UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 16 2015

VIA ELECTRONIC MAIL

Phillip D. Davis
Chief, Land Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

SUBJ: Alabama ERP Conference Call – October 2015
Hazardous Waste Enforcement and Compliance Branch

Dear Mr. Davis:

Thank you for having your staff available to discuss the secondary violations (SV) and significant non-complier (SNC) cases currently being managed by the Alabama Department of Environmental Management (ADEM)'s Governmental Hazardous Waste Branch (GHWB) and Industrial Hazardous Waste Branch (IHWB). A conference call, with Paula A. Whiting, of my staff, the GHWB and the IHWB was held on October 1, 2015, to discuss ongoing compliance and enforcement cases, which were reviewed with respect to the 2003 Hazardous Waste Civil Enforcement Response Policy (ERP).

Case specific information was provided to the EPA by GHWB and IHWB regarding the circumstances surrounding the SNC facilities exceeding the 360-day ERP timeframe. A detailed synopsis is included in the Enforcement Conference Call summary, and these facilities are marked with an asterisk.

The complete GHWB and IHWB Conference Call Summaries are included for your reference. The next State compliance and enforcement call is scheduled for December 2015, to discuss compliance and enforcement efforts in Alabama. Thank you for your continued commitment to the RCRA Enforcement and Compliance Program. If you have questions, please feel free to call me at (404) 562-9744, or have your staff call Paula Whiting at (404) 562-9277. Your cooperation is sincerely appreciated.

Sincerely,

Larry L. Lamberth
Acting Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

cc: Stephen Cobb, ADEM (via electronic mail)
Vernon Crockett, ADEM (via electronic mail)

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Clethes Stallworth, ADEM (via electronic mail)
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ENFORCEMENT CONFIDENTIAL - IHWB CONFERENCE CALL

Asterisk (*) = Facilities that exceeded the ERP time line of 360 days.

LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
ADEM	**Allworth, LLC**	ALD094476793	06/05/14	• 09/29/14 – (SNC<360) A proposed formal enforcement action recommendation has been submitted to upper management for their consideration. • 02/05/15 - (SNC<360) - Notice of Intent was issued on 11/17/2014. A Consent Order with a $14,500 civil penalty is awaiting the Director's approval/signature for finalization. • 07/30/15 - (SNC<360) – On 02/10/2015 the Department and Allworth, LLC entered into Consent Order No 15-035-CHW to address violations noted during the 06/05/2014 CEI. On 04/08/2015- ADEM and EPA personnel conducted a follow-up CEI. Potential violations were noted. An appropriate enforcement action will be developed to address any violations. A proposed consent order (equivalent to a Section 3008(a) Compliance Order) with a $6,720 monetary penalty with be placed on public notice on Wednesday, August 12, 2015. The comment period will end at the close of business 30 days from the publication date of the notice. • **10/01/15 – The Consent Order was executed on 09/15/15. Facility demonstrated that it is in full physical compliance. Case Closed.**
ADEM	**BASF Alabama Distribution Center**	ALR000001131	08/25/15	• **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department on 09/01/15.**
	BASF Corp	ALD001221902	06/02/15	• **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department on 06/22/15.**
ADEM	**CAMMCO, Inc.**	AL0000998013	04/21/14	• 09/29/14 - Oral arguments will be heard on Thursday, October 2, 2014, at the Cleburne County Courthouse in Heflin, AL in the Matter of *AL Dept of Environmental Management v. CAMMCO, Inc.* (Case No. CV-2007-000063.00). • 02/05/15 - On October 2, 2014, representatives of CAMMCO appeared at a hearing before the Circuit Court of Cleburne, AL to show cause as to why they should not be held in contempt of the Court's prior order of November 18, 2011. Mr. Jerome Campbell advised the Court that the commencement of removal of the wire fluff from the property was imminent. Based on that assertion, this Court was going to reset the

