Division of Solid Waste Enforcement Update

Underground Storage Tanks and Solid Waste Disposal Control Board
February 2, 2022

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ENFORCEMENT OVERVIEW

- The Division of Solid Waste Management (DSWM) issued no Hazardous Waste Orders and no Solid Waste Order between November 18, 2021, and January 18, 2022.

- From the previous Board meeting, three Hazardous Waste Orders, and two Solid Waste Order require updates.
Summary of Hazardous Waste Order HWM21-0003
Fac. ID No. TND096069653/Cummins Engine Co., Inc., Shelby County
  • Director's Order Signed September 27, 2021
  • Order for:
    • Failure to document hazardous waste determinations
    • Exceeding storage time limits for universal waste
  • Upfront Civil Penalty – $2,700.00
  • Damages – $1,687.50
  • Resolution – The upfront civil penalty and damages were paid on November 19, 2021.
Summary of Hazardous Waste Order HWM21-0004
Fac. ID No. TND981023674/Cymer-Dayton, LLC, Rhea County

- Director's Order Signed November 9, 2021
- Order for:
  - Failure to conduct and document tank, pump and valve inspections
  - Exceeding storage time limits for hazardous waste, therefore operating an unpermitted TSDF
- Upfront Civil Penalty – $9,670.00
- Damages – $4,360.00
- Resolution – The civil penalty and damages were referred to Fiscal Services for invoicing on December 28, 2021.
Summary of Hazardous Waste Order HWM19-0016
Fac. ID No. TNR000045377/City of Trenton, Gibson County
• Director's Order Signed February 24, 2020
• Order for:
  • Failure to conduct HW determinations
  • Treating Universal Waste
  • Operating without facility identification number
  • Operating a solid waste facility without a permit
• Upfront Civil Penalty – $9,450.00 paid April 6, 2020
• Damages – $3,252.85 paid April 6, 2020
• Contingent Penalty - $8,000.00 pending CAP submittal and completion
• Contingent Penalty - $9,450.00 pending no violations for 3 years
• Resolution - Closure in-place under Solid Waste Rules is ongoing. Quarterly GW monitoring will be replaced by semi-annual this quarter. CGP has been issued and final closure dirt work will commence in two weeks pending weather.
Summary of Solid Waste Order SWM20-0010
Fac. ID No. IDL170000091/Green Earth Waste, Crockett County
• Commissioner’s Order signed October 6, 2021
• Order for:
  • Failure to obtain Financial Assurance
  • Failure to perform groundwater monitoring
  • Failure to provide daily cover
  • Failure to pay annual maintenance fees
• Upfront Civil Penalty – $5,000.00
• Contingent Civil Penalty – $7,900.00 pending submittal of CAP
• Contingent Civil Penalty – $52,800.00 pending submittal of Financial Assurance
• The Office of Attorney General was granted a default judgement and permanent injunction - Final on January 21, 2022 - preventing the reopening of the landfill until compliance with permit conditions and T.C.A. is achieved.
Summary of Solid Waste Consent Order SWM20-0011
Fac. ID No. SNL660000276/ECM of Ridgely, Obion County

- Director's Order signed November 19, 2020
- Order for:
  - Leachate and stormwater management
  - Erosion control
  - Over-filling beyond permitted capacity
- Contingent Civil Penalty – $19,305.00 pending completion of CAP by September 30, 2021.
- Update - Awaiting updated Financial Assurance in order to expand airspace in new cell. No change from previous update.
As a reminder, details for all Orders referred to in this presentation are available on the TDEC public facing data-viewer. 

[TDEC Enforcement Data-viewer]

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