

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

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<b>IN THE MATTER OF:</b>	)	<b>DIVISION OF SOLID WASTE</b>
	)	<b>MANAGEMENT</b>
<b>OLDCASTLE INFRASTRUCTURE, INC.</b>	)	
	)	<b>CASE NO. HWM 25-0032</b>
<b>TNR 00-004-3679</b>	)	
	)	
<b>RESPONDENT</b>	)	

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**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 (the Department) and is charged with the responsibility for administering and enforcing the Tennessee Hazardous Waste Management Act of 1977 ("Act"), Tenn. Code Ann. §§ 68-212-101 to -121. Lisa A. Hughey is the duly appointed Director of the Tennessee Division of Solid Waste Management ("Division"). She has received written delegation from the Commissioner to administer and enforce the Act.

**II.**

Oldcastle Infrastructure, Inc. ("Respondent") is a foreign for-profit corporation created in the state of Washington and is authorized to conduct business in the state of Tennessee. Its agent for service of process is Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

## **JURISDICTION**

### **III.**

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

### **IV.**

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

### **V.**

For the purpose of enforcing the Act or any rule or regulation authorized by the Act, or enforcing any requirement of an order issued by the Commissioner, the Commissioner is authorized by Tenn. Code Ann. § 68-212-107 to enter any place where wastes (which the Commissioner has reason to believe may be hazardous) are, may be, or may have been generated, stored, transported, treated, disposed of, or otherwise handled. The Commissioner also has authority to inspect any samples of any waste, samples of any containers or labeling for such wastes, samples of ambient air, surface waters, and ground waters at the facility or site, as well as the authority to inspect and copy any records, reports, test results, or other information relating to the purposes of the Act.

On September 10, 2025, the Division conducted a Compliance Evaluation Inspection (CEI) at the facility after receiving a letter from the Respondent dated August 21, 2025, which self-disclosed potential violations of the hazardous waste rules associated with Large Quantity Generators. The letter specifically acknowledged that the facility had accumulated quantities of hazardous waste that would make the Respondent subject to Large Quantity Generator requirements. The determination of this hazardous waste accumulation was made by the Respondent on August 8, 2025. The CEI consisted of a facility walk-through, a review of the facility's hazardous waste records and discussions with facility employees.

## VII.

The Respondent has not generated used oil or handled universal waste in the past three years. Environmental Protection Agency (EPA) installation identification number of TNR 00-004-3679. (CAA) located in a leased lot adjacent to the production facility. The Respondent has an Casting Department. Containers of hazardous waste are stored in the Central Accumulation Area Fiberglass Reinforced Plastics Department, Casting (Gruber) Department, and Manual Vault Generator of hazardous waste since 2021. Hazardous waste is generated in the following areas: can residue. According to facility personnel, Respondent has been generating as a Small Quantity feet. The Respondent generates hazardous waste from cleanup activities, spent solvent, and aerosol Tennessee and currently occupies office and manufacturing space of approximately 68,000 square for use in communication, power, and water supply industries. The site is in the city of Sweetwater, North, Sweetwater, Tennessee. The facility engages in the manufacturing of utility vaults and pads The Respondent operates a manufacturing facility ("facility") located at 2300 Highway 11

## VI.

### FACTS

- The Respondent failed to submit annual reports to the Commissioner for the years 2022, 2023, and 2024.
- The Respondent failed to conduct weekly inspections of the CAA for the past three (3) years.
- The Respondent failed to provide annual hazardous waste management training to employees who handle and/or manage hazardous waste.

inspector observed the following:

Upon review of the Respondent's hazardous waste management records, the Division

**X.**

In the CAA, the Division inspector observed thirty-one (31) 55-gallon hazardous waste containers (approximately 6,200 kilograms (kg)) that were not marked with an indication of the hazard(s) and were not marked with an accumulation start date. The Division inspector also observed that eight (8) of the hazardous waste containers were not properly closed and were not labeled with the words, "Hazardous Waste." The Division inspector further observed that the CAA lacked immediate access to spill control and decontamination equipment as well as fire extinguishers.

**IX.**

In the Casting (Gruber) Department, the Division inspector observed that, according to facility personnel, the Respondent was disposing of spent aerosol cans in the municipal trash without first making a hazardous waste determination.

**VIII.**

- 10. Failure to prepare a site contingency plan.
  - 9. Failure to submit annual reports to the Commissioner for three (3) years.
  - 8. Failure to conduct and record weekly CAA inspections for three (3) years.
- as fire extinguishers, in the CAA.
- 7. Failure to provide immediate access to spill control and decontamination equipment, as well
  - 6. Failure to label thirty-one (31) CAA containers with an accumulation start date.
  - 5. Failure to label thirty-one (31) CAA containers with an indication of the hazard(s).
  - 4. Failure to label eight (8) CAA containers with the words, "Hazardous Waste."
  - 3. Failure to ensure eight (8) CAA containers remained closed.
  - 2. Exceeding the 6,000 kg accumulation limit of a Small Quantity Generator. (Self-Disclosed)
  - 1. Failure to make a hazardous waste determination.

observed and cited were as follows:

Respondent detailing the inspector's observations and citing the violations. The 15 violations  
On September 29, 2025, the Division issued a Notice of Violation (NOV) to the

