division sent a letter informing the Respondent that enforcement activities would continue.

XI.

During the course of the investigation of the Respondent's facility, the Division has incurred damages in the amount of \$3,750.00.

VIOLATIONS

XII.

The Respondent failed to label or clearly mark each container with the words "Hazardous Waste" and mark or label each container with an indication of the hazard, as required by Rule 0400-12-01-.03(1)(f)1.(v)(I) and (II) which is a condition for exemption from the requirement to

obtain a permit for the treatment, storage, and disposal of hazardous waste. Rule 0400-12-01-.03(1)(f)1.(v)(I) and (II) which incorporates Rule 0400-12-01-.07 states, in pertinent part:

0400-12-01-.03 NOTIFICATION REQUIREMENTS AND STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

(1) General:

(f) Satellite accumulation area regulations for small and large quantity generators.

[40 CFR 262.15]

1. A generator may accumulate as much as 55 gallons of non-acute hazardous waste or either (i) one quart of liquid acute hazardous waste listed in subparagraph (4)(b) or part (4)(d)5 of Rule 0400-12-01-.02 or (ii) 1 kg (2.2 lbs) of solid acute hazardous waste listed in subparagraph (4)(b) or part (4)(d)5 of Rule 0400-12-01-.02 in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of Rules 0400-12-01-.05 through 0400-12-01-.07 and 0400-12-01-.09, provided that all of the conditions for exemption in this subparagraph are met. A generator may comply with the conditions for exemption in this subparagraph instead of complying with the conditions for exemption in part (g)2 or (h)1 of this paragraph, except as required in subparts (vii) and (viii) of this part. The conditions for exemption for satellite accumulation are:

(v) A generator must mark or label its container with the following:

- (I) The words “Hazardous Waste” and
- (II) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

0400-12-01-.07 PERMITTING OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES.

(1) General

(b) Scope/Applicability

2. A permit is required for the treatment, storage, and disposal of any “hazardous waste” as identified or listed in Rule 0400-12-01-.02. . . .
4. The following persons are among those who are not required to obtain a permit under the Act and this rule:
 - (i) Generators who accumulate hazardous waste on-site in compliance with all of the conditions for exemption provided in subparagraphs (1)(e), (f), (g), and (h) of Rule 0400-12-01-.03;

XIII.

The Respondent failed to maintain current information on emergency contacts posted as information as required by Rule 0400-12-01-.03(1)(g)2.(ix)(II)I., which is a condition for exemption from the requirement to obtain a permit for the treatment, storage, and disposal of hazardous waste. Rule 0400-12-01-.03(1)(g)2.(ix)(II)I. which incorporates Rule 0400-12-01-.07 states, in pertinent part:

0400-12-01-.03 NOTIFICATION REQUIREMENTS AND STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

(1) General

- (g) Conditions for exemption for a small quantity generator that accumulates hazardous waste.

A small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of Rules 0400-12-01-.05 through 0400-12-01-.07, and 0400-12-01-.09, including the notification requirements, provided that all the conditions for exemption listed in this subparagraph are met:

2. Accumulation. The generator accumulates hazardous waste on site for no more than 180 days, unless in compliance with the conditions for

exemption for longer accumulation in parts 3, 4, and 5 of this subparagraph. The following accumulation conditions also apply:

- (ix) Emergency procedures. The small quantity generator must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:
 - (II) The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
 - I. The name and emergency telephone number of the emergency coordinator;

0400-12-01-.07 PERMITTING OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES.

(1) General

(b) Scope/Applicability

- 2. A permit is required for the treatment, storage, and disposal of any “hazardous waste” as identified or listed in Rule 0400-12-01-.02. . . .
- 4. The following persons are among those who are not required to obtain a permit under the Act and this rule:
 - (i) Generators who accumulate hazardous waste on-site in compliance with all of the conditions for exemption provided in subparagraphs (1)(e), (f), (g), and (h) of Rule 0400-12-01-.03;

XIV.

The Respondent failed to notify the Division of a change in facility ownership, as required by TN Rule 0400-12-01-.03(2)(d)1.(i)(I) which states, in pertinent part:

(2) Notification

(d) Changes in Generator Data

- 1. Small and large quantity generators shall be responsible for maintaining an up-to-date notification file by:
 - (i) Re-notifying the Commissioner of the following changes in the information submitted within 30 days after such changes by

revising or submitting the appropriate notification forms, completed according to the instructions for completing the form:

- (I) Change in ownership of the person generating the hazardous waste;

XV.

