

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Honda Development & Manufacturing of America, LLC
DBA Alabama Auto Plant**

**Lincoln, Talladega County, Alabama
USEPA Identification Number ALR000016261**

Consent Order No. 25-XXX-CHW

PREAMBLE

This Consent Order is made and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and Honda Development & Manufacturing of America, LLC DBA Alabama Auto Plant ("Honda") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, 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. Honda operates a motor vehicle manufacturing facility (the "Facility") with EPA Identification Number ALR000016261, located at 1800 Honda Drive in Lincoln, Talladega County, Alabama. Honda, as a result of its operations at the Facility, was a large quantity generator of hazardous waste; a large quantity handler of universal waste, and a used oil generator, as 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-17, 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 AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

DEPARTMENT'S CONTENTIONS

4. On July 18, 2024, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection ("CEI") of Honda. The CEI and a review of Honda's compliance showed the following:

(a) Honda accumulated hazardous waste in the containment system in the Manual Repair Paint Shop, thereby operating the containment system as a hazardous waste storage tank. As a result, Honda failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(i), a large quantity generator must comply with the applicable requirements of ADEM Admin. Code r. 335-14-6-.29, which incorporates by reference 40 CFR Part 264 Subpart CC [including 40 CFR 264.1084(c)(2)(i), which requires, in part, that the fixed roof of a tank and its closure devices form a continuous barrier over the entire surface area of the hazardous waste in the tank].

Honda failed to provide the containment system with a fixed roof and/or closure devices that form a continuous barrier over the entire surface of the hazardous waste in the tank.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2. referencing ADEM Admin. Code r. 335-14-6-.10(2)(a), and as pertinent to Honda, a large quantity generator must obtain and keep on file at the facility a written assessment reviewed and certified by a professional engineer in accordance with 335-14-8-.02(2)(d) that attests to the tank system's integrity.

Honda failed to keep on file at the facility written assessment reviewed and certified by a professional engineer attesting to the containment system's integrity.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2. Referencing ADEM Admin. Code r. 335-14-6-.10(6)(b)2., a large quantity generator must inspect, at least once

each operating day, aboveground portions of the tank system, if any, to detect corrosion or release of waste.

Honda failed to inspect the containment system at least once each operating day.

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

Honda failed to mark or label the containment system with the words "Hazardous Waste" and with the EPA hazardous waste number(s).

(V) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(ii)(b), a large quantity generator accumulating hazardous waste in tanks must mark or label its tanks with an indication of the hazards of the contents.

Honda failed to mark or label the containment system with an indication of the hazards of the contents.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2., a large quantity generator must comply with the applicable requirements of 335-14-6-.29, which incorporates by reference 40 CFR Part 265 Subpart CC [including 40 CFR 265.1085(b), which requires the owner or operator to control air emissions].

Honda failed to control air emissions from the containment system. Honda accumulated highly volatile organic compounds (VOCs) in the system and allowed them to evaporate.

(c) Honda did not properly manage satellite accumulation containers of hazardous waste. As a result, Honda failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5.(i), a generator must mark or label its satellite accumulation containers with the words "Hazardous Waste".

Honda failed to mark or label multiple satellite accumulation containers of hazardous waste with the words "Hazardous Waste".

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

Honda failed to keep closed multiple satellite accumulation containers of hazardous waste. Waste was not being added to the containers, removed from the containers, or consolidated.

(d) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)d., a large quantity generator must mark or label its containers with all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.

Honda failed to mark or label hazardous waste containers in the central hazardous waste accumulation area with the appropriate EPA hazardous waste number(s).

(e) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(i)a., facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the -job training that teaches them to perform their duties in a way that ensures compliance with 335-14-3. The large quantity generator must ensure that this program includes all the elements described in the document required under 335-14-3-.01(7)(a)7.(iv).

Honda failed to provide for review documentation that the required training had been provided to employees that manage hazardous waste.

(f) Honda did not properly manage containers of used oil. As a result, Honda failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(a)1., a container holding used oil must always be closed during storage, except when it is necessary to add or remove used oil.

Honda failed to keep closed multiple containers of used oil. Used oil was not being added to the containers or removed from the containers.

(II) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

Honda failed to label multiple containers of used oil with the words "Used Oil".

(g) Pursuant to ADEM Admin. Code r. 335-14-11-.03(6)(c), a large quantity handler of 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.

Honda failed to mark containers of universal waste aerosol cans with an accumulation start date. Honda was unable to demonstrate the length of time that the universal waste aerosol cans had been accumulated.

5. On November 21, 2024, the Department issued a Notice of Violation to Honda, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. 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 VIOLATION(S):** In determining the seriousness of the violations, the Department considered the general nature and magnitude of the violations along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) STANDARD OF CARE: In considering the standard of care manifested by Honda, the Department noted that the violations described above were non-technical and easily avoidable. Consequently, Honda 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 no significant economic benefit was gained by Honda as a result of the violation(s) referenced herein.