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LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
				hearing on the Motion to Show Cause. A proposed order to reset the hearing was submitted by the Department on October 10, 2014, but it has not been reset at this time. The Court specifically instructed the representatives of CAMMCO to keep the Department, advised of the status of commencement of removal of the wire fluff. To date, the Department has not been informed about any removal activities at the defunct CAMMCO Facility near Hollis Crossroads, Cleburne County. • 07/30/15- The Department is not aware of any waste removal activities at the defunct CAMMCO facility nor have the owner(s) of the CAMMCO site notified the Department of any pending remedial actions. • **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department. ADEM's enforcement case is closed, and the facility is currently being handled in the Alabama judicial system.**
ADEM	**Chemical Waste Management**	ALD000622464	05/22/15	• **10/01/15 - A Proposed Consent Order (w/$18,000 monetary penalty assessed) was placed on public notice on 09/3/15. It is scheduled to come off of public notice on 10/5/15.**
ADEM	**Colormasters Inc.**	ALR000051458	04/21/14	• 07/24/14 – (SV<240) On 04/21/14, a review of the Department records ("NRR") revealed that the facility had failed to submit a hazardous waste report to the Department. On 06/16/14, the Department issued to the facility a warning letter, citing the facility for failure to submit the 2013 Biennial Report to the Department. On 07/23/14, to date, the Department has yet to receive the facility's response. • 09/29/14 - (SV<240) As of 07/16/14, the Department determined the open status of violation will be closed out pending on-Facility inspection in FY2015. The violation was returned to compliance on 04/21/14. • 02/05/15 - A comprehensive evaluation inspection to evaluate compliance with the AHWMMA and the hazardous waste regulations is planned for March 2015. • 07/30/15 - Due to personnel changes, the compliance inspection to evaluate the facility's compliance with the hazardous waste program regulations has been rescheduled for late August 2015. • **10/01/15 - On 09/16/15, a representative of the Department conducted a compliance evaluation inspection of Colormasters'**

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LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
				Mediock Road Plant. To date, a final compliance determination and initial enforcement decision regarding the findings of the 09/16/15 inspection have not been made.
ADEM	**Custom Industrial Fabricating**	ALR000057265	07/07/14	• 09/29/14 - A proposed formal enforcement action recommendation has been submitted to top-level managers for their consideration. • 02/05/15 - Notice of Intent was issued on 09/25/14. A Proposed Consent Order was placed on public notice on 01/30/15 for 30 days. • 07/30/15 - On 03/06/2015 the Department and Custom Industrial Fabricating entered into Consent Order No 15-047-CHW (with a final monetary penalty of $40,000) to address violations noted during the 07/07/2014 CEI. Site attempting to determine whether it has achieved the required cleanup levels to satisfy the conditions of the Consent Order No 15-047-CHW. • **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department. A Notice of No Further Action was drafted. Case Closed.**
EPA	**Delta Automotive Inc.**	ALD982123127	02/25/04	• 02/05/15 - A formal written request to the EPA from ADEM to proceed with enforcement was made on 03/02/10. The EPA has accepted the enforcement lead at this Facility. No action on the part of ADEM is required at this time. • 07/30/15 – No Change. • **10/01/15 – No Change.**
ADEM	**Federal Mogul Sealing Systems**	ALD063679567	08/20/15	• **10/01/15 – (SV<240) A Warning Letter was issued to the facility on 09/04/15; a response is due 10/04/15. The only unresolved areas of noncompliance are failure to properly mark or label hazardous waste containers and failure to update RCRA contingency plan.**
ADEM	**Giant Resource Recovery-Attalla, Inc.**	ALD070513767	1/27/2015	• 07/30/15 – Potential formal enforcement action recommendation under construction, no penalty has been assessed yet. Permit modification to be determined. • **10/01/15 – (SNC >360) A proposed Administrative (Unilateral) Order was forwarded to middle management for review on 09/28/15.**
ADEM	**Florida Gas Transmission Company Station 11**	ALD983167024	08/06/15	• **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department on 08/17/15. Case Closed.**