By failing to store, containerize, label, or to provide information in accordance with the rules, regulations, or orders of the Commissioner, the Respondent has violated Tenn. Code Ann. § 68-212-105(4).

Tenn. Code Ann. § 68-212-105(4) provides:

It is unlawful to:

- (4) Store, containerize, label, transport, treat or dispose of hazardous waste, or fail to provide information in violation of the rules, regulations, or orders of the Commissioner or Board, or in such a manner as to create a public nuisance or a hazard to the public health.

ORDER AND ASSESSMENT

XVIII.

Under the authority vested by sections 68-212-111 and 68-212-114 of the Acts, I, Lisa A. Hughey, issue the following Order and Assessment to the Respondent:

1. The Respondent is assessed DAMAGES in the amount of **\$3,750.00** to be paid to the State on or before the 31st day after receipt of this Order and Assessment.
2. The Respondent is assessed a CIVIL PENALTY in the amount of **\$2,600.00** to be paid to the State on or before the 31st day after receipt of this Order and Assessment.
3. Payment of the DAMAGES AND CIVIL PENALTY (**\$6,350.00** in total) should reference Case No. HWM 22-0026 be made payable to “Treasurer, State of Tennessee,”

and sent to the Division of Fiscal Services – Consolidated Fee Section, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 10th Floor, Nashville, Tennessee 37243.

RESERVATION OF RIGHTS

In issuing this Order and Assessment, the Director does not implicitly or expressly waive any provision of the Acts or their supporting regulations. The Director also does not implicitly or expressly waive the authority to assess costs, civil penalties, or damages incurred by the State against the Respondent(s). The Department expressly reserves all rights it has at law and in equity to order further corrective action and to assess civil penalties or damages. The Department also reserves all rights at law and equity to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action(s).

NOTICE OF RIGHTS

The Respondent(s) may appeal this Order and Assessment. Tenn. Code Ann. §§ 68-212-113 and 114. To do so, a written petition setting forth the reasons for requesting a hearing must be received by the Commissioner within 30 days of the date the Respondent(s) received this Order and Assessment, or this Order and Assessment will become final.

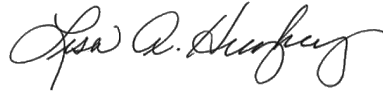
If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Law Judge (ALJ) as a contested case hearing pursuant to the provisions of Tenn. Code Ann. § 68-212-113; Tenn. Code Ann. § 4-5-301 to -325 (the Uniform Administrative Procedures Act); Tenn. Comp. R. & Regs. 1360-04-01 (the Department of State's Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies). Such hearings are legal proceedings in the nature of a trial. Individual Respondents may represent themselves

or be represented by an attorney licensed to practice law in Tennessee. Artificial Respondents (corporations, limited partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue an appeal through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at reduced or no cost through a local bar association or legal aid organization.

At the conclusion of any initial hearing, the ALJ has the authority to affirm, modify, or deny the Order and Assessment. Furthermore, the ALJ on behalf of the Board has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing and the hourly fees incurred due to the presence of the ALJ and a court reporter.

Any petition for review must be directed to the Commissioner of the Department of Environment and Conservation, c/o Jenny L. Howard, General Counsel, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, Tennessee 37243. The petition may be mailed or delivered to this address, or it may be sent to TDEC.Appeals@tn.gov. Payments of the civil penalty and/or damages shall be made payable to the “Treasurer, State of Tennessee” and sent to the Division of Fiscal Services - Consolidated Fees Section, Tennessee Department of Environment and Conservation, Snodgrass Tennessee Tower, 312 Rosa Parks Avenue, 10th Floor, Nashville, Tennessee 37243. Technical questions and other correspondence involving compliance issues should be sent to Christopher Lagan, State of Tennessee, Division of Solid and Hazardous Waste Management, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 14th Floor, Nashville, TN 37243. Attorneys should contact the undersigned counsel of record. **The case number, HWM 22-0026, should be written on all correspondence regarding this matter.**

Issued by the Director of the Division of Solid Waste Management, Tennessee
Department of Environment and Conservation, on this 19th day of May, 2023.



Lisa A. Hughey, CHMM
Director, Division of Solid Waste Management
TN Department of Environment and Conservation

Reviewed by:



Shelby Ward (BPR# 030394)
Associate Counsel
Office of General Counsel
3711 Middlebrook Pike
Knoxville, TN 37921
Telephone: 865-722-1982
Email: Shelby.Ward@tn.gov