

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Seoyon E-HWA Interior Systems Alabama LLC
Selma, Dallas County, Alabama
USEPA ID NUMBER ALR000038893**

Consent Order No. 21-XXX-CHW

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (“the Department” or “ADEM”) and Seoyon E-HWA Interior Systems Alabama LLC (“Seoyon E-HWA”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (“AHWMMA”), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

STIPULATIONS

1. Seoyon E-HWA Interior Systems Alabama LLC (“Seoyon E-HWA”) operates an injection molding and painting facility (the “Facility”) with EPA Identification Number ALR000038893, located at 200 Craig Industrial Drive in Selma, Dallas County, Alabama. Seoyon E-HWA, as a result of its operations at the facility, was a Large Quantity Generator, and a small quantity handler of universal waste, as those terms are defined in ADEM Admin. Code Div. 14, at all times relevant to this action.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended.

In addition, the Department is authorized to administer and enforce the provisions of the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

DEPARTMENT'S CONTENTIONS

4. On December 4, 2020, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection (hereinafter "CEI") of Seoyon E- HWA. The CEI and a review of Seoyon E- HWA's compliance showed the following:

- (a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a), a large quantity generator may accumulate hazardous waste on site without a permit or interim status provided the generator accumulates hazardous waste on site for no more than 90 days, unless it has been granted an extension to the 90-day period. ADEM Admin. Code r. 335-14-8-.01(1)(c) requires a permit for the "treatment", "storage", and "disposal" of any "hazardous waste" as identified or listed in Chapter 335-14-2.

Seoyon E-HWA stored three 55-gallon drums of hazardous paint waste in the central hazardous waste accumulation area for more than 90-days prior to receiving a permit or being granted an extension. The drums were labeled with accumulation start dates of 10-4-2019, 3-31-2020, and 4-1-2020, respectively.

- (b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)a., a large quantity generator must mark or label its containers with the words "Hazardous Waste" and the EPA hazardous waste number(s).

Seoyon E-HWA failed to mark or label one 55-gallon drum containing hazardous waste located in the central hazardous waste accumulation area with the words "Hazardous Waste" and with the EPA hazardous waste number(s).

- (c) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)c., a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

Seoyon E-HWA failed to mark or label one 55-gallon drum containing hazardous waste located in the central hazardous waste accumulation area with an accumulation start date.

- (d) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10.(ii), unless exempt under 335-14-3-.01(7)(a)10., a sign with the legend, "Danger--Unauthorized Personnel Keep Out", must be posted at each entrance to the central accumulation area in sufficient numbers to be seen from any approach and must be legible from a distance of at least 25 feet.

Seoyon E-HWA failed to post a sign with the legend, "Danger--Unauthorized Personnel Keep Out", at the interior entrance of the central hazardous waste accumulation area.

- (e) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4., a satellite accumulation container holding hazardous waste must be closed at all times during accumulation, except when adding, removing, or consolidating waste.

Seoyon E-HWA failed to keep closed a super sack containing hazardous waste located in the regrind area when not adding, removing, or consolidating waste.

- (f) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5., a generator must mark or label its satellite accumulation containers with the words "Hazardous Waste" and an indication of the hazards of the contents.

Seoyon E-HWA failed to mark or label one super sack containing hazardous waste located in the regrind area with the words "Hazardous Waste" or an indication of the hazards of its contents.

- (g) Pursuant to ADEM Admin. Code r. 335-14-11-.02(6)(a), a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated.

Seoyon E-HWA stored one box of waste fluorescent lamps in the universal waste storage building for more than one year. The box was labeled with accumulation start date of 5-19-2018.

- (h) Pursuant to ADEM Admin. Code r. 335-14-11-.02(4)(d)1., a small quantity handler of universal waste must contain any lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Seoyon E-HWA failed to keep closed one 40-gallon can of waste high-intensity discharge lamps located in the universal waste storage building.

- (i) Pursuant to ADEM Admin. Code r. 335-14-11-.02(5)(e), each lamp or a container or package in which the lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)".

Seoyon E-HWA failed to label or mark one 40-gallon can of waste high-intensity discharge lamps located in the universal waste storage building with any one of the following phrases: "Universal Waste Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)".

- (j) Pursuant to ADEM Admin. Code r. 335-14-11-.02(6)(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Seoyon E-HWA failed to label one 40-gallon can of waste high intensity-discharge lamps located in the universal waste storage building with an accumulation start date.

- (k) Pursuant to ADEM Admin. Code r. 335-14-3-.04(1)(a), a generator must keep a copy of each manifest signed in accordance with 335-14-3-.02(4)(a) for three years or until he receives a signed copy from the designated facility which received the waste.

Seoyon E-HWA failed to provide for review the initial copies of several hazardous waste shipping manifests from August 2019 to October 2019.

- (l) Pursuant to ADEM Admin. Code r. 335-14-3-.04(3)(a)1. and 2., a large quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste. A large quantity generator must submit an Exception Report to the Department if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

Seoyon E-HWA failed to provide for review copies bearing the handwritten signature of the owner or operator of the designated facility of several hazardous waste manifests from August 2019 to October 2019. Seoyon E-HWA failed to submit Exception Reports to the Department for the missing signed hazardous waste manifests from August 2019 to October 2019.

