

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)	
)	
E. I. DU PONT DE NEMOURS)	ORDER NO. 94-077-HW
AND COMPANY, INC.)	
AXIS, ALABAMA)	
FACILITY ID # ALD 093 179 315)	

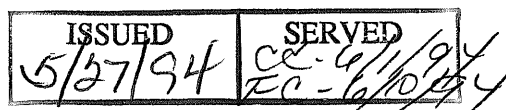
FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code (1975), §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.) and the Alabama Hazardous Wastes Management and Minimization Act of 1978, Ala. Code (1975), §§ 22-30-1 through 22-30-24 (1990 Rplc. Vol.), the Alabama Department of Environmental Management, ("the Department") makes the following FINDINGS:

1. E. I. Du Pont De Nemours and Company, Inc., (Du Pont) operates an agricultural chemicals products manufacturing facility (hereinafter "the facility" or "the Permittee") in Axis, Alabama.

2. The Du Pont facility, ID NO. ALD 093 179 315 is a hazardous waste generator, operates two boilers under interim authorization, and is permitted to treat and store hazardous wastes.

3. The Permittee is permitted to store hazardous waste in containers and in tanks and is permitted to treat hazardous waste by incineration in a liquid injection incinerator (hereinafter "the Permit") subject to certain terms, conditions and limitations.



4. During an inspection from July 27 through July 29, 1993, the Department observed the following violations of the Permit and/or the Department's regulations. Violations repeated after a previous warning are noted:

a. The Permittee failed to conduct complete and adequate inspections of hazardous waste storage tanks and containers, in violation of Permit condition II.D.2., Appendix C. As specified in the Notice of Violation dated September 27, 1993 (copy attached). The Permittee was issued a Notice of Violation on July 20, 1992 for failure to conduct complete and adequate inspections of hazardous waste storage tanks. The July 20, 1992 and September 27, 1993, Notices of Violation are attached so that specific violations of Permit Condition II.D.2. may be reviewed.

b. The Permittee failed to remedy situations identified during required facility inspections, specifically the facility inspections records dated 1/22/93 indicated a work order was placed for the repair of large holes in the secondary containment system for hazardous waste storage tanks V-T205, V-T206, and V-T207 but the system had not been repaired, in violation of Permit condition II.D.3. and ADEM Admin. Code R. 335-14-5-.02(6)(c). The Permittee was issued two previous Notices of

Violation for holes in the secondary containment system, first on August 2, 1991 and subsequently on July 20, 1992. (Copies attached)

c. The Permittee failed to document the annual Hazardous Waste Training update within a 12 month period, in violation of Permit condition II.E. Appendix D and R. 335-14-5-.02(7)(d)4. Adequate documentation was submitted to the Department on May 9, 1994.

d. The Permittee stored approximately two hundred drums of hazardous wastes in an unpermitted area, in violation of Permit condition III.B.2.

e. The Permittee failed to maintain adequate aisle space in the area outside the permitted indoor storage area where the 200 drums referenced in d. above were stored. in violation of Permit condition II.G.5. and ADEM Admin. Code R. 335-14-5-.03(6).

5. During the inspection from July 27 through July 29, 1993, the Department observed the following violations of the Department's land disposal restriction (hereinafter "LDR") regulations, one violation of which was repeated after warning, as noted:

a. The facility stored a total of fifty-five 55-gallon drums of hazardous waste restricted from land disposal (hereinafter "LDR"), for more than one year in violation of ADEM Admin. Code

R. 335-14-9-.05(1) as incorporates by reference 40 CFR Part 268.50(c).

b. The facility failed to make available at the time of inspection LDR certification/notification documentation, in violation of ADEM Admin. Code R. 335-14-5-.05(a). These documents were received by the Department on May 23, 1994. The facility was previously issued a Notice of Violation for failing to maintain on site the LDR Certification/Notification on July 20, 1992.

6. During the inspection from July 27 through July 29, 1993, the Department observed the following violations of the department's hazardous waste generator regulations:

a. The facility failed to conduct an adequate hazardous waste determination of two waste loads shipped offsite as non-hazardous waste, in violation of ADEM Admin. Code R. 335-14-3-.01(2). Reference the attached September 27, 1993 Notice of Violation on page 5 for specific information.

b. When, after 45 days from the date of shipment of hazardous wastes, the facility did not receive signed copies of manifests for at least three shipments of hazardous waste, the facility failed to file exception reports in violation of ADEM Admin. Code R. 335-14-3-.04(3)(a)2. Reference the attached September 27, 1993 Notice of Violation on page 7 for specific information. The exception reports should

have been filed no later than February 22, 1993, March 8, 1993, and May 1, 1993, respectively, for each of the noted shipments of waste.

