

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Chemical Waste Management, Inc.  
Emelle, Sumter County, Alabama  
USEPA Identification Number ALD000622464**

Consent Order No. 26-XXX-CHW

**PREAMBLE**

This Consent Order is made and entered into by the Alabama Department of Environmental Management (“the Department” or “ADEM”) and Chemical Waste Management, Inc. (“CWM”) 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. CWM operates a commercial hazardous waste treatment, storage, and disposal Facility under AHWMMA Hazardous Waste Facility Permit Number ALD000622464 (“Facility Permit”), located at 36964 Alabama Highway 17 North in Emelle, Sumter County, Alabama. CWM, as a result of its operations at the Facility, was a hazardous waste treatment, storage, and disposal facility and a large quantity generator of hazardous 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-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 AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

#### **DEPARTMENT'S CONTENTIONS**

4. Between June 24 and June 26, 2025, the Department conducted a compliance evaluation inspection ("CEI") of CWM. The CEI and a review of CWM's compliance showed the following:

(a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(2), a person 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.

CWM failed to make waste determinations on the contents of two tanks located in Unit 2000 and on leachate-contaminated personal protective equipment observed in the general trash in Unit 2001.

(b) Pursuant to Permit Condition III.C.1., the Permittee shall maintain and operate the container storage area in accordance with the procedures specified in Section D-1-1a of the Permit Application. Section D-1-1a(9) of the Permit Application states, in part, that any spills or leaks of waste onto the floor of units that do not drain to the floor sumps will be removed in a timely manner and managed as required by 40 CFR 264.175(b)(5) and ADEM Administrative Code Rule 335-14-5-.09(6)(b)5. ADEM Admin. Code r. 335-14-5-.09(6)(b)5. states, in part, that spilled or leaked waste must be removed from the sump or collection area in a timely manner not to exceed 24 hours after detection.

CWM failed to remove spilled hazardous waste from the floor of Unit 2200 within 24 hours after detection. The remedial work order (RWO) for this incident, RWO-5824, was created on April 9, 2025, and was not completed until April 11, 2025.

(c) Pursuant to Permit Condition III.E., if a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, upon discovery the Permittee shall immediately transfer the hazardous waste from such container

to a container that is in good condition or otherwise manage the waste in compliance with the conditions of ADEM Admin. Code Rule 335-14-5-.09(2).

CWM failed to immediately transfer the contents from one container of hazardous waste that was leaking into a new container that was in good condition in Unit 2200. The RWO for this incident, RWO-5728, was created on May 8, 2025, and was not completed until May 14, 2025.

(d) Pursuant to Permit Condition III.G.1., the Permittee shall manage containers as required by ADEM Admin. Code Rule 335-14-5-.09(4) and Section D-1-1 of the permit application. Section D-1-1a(7) of the permit application states, in part, that containers outside of the limits of a regulated waste storage or treatment unit at the Facility are only opened for inspection or sampling or, in the case of a leaking container, for the transfer of the waste to a suitable container.

CWM failed to keep closed one container of hazardous waste on Flatbed 18 (located outside of Building 700). Waste in the container was not being sampled, inspected, or transferred to a new container.

(e) Pursuant to Permit Condition III.G.6., an appropriate hazardous waste label will be affixed to each container, as specified in Section D-1 of the permit application. The label will include, at a minimum, the date the container was received (or other information that provides a clear indication of the beginning date of the staging period for the container) and all appropriate EPA hazardous waste numbers associated with the hazardous waste in the container as specified in ADEM Admin. Code Rules 335-14-2-.03 and 335-14-2-.04 (or other information that provides a clear indication of the type(s) of hazardous waste in the container and the hazard(s) associated with that waste).

CWM failed to affix legible required hazardous waste label to multiple mercury kegs located in Unit 603.

(f) Pursuant to Permit Condition IV.C.2., the Permittee shall maintain and operate the tank storage areas in accordance with the procedures specified in Section D-2-3 of the Permit Application and in ADEM Admin. Code Rule 335-14-5-.10. Section D-2-3c of the Permit

Application states that the facility shall have practices and procedures in place to prevent the over-fill of tanks, prevent the overflow of secondary containment systems, prevent accidental spills outside of the secondary containment system, and minimize spills within the secondary containment system. These include, but may not be limited to, monitoring of the engineering controls used to prevent tank over-filling and maintenance of the tank level sensing devices and interlocks to ensure they remain in proper working order.

CWM failed to monitor and maintain tank level sensing devices. Tank level indication alarms (high level beacons) for tanks in Unit 1700 and Unit 1703 were not functioning.