- (m) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v), a large quantity generator of hazardous waste may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 335-14-5 through 335-14-8, provided that they inspect central accumulation areas

weekly. The large quantity generator must record inspections in an inspection log or summary. They must keep these records for at least three years from the date of inspection.

Seoyon E-HWA failed to provide documentation that the facility inspected central accumulation areas weekly. At the time of inspection, several weekly inspection reports were not available for review.

- (n) Pursuant to ADEM Admin. Code r. 335-14-3-.04(2)(a), a generator that is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Department by March 1 of each even numbered year.

Seoyon E-HWA failed to submit the 2020 Biennial Report to the Department.

- (o) Pursuant to ADEM Admin. Code r. 335-14-3-.01(8)(d)1., a large quantity generator must submit a correct and complete ADEM Form 8700-12 (including all appropriate attachment pages and fees) reflecting current waste activities to the Department annually. The Department must receive the ADEM Form 8700-12 (including all appropriate attachment pages and fees) no later than the 15th day of the specified month in the specified month schedule located at 335-14-1-.02(1)(a).

Seoyon E-HWA failed to submit the ADEM Form 8700-12 for 2018, 2019, and 2020.

- (p) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10)(a), a large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., law enforcement agencies, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).

Seoyon E-HWA failed to provide documentation that the facility's contingency plan and all revisions had been sent to all local emergency responders.

- (q) Pursuant to ADEM Admin. Code r. 335-14-3-.02(7)(a), a large quantity generator who initiates a shipment of hazardous waste must certify to the following statements in Item 15 of the uniform hazardous waste manifest: "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment."

Seoyon E-HWA failed to provide documentation that the facility had a waste minimization program.

5. On January 11, 2021, the Department issued a Notice of Violation to Seoyon E-HWA, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. On February 10, 2021, the Department received Seoyon E-HWA's response to the aforementioned Notice of Violation.

7. Pursuant to Ala. Code § 22-22A-5(18), as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department shall not

exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

(a) SERIOUSNESS OF THE VIOLATIONS: In arriving at the civil penalty, the Department considered the general nature and magnitude of the violation(s) along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) THE STANDARD OF CARE: In considering the standard of care manifested by Seoyon E- HWA, the Department noted that the violations described above were non-technical and easily avoidable. Consequently, Seoyon E- HWA has failed to exhibit a standard of care commensurate with the applicable regulatory standards.

(c) ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has determined that there was no significant economic benefit gained by Seoyon E- HWA as a result of the violations referenced herein.

(d) EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There are no known environmental effects to mitigate as a result of the alleged violations.

(e) HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, Seoyon E- HWA has a history of previous violations and the penalty reflects that history.

(f) THE ABILITY TO PAY: Seoyon E- HWA has not alleged an inability to pay the civil penalty.

(g) OTHER FACTORS: It should be noted that this Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty that is warranted in the spirit of cooperation and the desire to resolve this matter amicably without incurring the unwarranted expense of litigation (see Attachment A, which is made a part of the Department's Contentions).

8. The Department neither admits nor denies Seoyon E- HWA's contentions, which are set forth below. The Department has agreed to the terms of this Special Order by Consent in an effort to resolve the alleged violations cited herein without the unwarranted expenditure of State

resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Special Order by Consent are in the best interest of the citizens of Alabama.

FACILITY'S CONTENTIONS

9. Seoyon E- HWA neither admits nor denies the Department's contentions. Seoyon E- HWA consents to abide by the terms of this Special Order by Consent and to pay the civil penalty assessed herein.

10. Seoyon E-HWA agrees with the Department's contentions that there was no significant economic benefit gained by Seoyon E-HWA as a result of these alleged violations, nor are there any known environmental effects to mitigate.

11. Seoyon E-HWA intends to comply with all requirements set forth by the Department. As noted in Seoyon E-HWA's February 10, 2021 response to the Notice of Violation, upon becoming aware of the items identified by the Department during the December 4, 2020 inspection, Seoyon E-HWA began implementing all necessary and appropriate corrective actions. For example, Seoyon E-HWA immediately reviewed its hazardous waste recordkeeping practices and developed a more manageable and better-organized document management system. Seoyon E-HWA is confident this new system will be effective.

12. As a comprehensive means of addressing the Department's concerns, Seoyon E-HWA has engaged a third-party environmental consultant to review current Facility hazardous waste procedures and to assist Seoyon E-HWA with making any needed changes.

ORDER

Therefore, without admitting that it has violated any statutes or regulations, Seoyon E-HWA, along with the Department, desires to resolve and settle the alleged violations cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c. , as amended, as well as the need for timely and effective enforcement and the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and Seoyon E-HWA agree to enter into this Special Order by Consent with the following terms and conditions:

A. Seoyon E- HWA agrees to pay to the Department a civil penalty in the amount of \$16,080 in settlement of the violations alleged herein within forty-five days of the effective date of this Special Order by Consent. Failure to pay the civil penalty within forty-five days from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. Seoyon E- HWA agrees that all penalties due pursuant to this Special Order by Consent shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or other payment methods acceptable to the Department and shall be remitted to:

Office of General Counsel

Alabama Department of Environmental Management

P.O. Box 301463

Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Special Order by Consent shall reference Seoyon E- HWA's name and address, and the ADEM Administrative Order number of this action.

