



STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JOHNSON CITY ENVIRONMENTAL FIELD OFFICE
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October 5, 2021

Mr. Steve Barnett
Vice President TN Operations
2219 Buffalo Road, Suite 210
Johnson City, Tennessee 37604

CERTIFIED MAIL#7021 0350 0000 2835 0563
RETURN RECEIPT REQUESTED

RE: NOTICE OF VIOLATION
LIGHTING RESOURCES LLC, BUFFALO ROAD FACILITY, SWP90-1576

Dear Mr. Barnett:

On August 27, 2021 the Division of Solid Waste Management (Division) was notified by you via a telephone call that Lighting Resource LLC had exceeded the permit limits established in the Lighting Resources LLC Processing Permit-By-Rule (PBR) SWP90-1576 notification for universal waste (UW) lamps. The permit limit for UW lamps is 106,260 pounds. During the telephone call, you provided the reasons leading to the exceedance and a plan to return to compliance by the end of October 2021. You were requested to provide the actual amount that the facility was over the permit limits for UW lamps. In an email you provided on August 30, 2021, the amount reported at the facility for UW lamps was 190,089 pounds. In an August 31, 2021 email, you were directed not to accept any additional UW lamps until the facility was back in compliance with the permit limits for UW lamps to which you agreed. A September 16, 2021 email from Lighting Resources LLC, reported only 126,807 pounds of UW lamps at the facility.

On September 24, 2021, Division staff performed the quarterly solid waste PBR inspection at the facility. Inspection findings were based upon site observations, file review, and verbal and written information provided by facility personnel during the inspection (including the identification of all physical locations where wastes are managed by the facility). At that time, it was discovered that there were many additional tractor trailers, some of which stored additional UW lamps, in the parking lot outside the building. The quantities of UW lamps stored in these trailers were not accounted for in previously reported quantities to the Division. In accordance with Lighting Resources LLC's notification, storage of UW lamps will only occur inside the building. Also, inventory reports provided during the inspection showed only 167,820 pounds of UW lamps currently stored in the building. Lighting Resources LLC personnel were asked if additional loads of UW lamps had been received during the month of September. Personnel indicated to Division staff that there were additional loads received. Following completion of the inspection and discussion of the inspection results, Division staff further requested that a complete inventory of the total amount of UW lamps stored inside and outside the building be provided by close of business. On September 28, 2021, the requested information was provided via email that indicated there was a total of 383,126 pounds of UW lamps stored at the facility (167,820 pounds inside and 215,306 pounds outside).

During the course of the inspection, the following PBR violations were observed.

Violation #1 - Rule 0400-11-01-.02(2)(a)3(ii) and (iii). states:

- (2) Permits by Rule
 - (a) Except as specifically allowed in part 1. of this subparagraph, the owner or operator of the facilities or activities listed in parts (b)1. through 7. of this paragraph shall be deemed permitted and are authorized to operate upon receipt of a written authorization from the Commissioner.
 - 3. After receiving a written authorization from the Commissioner, pursuant to part 1. or 2. of this subparagraph, the owner or operator must:
 - (ii) Operate the facility or activity consistent with the notification submitted in accordance with part (c)2. of this paragraph;
 - (iii) Notify the Commissioner of any substantive changes in the information submitted pursuant to part (c)2. of this paragraph, including but not limited to a change in ownership, location, type of material received, storage capacity for a material, and method of processing, and receive an amended written authorization from the Commissioner prior to implementing the change;

Violation #1 Observation:

The facility was not operated consistent with the notification by exceeding the storage limit for UW lamps and storing UW lamps in truck trailers outside the building.

Violation #2 - Rule 0400-11-01-.02(2)(a)1(IX) states:

- (IX) General Facility Standards – Overall Performance Standard – There is no storage of solid wastes at the facility except in the containers, bins, lined pits or on paved surfaces, designated for such storage.

Violation #2 Observation:

UW lamps are being stored outside of the building and not in areas designated in the PBR authorization for such storage.

Violation #3 - Rule 0400-11-01-.02(2)(a)1(XIX) states:

- (XIX) Maintain records documenting the amounts of the different types of solid waste at the facility, including, but not limited to, the amounts stored to be processed, in process, and that have completed processing, in order to determine processing completion within one year.

Violation #3 Observation:

Records required to track amounts stored at the facility were not reporting the amounts stored in trailers outside of the building.

Violation #4 - Rule 0400-11-01-.02(2)(a)1(XVIII)(I.) states:

(XVIII) Prior to receiving solid waste for processing, or within 90 days of the effective date of these rules, if authorized and operating on the effective date of these rules:

- I. File with the Commissioner a performance bond or equivalent cash or securities, payable to the State of Tennessee in an amount determined by the Commissioner to be sufficient to ensure the proper operation, closure, and post closure care of the facility;

Violation #4 Observation:

The amount of financial assurance currently filed with the Commissioner is not sufficient to properly manage all the wastes stored at the facility.

Furthermore,

Rule 0400-11-01-.02(2)(d) states:

- (d) Duty to Comply – An owner or operator deemed permitted under this paragraph must comply with all requirements applicable to the facility or activity operated under this paragraph, unless otherwise authorized by the Commissioner in writing. Any noncompliance constitutes a violation of the Act.

Lighting Resources LLC will continue to be in violation as described above by accepting, receiving, or storing UW lamps above 106,260 pounds and storing UW lamps outside in truck trailers at this facility. Lighting Resources LLC must initiate immediate actions to address the outstanding violations. The Division will conduct a follow-up inspection within approximately thirty (30) days to verify the facility's compliance status.

The Division appreciates the courtesy and cooperation shown by Lighting Resources LLC during the inspection. If you have any questions or comments concerning this correspondence, please contact me by email George.Thornsbury@tn.gov or by phone 423-254-4218.

Sincerely,

George M. Thornsbury, P.E.
Environmental Protection Specialist 3
Division of Solid Waste Management

Chris M. Lamb, Manager
Johnson City Environmental Field Office
Division of Solid Waste Management

cc: Rob Ashe, DSWM, Nashville
Chris Lagan, Enforcement, Nashville
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