(d) EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION(S) 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, Honda does not have a history of similar violations.

(f) ABILITY TO PAY: The Department does not have any evidence indicating that Honda is unable to pay the civil penalty.

7. The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, and has concluded that the civil penalty is appropriate for the violations cited in this Order (see Attachment A, which is made a part of the Department's Contentions).

8. The Department neither admits nor denies Honda's Contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violation(s) cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violation(s). The Department has determined that the terms contemplated in this Consent Order are in the best interest of the citizens of Alabama.

HONDA'S CONTENTIONS

9. Honda neither admits nor denies each and every one of the Department's Contentions, which are set forth above.

10. Honda contends that with respect to the Department's Contentions contained in

paragraphs 4(a) – 4(b), the findings were based on the observation of the isolated activity of a single Honda associate that is inconsistent with the manner in which Honda manages its processes and procedures concerning paint constituting hazardous waste. Further, Honda contends that the classification of the Manual Repair Paint Booth as a hazardous waste storage tank is misapplied. The Manual Repair Paint Booth is a downdraft paint spray booth with a dry paint overspray collection system that is located below the booth grates. The purpose of the dry pan in the paint overspray system is to direct the paint overspray to paint particulate filters, followed by removal through an air emission stack. The dry under booth pan also provides emergency containment for any leaks from paint and purge solvent lines that could occur. Under normal operating conditions, no liquid collects in the dry pan. Therefore, the dry pan located in the paint system under booth should not be classified as a tank.

11. Honda contends that with respect to the Department's Contentions contained in paragraph 4(e) that at the time of the inspection, Honda's records system was experiencing technical difficulties, and Honda's training records were inaccessible at the time on demand; however, such records were provided to the Department electronically on July 26, 2024, August 2, 2024, and March 12, 2025.

12. Honda consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

ORDER

Therefore, without admitting that it has violated any statutes or regulations, Honda, along with the Department, desires to resolve and settle the alleged violation(s) 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. The Department believes that the following conditions are appropriate to address the violation(s) alleged herein. Therefore, the Department and Honda agree to enter into this Consent Order with the following terms and conditions:

A. Honda agrees to pay to the Department a civil penalty in the amount of \$9,550 in settlement of the violation(s) alleged herein within forty-five (45) days of the effective date of this Consent Order. Failure to pay the civil penalty within forty-five (45) 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. Honda agrees that all penalties due pursuant to this Consent Order 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 Consent Order shall reference Honda's name and address, and the ADEM Consent Order Number of this action.

C. Honda agrees to comply with all terms, conditions, and limitations of the AHWMMMA and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and Honda ("Parties") agree that this Consent Order shall apply to and be binding upon both parties, and both parties shall direct their directors, officers, and employees implementing this Consent Order to comply with its provisions. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order 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 Consent Order is intended to operate as a full resolution of the alleged violations cited herein.

F. Honda agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, Honda 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 Consent Order 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 Consent Order, 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 actions as may be appropriate. Honda agrees not to object to such future orders, litigation, or enforcement actions based on the issuance of this Consent Order if future orders, litigation, or other enforcement actions address new matters not raised in this Consent Order.

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

J. The Parties agree that this Consent Order shall not affect Honda's obligation to comply with any federal, State, or local laws or regulations.

K. The Parties agree that final approval and entry into this Consent Order 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 Consent Order 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 Consent Order must be agreed to in writing signed by both parties.

N. The Parties agree that, except as otherwise set forth herein, this Consent Order 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 Honda of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

HONDA DEVELOPMENT AND
MANUFACTURING OF AMERICA, LLC

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT


(Signature of Authorized Representative)

Lamar Whitaker
(Printed Name)

AAP Plant Lead
(Printed Title)

4/3/2025
(Date Signed)

Lance R. LeFleur
Director

(Date Executed)

Attachment A

Honda Development & Manufacturing of America, LLC DBA Alabama Auto Plant
Lincoln, Talladega County
Facility ID No. ALR000016261

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
(a) Failure to comply with hazardous waste storage tank requirements	5	\$5,000	\$500	\$0	
(b) Failure to control air emissions	1	\$2,500	\$500	\$0	
(c) Failure to properly manage satellite accumulation containers	2	\$200	\$100	\$0	
(d) Failure to properly label containers of hazardous waste	1	\$100	\$50	\$0	
(e) Failure to document training provided to employees that manage hazardous waste	1	\$100	\$50	\$0	
(f) Failure to properly manage containers of used oil	2	\$200	\$100	\$0	
(g) Failure to demonstrate the length of time universal waste has been accumulated	1	\$100	\$50	\$0	Total of Three Factors
TOTAL PER FACTOR		\$8,200	\$1,350	\$0	\$9,550

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$9,550
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	\$0
Ability to Pay (-)	\$0	FINAL PENALTY	\$9,550
Other Factors (+/-)	\$0		

Footnotes

* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.