

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
)
Chemical Waste Management, Inc.) ORDER NO. 84- 012 -HW
Emelle, Alabama)

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 et seq., and the Hazardous Waste Management Act of 1978, Code of Alabama 1975, §§22-30-1 et seq., as amended, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following Findings of Fact:

1. Chemical Waste Management, Inc. operates a hazardous waste storage facility located in Emelle, Alabama (hereinafter "the Emelle facility").

2. Pursuant to Code of Alabama 1975, §22-30-10, the Department listed polychlorinated biphenyls (hereinafter "PCBs") as a hazardous waste in Section 4-235 of the Department's Hazardous Waste Management Regulations. Subsection 4-235.06 of said Regulations requires that all storage facilities for PCBs must comply with all applicable requirements of the Toxic Substances Control Act, 15 U.S.C. §2601 et seq. (hereinafter "TSCA").

3. Section 15 of TSCA, 15 U.S.C. §2614, requires compliance with any requirement prescribed by or rule promulgated under Section 6 at TSCA, 15 U.S.C. §2605. Rules promulgated under Section 6 of TSCA at 40 CFR §761.65(a) provide:

Any PCB Article or PCB Container stored for disposal before January 1, 1983, shall be removed from storage and disposed of as required by this part before January 1, 1984. Any PCB Article or PCB Container stored for disposal after January 1, 1983, shall be removed from storage and disposed of as required by Subpart D within one year from the date when it was first placed in storage.

4. The term "PCB Article" is defined at 40 CFR §761.3(t) as follows:

[A]ny manufactured article, other than a PCB Container that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes and any other manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.

The term "PCB Container" is defined at 40 CFR §761.3(v) as follows:

[A]ny package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.

5. Chemical Waste Management, Inc. failed to remove from storage and to dispose of before January 1, 1984, PCB Containers containing PCBs stored for disposal at the Emelle facility prior to January 1, 1983, in direct violation of 40 CFR §761.65(a) and subsection 4-235.06 of the Department's Hazardous Waste Management Regulations.

6. Chemical Waste Management, Inc. failed to remove from storage and to dispose of before April 16, 1984, PCB Containers containing PCBs stored for disposal at the Emelle facility prior to April 16, 1983, in direct violation of 40 CFR §761.65(a) and subsection 4-235.06 of the Department's Hazardous Waste Management Regulations.

7. Chemical Waste Management, Inc. routinely receives PCB Articles and PCB Containers, containing PCBs, at its Emelle facility, stores such Articles and Containers, removes such PCBs or PCB liquids (i.e. PCBs and solvents) from such Articles and Containers and stores such PCBs or PCB liquids in other PCB Containers, and disposes of such Articles and Containers.

ORDER

Based upon the foregoing Findings of Fact and pursuant to Code of Alabama 1975, §§22-22A-5(10) and 22-30-19, as amended, it is hereby ORDERED:

A. Chemical Waste Management, Inc. shall submit to the

Department on or before the fifteenth day of May, 1984, a written plan for the disposal of all PCB Articles and PCB Containers, including all PCBs contained therein, in storage at the Emelle facility. Such plan shall provide for disposal of such Articles, Containers and PCBs as expeditiously as practicable at one or more disposal facilities presently operating in compliance with 40 CFR Part 761 and any other applicable federal, state and local laws and regulations governing disposal of PCB Articles, PCB Containers, and PCBs. Such plan shall identify the disposal facilities, quantities which each can accept for disposal and the earliest date by which such quantities can be accepted for disposal at such facilities. Such plan shall be amended from time to time to reflect any more expeditious schedule which becomes achievable as a result of any increased disposal capacity at such disposal facilities, the commencement of operation of any new disposal facilities or any other reason.

