

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Gerhardi, Inc.  
Montgomery, Montgomery County, Alabama  
USEPA ID Number ALR000062794**

ORDER NO. 26-XXX-HW

**FINDINGS**

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, the Alabama Department of Environmental Management (“ADEM” or the “Department”) makes the following FINDINGS:

1. Gerhardi, Inc. (“Gerhardi”) operates an automotive part manufacturing facility (the “facility”) with EPA Identification Number ALR000062794, located at 855 Industrial Park Boulevard in Montgomery, Montgomery County, Alabama. Gerhardi, as a result of its operations at the facility, was a large quantity generator of hazardous waste, 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.

4. On January 28, 2025, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection ("CEI") of Gerhardi. The CEI and a review of Gerhardi's compliance showed the following:

(a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(2), a facility who generates a solid waste, as defined in 335-14-2-.01(2), must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable AHWMMMA regulations.

Gerhardi failed to make a waste determination on the following containers:

- Three 250-gallon totes of unidentified waste located in the electroplating line area, and
- Twelve 250-gallon totes of unidentified waste located in the electroplating area's outside storage area.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)8.(i)a., a large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, must notify the Department in writing no less than 30 days prior to the expected date of beginning closure.

Gerhardi ceased operating the area located between the wastewater treatment system and the electroplating area's loading dock as a hazardous waste central accumulation area and failed to submit the appropriate notification to the Department in writing no less than 30 days before this action.

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.01(8)(c)., a generator must not offer their hazardous waste to transporters that have not received an EPA identification number and an Alabama Hazardous Waste Transport Permit or to treatment, storage, or disposal facilities that have not received an EPA identification number and an Alabama Hazardous Waste Facility Permit or interim status pursuant to 335-14-8-.07 (or, in the case of out-of-state facilities, a permit valid in the receiving state).

Gerhardi offered hazardous waste to MS US Inc. for transport to EQ Detroit in Detroit, Michigan. At the time Gerhadi offered their hazardous waste for transport, MS US Inc. did not have an EPA identification number and an Alabama Hazardous Waste Transport Permit. A hazardous waste manifest (manifest tracking number 019904322) detailing this shipment was signed by Gerhardi on August 29, 2024.

(d) 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.

Gerhardi stored hazardous waste in the secondary containment pit located between the electroplating line and the wastewater treatment system for more than 90 days without a permit or being granted an extension.

(e) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2., if hazardous waste is placed in tanks, the large quantity generator must comply with the applicable requirements of 335-14-6-.10, except 335-14-6-.10(8)(e) and 335-14-6-.10(11), as well as the applicable requirements of 335-14-6-.27, .28, and .29.

Gerhardi stored hazardous waste in the secondary containment pit located between the electroplating line and the wastewater treatment system for more than 90 days, thereby creating a hazardous waste tank. Gerhardi failed to comply with the applicable requirements ADEM Admin. Code r. 335-14-6-.10.

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

(I) 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.

Gerhardi failed to keep closed the following satellite accumulation containers:

- One cubic yard box and one 55-gallon drum of solidified hazardous waste located at the electroplating area's wastewater treatment system, and
- One cubic yard box of solidified hazardous waste located in the electroplating area's storage room.

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

Gerhardi failed to mark or label the following satellite accumulation containers with the words "Hazardous Waste" and with an indication of the hazards of the contents:

- One cubic yard box and one 55-gallon drum of solidified hazardous waste located at the electroplating area's wastewater treatment system, and
- One cubic yard box of solidified hazardous waste located in the electroplating area's storage room.

(g) Gerhardi did not maintain required documentation at the facility. As a result, Gerhardi failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v), a large quantity generator must inspect central accumulation areas weekly. The large quantity generator must record inspections in an inspection log or summary. These records must be kept for at least three years from the date of inspection.

Gerhardi failed to provide for review documentation that the facility inspected the hazardous waste accumulation area weekly.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(iii), facility personnel must take part in an annual review of the initial hazardous waste training required in 335-14-3.01(7)(a)7.(i).