(g) Pursuant to Permit Condition XI.B.1.a.i., all groundwater monitoring wells shall be maintained in accordance with the plans and specifications presented in Section E, Appendix E-5 (Eutaw wells) and Appendix E-9 (Selma Chalk wells) of the Permit Application and/or CMI Plan and in accordance with ADEM Admin. Code Rule 335-14-5-.06. ADEM Admin. Code r. 335-14-5-.06(8)(c) states, in part, that monitoring wells must be operated and maintained in a manner to prevent soil, surface water, and/or groundwater contamination. This requirement includes the installation of protective barriers around monitoring wells where necessary to prevent damage to the well from traffic or other causes or as required on a case-by-case basis by the Department. All monitoring wells must have functional key or combination locks on the wellhead covers to prevent unauthorized access. All monitoring wells must be assigned an identifying number by the facility, and such numbers must be permanently affixed to the outer casing of each monitoring well.

CWM failed to properly maintain groundwater monitoring wells to prevent soil, surface water, and/or groundwater contamination. The well pad of groundwater monitoring well SM-16A was cracked/damaged. Groundwater monitoring wells CMI-1, CMI-3, SM-09A, and SM-14A were obscured from view by heavy vegetation.

(h) Pursuant to ADEM Admin. Code r. 335-14-5-.03(2)., facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.

CWM failed to maintain and operate Unit 1200A to minimize the possibility of a release of hazardous waste or hazardous waste constituents to the environment. One personnel door located at the rear of Unit 1200A was damaged and could not make a complete seal while CWM personnel were actively stabilizing hazardous waste in the building.

5. On July 11, 2024, CWM submitted a written notification to the Department that it had exceeded the 90-day storage limit for twelve tanks located in Unit 2000. At the time of the CEI, hazardous waste was still being stored in eleven of those tanks. As a result, CWM failed to comply with the following requirements:

(a) Pursuant to Permit Condition IV.A., the Permittee may operate the units and processes described in Table IV.1. or Table IV.2. of this permit, subject to the terms of this permit. Operation of any process or unit not listed in Table IV.1. or Table IV.2. of this permit, operation of any process in a unit or area other than that for which the process is listed, or exceedance of any capacity listed therein, for the treatment, storage, or disposal of hazardous waste is prohibited.

CWM stored hazardous waste in a unit other than those described in Table IV.1. and Table IV.2. CWM managed hazardous waste in eleven tanks located in Unit 2000, which were not included in CWM's Facility Permit.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a), as pertinent to CWM, 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.

On July 11, 2024, CWM submitted written notification to the Department that it exceeded the 90-day storage limit for hazardous waste in twelve tanks located in Unit 2000. That same hazardous waste was still present in eleven of those tanks as of June 25, 2025. CWM did not have a permit for this storage, nor did it receive an extension for the accumulation time limit from the Department.

(c) 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.

CWM failed to comply with the tank management standards of 335-14-6-.10 (and 335-14-6-.27, .28, and .29, as applicable) for eleven tanks located in Unit 2000. These tanks contained hazardous waste but were not managed as hazardous waste storage tanks.

(d) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2. referencing ADEM Admin. Code r. 335-14-6-.10(4)(c)4., spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

CWM failed to timely remove spilled or leaked waste and accumulated precipitation from the floor around eleven tanks located in Unit 2000. Accumulated liquids were observed on the floor around the tanks and there had been no rain in the area for at least a day.

(e) 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 all appropriate EPA hazardous waste numbers associated with the waste as specified in 335-14-2-.03 and 335-14-2-.04.

CWM failed to properly label eleven tanks located in Unit 2000. The tanks were not labeled with the appropriate EPA hazardous waste numbers.

6. On October 30, 2025, the Department issued a Notice of Violation to CWM, which cited the abovementioned violation(s).

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 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 CWM, the Department noted that the violation(s) described above were non-technical and easily avoidable. Consequently, CWM 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 CWM 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, CWM has a history of similar violations at the Facility and the penalty reflects that history.

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

(g) **OTHER FACTORS:** It should be noted that this Consent Order 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 CWM'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.

### **CWM'S CONTENTIONS**

9. In response to certain of the Department's contentions, CWM states that it did not violate the applicable regulations or the Facility Permit. Specifically, notwithstanding the Department's contentions to the contrary:

(a) The material in the tanks in Unit 2000 described in Item 4(a) was not a waste material. Rather, the material is used to treat other wastes as part of treatment operations. Therefore, no waste determination was required.

(b) The material that was cleaned up by CWM in Unit 2200 described in Item 4(b) was not a hazardous waste. Rather, it was water condensation which was timely cleaned up by CWM within two days of its detection.

(c) The mercury kegs located in Unit 603 described in Item 4(e) all contained labels with the required information regarding the wastes. Nevertheless, in an abundance of caution, CWM replaced all existing labels with brand new labels.