The facility did, however, contact the TSD facility that received the hazardous wastes and had a copy of the signed manifests faxed to them. The faxed copies were received by the Department on November 3, 1993.

c. In a drum located in the area for hazardous waste accumulated less than 90 days, the facility failed to place an accumulation start date or an EPA hazardous waste code number on a drum otherwise marked "hazardous waste", in violation of ADEM Admin. Code R. 335-14-3-.03(5)(a)2 and 3.

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code (1975), §§ 22-22A-5(10), 22-22A-5(18), 22-30-20 and 22-30-19(a) and (b) (1990 Rplc. Vol.), it is hereby ORDERED:

A. That Du Pont will pay to the Department a civil penalty in the amount of Fifty Thousand Dollars (\$50,000.00) within 30 days from the date of this Order.

B. That, pursuant to Permit condition II.D.2., the Permittee will immediately and hereafter conduct thorough and adequate inspections of all areas where hazardous waste is managed, for equipment malfunctions, structural deterioration, human errors and discharges that could cause or lead to the

release of hazardous waste constituents and adversely affect human health or the environment.

C. That, pursuant to Permit condition II.D.3., Appendix C, and ADEM Admin. Code R. 335-14-5-.02(6)(c), the Permittee will immediately and hereafter remedy any deterioration or malfunction of equipment or structure discovered during an inspection as describe in paragraph "B", above, immediately upon discovery.

D. That, pursuant to Permit condition II.E., Appendix D and ADEM Admin. Code R. 335-14-5-.02(7)(d)4, the Permittee will document that all personnel engaged in hazardous waste management activities receive training pertinent to their hazardous waste management duties within six months of the date employed to manage hazardous waste, and document such training in each succeeding twelve month period that the employees have received an annual hazardous waste training update.

E. That, pursuant to Permit condition III.B.2 Appendix I, the Permittee will immediately remove any hazardous waste stored outside the permitted storage area and will hereafter refrain from storing hazardous waste outside the permitted storage area.

F. That, pursuant to Permit Condition II.G.5. and ADEM Admin. Code R. 335-14-5-.03(6), the Permittee will immediately and hereafter maintain adequate aisle space in all areas where hazardous waste is accumulated.

G. That, immediately and hereafter, Du Pont will not store LDR hazardous waste in tanks or containers for more than

one year unless, pursuant to ADEM Admin. Code R. 335-14-9-.05(1) as incorporates by reference 40 CFR 268.50, Du Pont demonstrates that such storage is necessary to accumulate restricted waste in sufficient quantities to facilitate treatment, storage or disposal of those wastes.

H. That, pursuant to ADEM Admin. Code R. 335-14-9-.01(5) as incorporates by reference 40 CFR 268.7(a)(7), Du Pont will immediately and hereafter verify that an LDR Certification/Notification accompanies each shipment of LDR hazardous waste, that a copy of the Certification/Notification is kept on site at all times, and that the copy is available at all times.

I. That, pursuant to ADEM Admin. Code R. 335-14-3-.01(2), Du Pont will immediately ensure that, and hereafter make a proper hazardous waste determination for all solid waste generated at the site prior to the transportation of the wastes from the site for disposal.

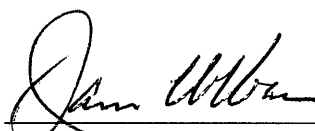
J. That, pursuant to ADEM Admin. Code R. 335-14-3-.04(3)(a)2., Du Pont will immediately ensure that, and hereafter file exception reports for those hazardous waste manifests from which Du Pont fails to receive a signed copy from the designated disposal facility within 45 days of the waste being offered into shipment.

K. That, pursuant to ADEM Admin. Code R. 335-14-3-.03(5)(a)2 and 3, Du Pont will immediately and hereafter place an accumulation start date and EPA hazardous waste number on all drums of hazardous waste located in the 90-day accumulation area.

L. That the failure to comply fully with the terms and conditions of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department against Du Pont.

M. That issuance of this Order does not preclude the Department or others from seeking criminal fines or other appropriate relief against Du Pont for the violations stated herein.

ORDERED and ISSUED this 27th day of May, 1994.



James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

Oliver D. J. Wright

I, ~~James L. Wright~~, hereby certify that I have served Administrative Order No. 94-077-HW upon E. I. Du Pont De Nemours and Company, Inc. by sending the same postage paid, through the U.S. Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. (P 841 248 896)

Corporation Company
60 Commerce Street
Montgomery, AL 36104

CERTIFIED MAIL NO. (P 841 248 897)

Ms. Francine Cheesman, Plant Manager
E. I. Du Pont De Nemours & Co., Inc.
Agricultural Products Mobile Manufacturing
P.O. Box 525
Axis, AL 35606

DONE this 27th day of May, 1994.

James L. Wright

~~James L. Wright~~