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ENFORCEMENT CONFIDENTIAL - IHWB CONFERENCE CALL

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LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
ADEM	**Henry Marine Service, Inc.**	ALR000059063	08/04/15	• **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department on 08/06/15. Case Closed.**
ADEM	**Honda Manufacturing of Alabama LLC**	ALR000016261	08/18/15	• **10/01/15 – (SV<240) An onsite Noncompliance Warning was issued to the facility on 80/18/15. On 09/29/15, a representative of the Department called the facility contact to inform him that the facility's response to the Department's warning was overdue; the facility contact said he would submit it immediately. As of today (09/30/15), the Department has not received a response to its warning.**
ADEM	**Mayco Manufacturing, LLC**	ALR000012005	1/12/2015	• 07/30/15 – On 07/10/15 a Letter of Intent to initiate Enforcement Action was issued. The facility has not accepted delivery of letter to date. The Department intends to hand delivery the letter to the facility. A penalty will be drafted. On August 3, 2015, the Department received from Mayco Manufacturing an email message acknowledging receipt of the Department's proposed unilateral or initial order. At the request of the facility an informal settlement conference with be scheduled for some time between August 26 and 28, 2015, inclusive. • **10/01/15 - A Proposed Consent Order (w/a monetary penalty assessed) was sent to the facility for a final review and signature/approval before being placed on public notice.**
ADEM	**MS-2 LLC**	ALR000055517	08/19/15	• **10/01/15 – (SV<240) A Warning Letter was issued to facility on 09-03-15; a response is due 10-03-15. Only unresolved area of noncompliance is the requirement to either submit a subsequent notification of regulated waste activity form or a letter requesting the Department deactivate the site's EPA ID number.**
ADEM	**Pine Ridge Transportation**	ALR000058933	06/30/15	• **10/01/15 – (SV<240) - An administrative order is under development.**
ADEM	**SL Alabama LLC**	ALR000036939	7/1/2015	• 07/30/15 - A warning letter was issued on 07/17/15. The Department is waiting on the facility to respond to the warning letter. • **10/01/15 – Facility demonstrated that it is in full physical compliance by filing appropriate documentation with the Department on 07/31/15. Case Closed.**

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ENFORCEMENT CONFIDENTIAL - IHWB CONFERENCE CALL

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LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
ADEM	**Solutia Inc.**	ALD004019048	09/02/15	• **10/01/15 – (SV<240) A Warning Letter was issued to the facility on 09/22/15; a response is due 10/22/15. All areas of noncompliance are considered unresolved at this time.**
ADEM	**Target Distribution Center #T0580**	ALR000036053	08/21/15	• **10/01/15 – (SV<240) A Warning Letter was issued to the facility on 09/18/15; a response is due 10/18/15. All areas of noncompliance are considered unresolved at this time.**
ADEM	**Target Store #T1367**	ALR000038174	08/19/15	• **10/01/15 – (SV<240) A Warning Letter was issued to the facility on 09/18/15; a response is due 10/18/15. All areas of noncompliance are considered unresolved at this time.**
ADEM	***Techtrix, Inc****	ALD982167678	09/11/12	• 01/11/13 – (SNC<360) Judicial Referral forwarded on 12/19/12 to upper management for review and coordination with the Office of General Counsel. • 04/04/13 – (SNC<360) Referral to OGC for prosecution. • 07/11/13 – (SNC<360) A litigation referral was forwarded to upper management for coordination with the Department's Office of General Counsel on 12/19/12. • 11/07/13 – (SNC=420) No change. The Department recently conducted a CEI. • 02/13/14 – (SNC=515) The Department received the Respondent's professional engineering assessment of the facility, which revealed the facility was a significant non complier. The Department issued a Notice of Violation to the facility on 01/21/14 for non-complaint items or conditions noted during the 09/11/12 and 10/10/13 compliance inspections. • 05/15/14 – (SNC=605) A Proposed Administrative Order in the matter of Techtrix, Inc. was submitted to Upper Management for review and comments on 05/12/14. An "SNY" evaluation code has been entered in RCRAInfo. • 07/24/14 – (SNC=665) On 07/08/14, a Proposed Administrative Order was forwarded to Upper Management for review and concurrence. • 09/29/14 – (SNC=725) On 09/25/14 a proposed unilateral administrative order was undergoing conversion to a proposed consent order as a result of the 09/18/14 informal settlement conference.