B. Chemical Waste Management, Inc. shall file a written report with the Department on or before the fifteenth day of May, 1984 and on or before the fifteenth day of every third month thereafter. The report shall contain a detailed description of all activities relating to the storage and disposal of PCB Articles, PCB Containers and the PCBs contained therein at the Emelle facility during the three calendar months immediately preceding the submission of the report. For each PCB Article and PCB Container the report shall:

- (1) describe and identify the Article or Container;
- (2) state the date the Article or Container was received at the Emelle facility;
- (3) state the number of the manifest which accompanied

the Article or Container during transport to the facility;

(4) identify the facility and the owner or operator of the facility from whom the Article or Container was received and, if Waste Management, Inc. or one of its subsidiaries, appears as the generator on the manifest, the generator from whom Waste Management, Inc. or its subsidiary received the Article or Container;

(5) state the quantity of all PCB liquids (i.e. PCBs and solvents) removed from the Article or Container at the Emelle facility;

(6) if PCB liquids removed from the Article or Container were stored in a container at the Emelle facility,

(a) identify the container;

(b) state the date such PCB liquids were stored in such container;

(c) state the date such PCB liquids were removed from such container and disposed of in accordance with 40 CFR Part 761;

(d) identify the disposal facility and the owner or operator of the disposal facility;

(e) state the number of the manifest which accompanied the PCB liquids during transport to the disposal facility; and

(f) state the date the Article or Container was removed from storage and disposed of in accordance with 40 CFR Part 761;

(8) identify the facility and the owner or operator of the facility who disposed of the Article or Container; and

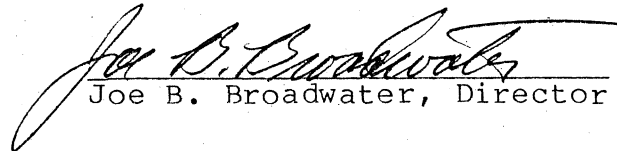
(9) state the number of the manifest which accompanied

the Article or Container during transport to the disposal facility. Each such report shall be certified as true and accurate by an officer of Chemical Waste Management, Inc. of at least the level of vice-president.

C. After April 23, 1984, Chemical Waste Management, Inc. shall not accept any PCB Article, PCB Container, or PCBs at the Emelle facility until such time as all PCB Articles and PCB Containers, including all PCBs contained therein, stored at the Emelle facility for more than one year, have been disposed of in accordance with 40 CFR Part 761.

D. Chemical Waste Management, Inc. shall notify the Department in writing when all PCB Articles and PCB Containers, including all PCBs contained therein, stored at the Emelle facility for more than one year, have been disposed of in accordance with 40 CFR Part 761. Such notification shall be certified as true and accurate by an officer of Chemical Waste Management, Inc. of at least the level of vice-president.

ORDERED and ISSUED this 16th day of April, 1984.



Joe B. Broadwater, Director

CERTIFICATE OF SERVICE

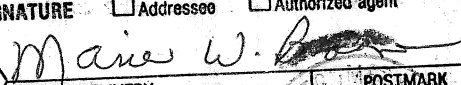
I hereby certify that I have served Order No. 84-012-HW upon
Chemical Waste Management, Inc. by sending the same, postage paid, through
the United State Mail as certified (No. P 705 768 857) with instructions to
forward and return receipt requested to:

The Corporation Company
Registered Agent for
Chemical Waste Management, Inc.
60 Commerce Street
Montgomery, Alabama 36103

Done this 16th day of April, 1984.


David A. Ludder
General Counsel

PS Form 3811, July 1982

SENDER: Complete Items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
<input checked="" type="checkbox"/> Show to whom and date delivered	_____¢
<input type="checkbox"/> Show to whom, date, and address of delivery ..	_____¢
2. <input type="checkbox"/> RESTRICTED DELIVERY	
<small>(The restricted delivery fee is charged in addition to the return receipt fee.)</small>	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: The Corp. Co., Reg. Agent for Chemical Waste Management, Inc. 60 Commerce, Montg., AL	
4. TYPE OF SERVICE:	ARTICLE NUMBER
<input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED	705768857
<input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL	
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
5. DATE OF DELIVERY 	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS

★ GPO: 1982-2

P 705 768 857

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

Sent to The Corp. Co., Reg. Agent for	
Street and No. Chemical Waste Management, Inc.	
P.O., State and ZIP Code 60 Commerce St.	
Montgomery, Alabama 36103	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	
4-16-84	

PS Form 3800, Feb. 1982