Gerhardi failed to provide for review documentation that facility personnel who manage hazardous waste had completed an annual review of the initial hazardous waste training.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(iv)b., a large quantity generator must maintain a written job description for each position related to hazardous waste management. This description must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

Gerhardi failed to provide for review documentation of all job descriptions related to hazardous waste management.

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.01(8)(d)l., 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.

Gerhardi failed to submit an ADEM Form 8700-12 to the Department annually. Gerhardi last submitted ADEM Form 8700-12 to the Department in August of 2020.

(V) 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 they receive a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

Gerhardi failed to provide for review copies of its hazardous waste manifests.

(VI) Pursuant to ADEM Admin. Code r. 335-14-3-.04(2)(a), a large quantity 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.

Gerhardt failed to submit Biennial Reports to the Department in 2020, 2022, and 2024.

(VII) Pursuant to ADEM Admin. Code r. 335-14-3-.14(9)(e), a large quantity generator's contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Gerhardi failed to include a list of all emergency equipment, the equipment's location, and a physical description of the equipment in its contingency plan.

(VIII) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10), the 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) and must submit a quick reference guide of the contingency plan to the local emergency responders or, as appropriate, the Local Emergency Planning Committee.

Gerhardi failed to provide for review documentation that the facility's contingency plan had been sent to all local emergency responders. Furthermore, Gerhardi failed to provide for review documentation that a quick reference guide of the contingency plan had been submitted to the local emergency responders or, as appropriate, the Local Emergency Planning Committee.

5. On April 29, 2025, the Department issued a Notice of Violation to Gerhardi, which cited the above violation(s) of the hazardous waste regulations.

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 the civil penalty assessed in this Order, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATION(S):** In determining the seriousness of the violation(s), 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) **STANDARD OF CARE:** In considering the standard of care manifested by Gerhardi, the Department noted that the violation(s) described above were non-technical and easily avoidable. Consequently, Gerhardi 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 Gerhardi as a result of the violation(s) described above.

(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 violation(s) described above.

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, Gerhardi does not have a history of similar violations.

(f) **ABILITY TO PAY:** The Department does not have any evidence indicating that Gerhardi 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 Findings).

### **ORDER**

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§ 22-22A-5(10), 22-22A-5(18), 22-30-20, and 22-30-19(a) and (b), as amended, it is hereby ORDERED:

A. That, within forty-five days of the receipt of this Order, Gerhardi shall pay to the Department a civil penalty in the amount of \$18,550 for the violation(s) cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment 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 Order shall reference Gerhardi's name and address and the ADEM Administrative Order number of this action.

B. That Gerhardi shall comply with all terms, conditions, and limitations of the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

C. That, should any provision of this 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.

D. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Gerhardi for the violation(s) cited herein.

E. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against Gerhardi for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.



ORDERED and ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Edward Poolos  
Director

## Attachment A

Gerhardi, Inc.  
Montgomery, Montgomery County  
Facility ID No. ALR000062794

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
(a) Failure to perform waste determinations on all wastes generated at the facility	1	\$2,500	\$250	\$0	
(b) Failure to notify the Department within 30 days of closing a hazardous waste accumulation area	1	\$1,000	\$100	\$0	
(c) Offering hazardous waste to a transporter that does not have an EPA identification number and an Alabama Hazardous Waste Transport Permit	1	\$1,000	\$100	\$0	
(d) Storage of hazardous waste for greater than 90 days without a permit	1	\$10,000	\$1,000	\$0	
(e) Failure to comply with hazardous waste tank requirements	1	\$1,000	\$100	\$0	
(f) Failure to comply with satellite accumulation container requirements	2	\$200	\$100	\$0	
(g) Failure to comply with recordkeeping requirements	8	\$800	\$400	\$0	<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		\$16,500	\$2,050	\$0	\$18,550

### Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$18,550
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	\$0
Ability to Pay (-)	\$0	<b>FINAL PENALTY</b>	\$18,550
Other Factors (+/-)	\$0		

### Footnotes

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