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LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
				• 02/05/15 - Consent Order No. 15-017-CHW with a $35,000 civil penalty was executed on 12/04/14. All violations were addressed in the 2014 Consent Order between the Respondent and the Department. However, the violations will remain open until a follow-up inspection is conducted in the near future to determine the facility's compliance with the terms and conditions of the Consent Order and all applicable requirements of the AHWMMA and the hazardous waste regulations. • 07/30/15 – On 06/15/15 the Department received Techtrix's Closure Plan for the "inactive" hazardous waste storage areas. On 07/02/15 - Techtrix notified the Department, in writing, of the removal all hazardous waste. The Department requested photographic evidence that confirms the removal of the waste. A follow-up inspection to determine the facility's compliance with Consent Order No. 15-017-CHW is planned for early September 2015. • **10/01/15 - Based on observations made during the 09/15/15 FUI, the Department has determined that the facility had addressed appropriately the violations noted in Consent Order No. 15-017-CHW on 09/15/15.**
ADEM	**Titan Coatings, Inc.**	AL0000266569	4/7/2015	• 07/30/15 – (SNC<360) On 07/14/15 a Letter of Intent to initiate Enforcement Action issued. Facility has not accepted delivery of letter. On 07/30/15 the facility responded to the Letter of Intent and requested a show cause meeting. • **10/01/15 - A Proposed Consent Order (w/$40,000 monetary penalty assessed) was placed on public notice on 09/11/15. It is scheduled to come off of public notice on 10/11/15.**
ADEM	**Valley Rubber LLC**	ALR000024273	5/7/2015	• 07/30/15 – (SNC<360) On 07/07/15 a Notice of Violation was issued. The Department is waiting for the site's response to the NOV. The response will determine if further enforcement is needed. • **10/01/15 - (SNC<360) An administrative order is under development.**
ADEM	**Valley Rubber LLC**	ALR000054155	5/5/2015	• 07/30/15 – (SNC<360) On 07/07/15 a Notice of Violation was issued. The Department is waiting for the site's response to the NOV. The response will determine if further enforcement is needed. • **10/01/15 - (SNC<360) An administrative order is under development.**

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ENFORCEMENT CONFIDENTIAL - GHWB Conference Call

LEAD	FACILITY	EPA ID#	DAY 0	CALL NOTES
ADEM	Anniston Army Depot	AL3210020027	08/18/14	• 02/05/15 – (SNC>360) – A draft administrative order is in review by upper management. A penalty had not yet been assessed. • 07/30/15 – (SNC>360) –A Proposed Consent Order was placed on public notice on 07/10/15 for 30 days. Assessed penalty is $12,750. • **10/01/15 - (SNC>360) The facility returned to compliance on 09/30/15. Case closed.**
ADEM	George C. Marshall Space Center	AL1800013863	09/02/15	• **10/01/15 - (SV>240) The Department is waiting on a response from the facility. Upon receipt of the response the facility will be returned to compliance.**
ADEM	Maxwell Air Force Base	AL0570024182	08/27/15	• **10/01/15 - (SV>240) The Department received a hand delivered response to inspection on 09/30/15. The facility returned to compliance on 09/30/15. Case closed.**

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