### XI.

- The Respondent failed to prepare a hazardous waste reduction plan.
  - The Respondent failed to document arrangements with local emergency responders.
- for submittal to local emergency agencies.
- The Respondent failed to prepare a contingency plan and associated quick reference guide
- documentation that personnel have completed their annual training.
- The Respondent failed to document employee names, titles, and job descriptions, as well as the type and amount of introductory and continued training, and failed to maintain

- The Respondent is now managing spent aerosol cans in accordance with the Universal Waste rules.
  - All hazardous waste observed in the CAA during the CEI had been shipped offsite for disposal on October 8, 2025.
  - The six (6) remaining 55-gallon containers of hazardous waste stored in the CAA were properly labeled, marked, dated, and closed.
  - The CAA was properly equipped with immediate access to emergency response equipment.
- During the FUI facility walk-through, the Division inspector observed the following:

On November 5, 2025, the Division conducted a Follow-Up Inspection (FUI) at the facility.

### XIII.

On October 29, 2025, the Respondent submitted a letter to the Division which addressed each of the violations cited in the September 29, 2025 NOV. The letter detailed corrective actions for each violation and was accompanied by supporting documentation including a waste determination, training records, annual reports, emergency preparedness documents, a shipping manifest and photographs.

### XII.

15. Failure to properly maintain personnel training records.
14. Failure to provide annual hazardous waste management training to personnel who handle and/or manage hazardous waste.
13. Failure to prepare a hazardous waste reduction plan.
12. Failure to attempt to make arrangements with local emergency response agencies.
11. Failure to submit a quick reference guide for the contingency plan to the local emergency responders.

- Weekly inspections of the CAA were being performed and logged.

#### XIV.

Upon review of the facility's submittal, the Division inspector observed that the weekly inspection documents, emergency preparedness documentation, annual report documentation, and the personnel training documentation were complete and in compliance.

#### XV.

On November 17, 2025, the Division sent the Respondent a letter documenting the observations made during the FUI. The letter stated that all violations initially cited in the NOV dated September 9, 2025, had been determined by the Division to be corrected.

#### XVI.

On December 8, 2025, the Division sent the Respondent a letter offering the Respondent an opportunity to schedule a show cause meeting with the Division to discuss the violations and any mitigating factors affecting compliance. The Respondent accepted the invitation via email on December 8, 2025, and a show cause meeting was scheduled for January 22, 2026.

#### XVII.

On January 22, 2026, a show cause meeting was held virtually via Microsoft Teams between representatives of the Division and the Respondent. The Respondent reiterated that they discovered some, but not all, of the violations through their own self-auditing practices, discussed their commitment to preventing recurrences of the violations and detailed the efforts made to address and correct each violation.

#### XVIII.

During the investigation of the Respondent's facility, the Division has incurred damages in the amount of \$1,049.30.

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 hereby assessed DAMAGES in the amount of \$1,049.30 to be paid to the State on or before the 31st day after receipt of this Order and Assessment.

**XXIII.**

**ORDER AND ASSESSMENT**

(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.

It is unlawful to:

Section 68-212-105(4) states:

by violating the aforementioned Rules.

The Respondent failed to comply with Tennessee Code Annotated section 68-212-105(4)

**XXII.**

Rule 0400-12-01-.03(6).

The Respondent failed to complete a hazardous waste reduction plan, as required by TN

**XXI.**

2024, as required by TN Rule 0400-12-01-.03(5)(b)1.

The Respondent failed to file hazardous waste annual reports for the years 2022, 2023, and

**XX.**

as required by TN Rule 0400-12-01-.03(1)(b).

The Respondent failed to make and document an accurate hazardous waste determination,

**VIOLATIONS**

2. The Respondent is hereby assessed a CIVIL PENALTY in the amount of \$3,500.00 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 totaling **\$4,549.30** should reference Case No. HWM 25-0032 and be made payable to **“Treasurer, State of Tennessee,” and sent to the Division of Fiscal Services – Consolidated Fee Section, Davy Crockett Tower, 500 James Robertson Parkway, 6th 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 regulations promulgated thereunder or the authority to assess costs, civil penalties and/or damages incurred by the State against the Respondent. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties and/or damages, and 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 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 -326 (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, Davy Crockett Tower, 500 James Robertson Parkway, 5<sup>th</sup> Floor, Nashville, Tennessee 37243. The petition may be mailed or delivered to this address, or it may be sent to [TDEC.Appeals@tn.gov](mailto: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, Davy Crockett Tower, 500 James Robertson Parkway, 6<sup>th</sup> 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, Davy Crockett Tower, 500 James Robertson Parkway, 7<sup>th</sup> Floor, Nashville, TN 37243. Attorneys should contact

the undersigned counsel of record. **The case number, HWM 25-0032, 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 24<sup>th</sup> day of March, 2026.



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

Reviewed by:



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Sean C. McGarvey (Mar 24, 2026 12:47:18 CDT)

**Sean C. McGarvey**

Arizona Bar No. 030874

Practicing pending admission to Tennessee Bar pursuant to Tenn. Sup. Ct. R. 7, sec 10.07

Associate Counsel

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