(d) All tank level sensing devices for tanks in Unit 1700 and Unit 1703 described in Item 4(f) were working correctly at the time of ADEM's inspection. Only the back up (i.e., redundant) high level beacons for the aforementioned tanks had malfunctioned due to a lighting strike the day immediately before the Department's inspection. Further, the back-up high level beacons were repaired shortly after the inspection.

10. In response to the Department's contentions regarding the wastes in Unit 2000 (Items 5(a) – 5(e)), CWM states that the wastes in Unit 2000 (the former leachate treatment

building), were stored there during the transition by CWM to the facility's new leachate treatment plant. After CWM self-reported the delay in removing wastes from Unit 2000 in July 2024, CWM worked to identify the appropriate reagents to treat the waste for disposal in the landfill (offsite disposal was not practical due to the continuing incinerator backlog). Identifying the correct reagent was an iterative process that took time due to the lengthy periods between selection of a potential reagent, application of that reagent to a sample of the waste, and third-party laboratory analysis. An appropriate reagent was identified in August 2025, and a contractor was selected for the waste removal process shortly thereafter. By December 2025, all waste was removed and properly disposed of in the landfill. No waste remains in Unit 2000. CWM further notes that prior to removal, the material was safely stored in the tanks within Building 2000 (which itself has secondary containment with floor coating).

11. In response to the remaining Department's contentions, CWM states that the items identified as alleged violations were either corrected at the time of the inspection or as soon as possible thereafter.

12. CWM further states that none of the items described in this Consent Order resulted in a threat to human health or a release to the environment.

13. CWM neither admits nor denies the Department's Contentions. CWM consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein. Nothing contained in this Consent Order, nor any action taken in furtherance of this Consent Order, shall constitute or be deemed or construed at any time for any purpose by any party (including without limitation third parties who might bring claims in any legal, administrative, or other proceeding) as an admission of liability by CWM.

### **ORDER**

Therefore, without admitting that it has violated any statutes or regulations, CWM, 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 CWM agree to enter into this Consent Order with the following terms and conditions:

A. CWM agrees to pay to the Department a civil penalty in the amount of \$60,640 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. CWM 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 CWM's name and address, and the ADEM Consent Order Number of this action.

C. CWM agrees to comply with all applicable terms, conditions, and limitations of the Facility Permit, the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and CWM ("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 violation(s) cited herein.

F. CWM 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, CWM 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. CWM 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 CWM 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 CWM'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 CWM of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

CHEMICAL WASTE MANAGEMENT, INC.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



(Signature of Authorized Representative)

BRYAN CAMPBELL

(Printed Name)

Sr. District Mgr

(Printed Title)

4-8-2026

(Date Signed)

Edward Poolos  
Director

(Date Executed)

**Attachment A**

Chemical Waste Management, Inc.  
Emelle, Sumter County  
Facility ID No. ALD000622464

<b>Violation</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violation*</b>
4.(a) Failure to make proper waste determinations	1	\$3,500	\$350	\$0
4.(b) Failure to remove spills of hazardous waste from container storage area floors in a timely manner	1	\$1,500	\$750	\$750
4.(c) Failure to transfer waste from damaged containers to containers that are in good condition	1	\$3,500	\$350	\$350
4.(d) Failure to keep containers of hazardous waste closed	1	\$500	\$250	\$250
4.(e) Failure to affix identifying labels to containers of hazardous waste	1	\$500	\$500	\$500
4.(f) Failure to keep tank level sensing devices in working condition	1	\$3,500	\$350	\$350
4.(g) Failure to properly maintain groundwater monitoring wells	1	\$300	\$150	\$150
4.(h) Failure to minimize the possibility of releases of hazardous waste to the environment	1	\$10,000	\$1,000	\$1,000
5.(a) Storage of hazardous waste in an unpermitted area	1	\$15,000	\$1,500	\$1,500
5.(b) Storage of hazardous waste for greater than 90 days without a permit	1	\$15,000	\$1,500	\$1,500

5.(c) Failure to comply with hazardous waste storage tank requirements applicable to large quantity generators of hazardous waste	1	\$5,000	\$500	\$500	
5.(d) Failure to clean up spills of hazardous waste in a timely manner	1	\$1,500	\$750	\$750	
5.(e) Failure to label hazardous waste storage tanks	1	\$300	\$150	\$0	<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		\$60,100	\$8,100	\$7,600	\$75,800

**Adjustments to Amount of Initial Penalty**

Economic Benefit (+)	\$0
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	-\$15,160

Amount of Initial Penalty	\$75,800
Total Adjustments (+/-)	-\$15,160
<b>FINAL PENALTY</b>	\$60,640

**Footnotes**

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