C. Seoyon E- HWA agrees that, independent of this Special Order by Consent, Seoyon E- HWA shall comply with all terms, conditions, and limitations of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

D. The Department and Seoyon E- HWA ("parties") agree that this Special Order by Consent shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Special Order by Consent certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Special Order by Consent, to execute the Special Order by Consent on behalf of the party represented, and to legally bind such party.

E. The parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Special Order by Consent is intended to operate as a full resolution of the alleged violations cited herein.

F. Seoyon E- HWA agrees that it is not relieved from any liability if it fails to comply with any provision of this Special Order by Consent.

G. For purposes of this Special Order by Consent only, Seoyon E- HWA agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The parties agree that the sole purpose of this Special Order by Consent is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Special Order by Consent, then such future violations may be addressed in orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate; Seoyon E- HWA agrees not to object to such future orders, litigation, or enforcement action based on the issuance of this Special Order by Consent if future orders, litigation, or other enforcement action address new matters not raised in this Special Order by Consent.

I. The parties agree that this Special Order by Consent shall be considered final and effective immediately upon signature of all parties. This Special Order by Consent shall not be appealable, and Seoyon E- HWA does hereby waive any hearing on the terms and conditions of this Special Order by Consent.

J. The parties agree that this Special Order by Consent shall not affect Seoyon E-HWA's obligation to comply with any federal, State, or local laws or regulations.

K. The parties agree that final approval and entry into this Special Order by Consent are subject to the requirements that the Department give notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the order.

L. The parties agree that, should any provision of this Special Order by Consent be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. The parties agree that any modifications of this Special Order by Consent must be agreed to in writing signed by both parties.

N. The parties agree that, except as otherwise set forth herein, this Special Order by Consent is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State, or local law, and shall not be construed to waive or relieve Seoyon E-HWA of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

**Seoyon E-HWA Interior Systems Alabama
LLC**

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**



(Signature of Authorized Representative)

Naomi Enisett

(Printed Name)

HR & Safety Manager

(Printed Title)

April 9, 2021

(Date Signed)

Lance R. LeFleur
Director

(Date Executed)

Attachment A
Seoyon E-HWA Interior Systems Alabama LLC
Selma, Dallas County
Facility ID No. ALR000038893

Violation	Number of Violations *	Seriousness of Violation*	Standard of Care*	History of Previous Violation*
Storage of hazardous waste without a permit.	1	\$10,000	\$1,000	\$0
Failure to label containers of hazardous waste with the words "Hazardous Waste" and with the EPA hazardous waste number(s).	1	\$100	\$100	\$100
Failure to mark containers holding hazardous waste with an accumulation start date.	1	\$100	\$100	\$100
Failure to post the required warning signs at each approach to the central hazardous waste accumulation area.	1	\$100	\$100	\$100
Failure to keep closed satellite accumulation containers.	1	\$100	\$100	\$100
Failure to properly label satellite accumulation containers.	1	\$100	\$100	\$100
Storage of universal waste lamps for more than one year.	1	\$1,000	\$100	\$0
Failure to keep closed a container of universal waste lamps.	1	\$100	\$100	\$100
Failure to label or mark a container of universal waste lamps with one of the required phrases.	1	\$100	\$100	\$100
Failure to label a container of universal waste lamps with an accumulation start date.	1	\$100	\$100	\$100
Failure to provide for review signed copies of all hazardous waste manifests.	1	\$500	\$250	\$0
Failure to submit Exception Reports to the Department for missing hazardous waste manifests.	1	\$500	\$250	\$0

Failure to conduct or document weekly inspections of each hazardous waste accumulation area.	1	\$1,000	\$500	\$500	
Failure to submit a Biennial Report to the Department for each even-numbered year.	1	\$200	\$100	\$100	
Failure to submit notification of regulated waste activity (Form 8700-12) each year.	1	\$200	\$100	\$100	
Failure to document that the facility's contingency plan and all revisions had been sent to all local emergency responders.	1	\$500	\$250	\$250	
Failure to provide documentation that the facility had a waste minimization program.	1	\$100	\$100	\$100	Total of Three Factors
TOTAL PER FACTOR		\$14,800	\$3,450	\$1,850	\$20,100

Adjustments to Amount of Initial Penalty

Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	(\$4,020)
Total Adjustments (+/-) Enter at Right	(\$4,020)

Economic Benefit (+)	\$0
Amount of Initial Penalty	\$20,100
Total Adjustments (+/-)	(\$4,020)
FINAL PENALTY	\$16,080

Footnotes

* See the "DEPARTMENT'S CONTENTIONS" portion of the Order for a detailed description of each violation and the penalty factors.