STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JACKSON ENVIRONMENTAL FIELD OFFICE
DIVISION OF SOLID WASTE MANAGEMENT
1625 Hollywood Drive
JACKSON, TENNESSEE 38305-4316

January 29, 2016

CERTIFIED MAIL 7012 3460 0002 5152 3887

Mr. Scott T. Sohr
Environmental Waste Solutions, LLC
4521 Trousdale Drive
Nashville, TN 37204

RE: NOTICE OF VIOLATION
Environmental Waste Solutions Landfill, IDL 03-101-0212

Dear Mr. Sohr:

On the morning of January 6, 2016, Division of Solid Waste Management (Division) personnel responded to a complaint from residents located near the Environmental Waste Solutions (EWS) Landfill (IDL 03-101-0212) concerning their observations that noises, which were described as sounding like small explosions or firecrackers, had been observed at the landfill since about 7 pm the previous night and continuing into the morning. Residents also reported observations of smoke or steam coming from the new cell of the landfill. The Benton County Emergency Management Agency director was also contacted and came to the site where he observed the same conditions reported by the residents. Division personnel contacted Chris White, EWS President, prior to driving to the site to see if he was aware of any problems at the landfill. Mr. White was not at the facility, but he stated that landfill workers had observed a reaction that was similar, though lesser in degree, while spreading and covering magnesium hydroxide filter waste from Mag Pro a couple of weeks earlier.

Upon arriving at the landfill, Division personnel observed an area in the southwestern corner of the new cell where what appeared to be steam was being released and observed what sounded like muffled shotgun shell sounds going off every few seconds. The reaction was observed to continue from approximately 8:50 am until 9:30 am. The waste in this area had been covered with soil and gravel. EWS personnel confirmed this was the area where Magpro waste had been landfilled. Records showed the landfill had received 11 loads of Magpro waste during the previous day. When interviewed, EWS workers said they had noticed the explosive sounds start to occur in the area when they had spread and covered the last truckload of Magpro waste at around 3:15 pm the previous afternoon. They also confirmed there had been a previous incident

where the Magpro waste material had shown similar reactions, though to a lesser degree. EWS management later determined this event most likely happened on December 18, 2015.

In the subsequent investigation of the cause of the reaction at the landfill, Magpro determined that a new worker at the facility had mistakenly loaded a truck going to the landfill with material from a pile of material that had not been fully processed. This material had not been processed through a wash tank and had not sufficiently cooled to neutralize the material the way Magpro's process requires. Based on this, it is believed the reactions observed at the landfill were most likely due to the warm, not fully processed material reacting with moisture in the soil as the waste was spread, compacted, and covered.

Based upon the findings of the complaint investigation, it has been determined Rules and Regulations Governing Solid Waste Processing and Disposal Facilities in Tennessee (0400-11-01) were violated. Although the reactions at the landfill resulted from Magpro mistakenly shipping the wrong material to the landfill, Environmental Waste Solutions, by its neglect in not reporting the two incidents of explosive reactions associated with the waste, and by its failure to adequately inspect suspicious loads of the special waste following previous problems with the waste, has violated rules concerning reporting requirements and the inspection of wastes coming to the landfill.

Failure to report the explosive reactions observed in the waste is a violation of Division Rule 0400-11-01-.02(5)(a)10.(iii) which states:

(5) Terms of the Permit

(a) Conditions Applicable to all Permits-The following conditions apply to all permits, and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to this subparagraph must be included in the permit.

10. Reporting Requirements

(iii) The permittee shall report orally within 24 hours from the time the permittee becomes aware of the circumstances of any release, discharge, fire, or explosion from the permitted solid waste facility which could threaten the environment or human health outside the facility. Such report shall be made to the Tennessee Emergency Management Agency, using 24-hour toll-free number 1/800/262-3300.

Failure to adequately inspect and prevent the landfilling of wastes that present a fire safety hazard is a violation of Division Rule 0400-11-01-.04(2)(a)2 and 0400-11-01-.04(2)(c)1(ii), which states:

(2) General Facility Standards - Unless specifically noted otherwise, the standards of this paragraph apply to Class I, Class II, Class III, and Class IV disposal facilities.

(a) Overall Performance Standard - The facility must be located, designed, constructed, operated, maintained, closed, and cared for after closure in such a manner as to minimize to the extent practicable:

2. The potential for explosions or uncontrolled fires;

(c) Fire Safety

1. Except as may be specifically authorized by the Department:

(ii) The operator must not allow solid wastes which are burning or smoldering to be deposited into the active portion of the facility. Any such wastes that are received must be deposited at a location safely removed from the active portion and extinguished before being deposited into the active portion.

Failure to adequately inspect the special waste following previous reactive problems with the waste is also a violation of Division Rule 0400-11-01-.04(2)(s)2, 3, 4, and 5, which states:

(2) General Facility Standards - Unless specifically noted otherwise, the standards of this paragraph apply to Class I, Class II, Class III, and Class IV disposal facilities.

(s) Random Inspection Program - The owner or operator of a permitted landfill must implement a program at the facility for detecting and preventing the disposal of regulated hazardous waste, unauthorized special waste, PCB's (>50 ppm), whole tires, lead-acid batteries, and liquid wastes. This program must include at a minimum:

2. Inspection of all suspicious loads.

3. Records of all inspections must be maintained in a bound notebook, and include the inspection date, vehicle identification, driver signature, identification of any unauthorized waste, disposition of any unauthorized waste, and facility inspector signature.

4. Training of facility personnel to recognize regulated hazardous waste.

5. Procedures for notifying the appropriate Division field office if an unauthorized waste is identified and left at the facility.

EWS should continue to monitor the areas where waste from Magpro has been deposited to ensure that additional reactions or fire hazards are not present. A soil buffer should be maintained between the Magpro waste and any other waste streams landfilled at the facility.

The special waste approval for EWS to dispose of the magnesium hydroxide filter waste from Magpro has been temporarily suspended pending further evaluation of the waste handling

procedures. As a part of this evaluation, EWS must submit a letter certifying that all personnel at the facility have received updated training regarding the inspection of suspicious loads of waste coming into the landfill, and of the notification requirements if suspicious loads are identified.

In the future in accordance with the facility's permit, all suspicious loads of waste coming into the landfill must be inspected and if any unauthorized or inappropriate waste is identified, the waste must not be allowed to be deposited at the landfill and Division field office personnel must be notified. EWS must follow all reporting requirements as listed in the Rules and Regulations Governing Solid Waste Processing and Disposal Facilities in Tennessee.

Actions to correct these violations must be taken immediately upon receipt of this letter. A follow up inspection will be conducted to confirm compliance.

If you have any questions concerning this correspondence, please contact Michael David at (731) 512-1373.

Sincerely,

Michael David

Michael David, P.G.
Geologist
Division of Solid Waste Management
Jackson Environmental Field Office

James Kelly

James (Pete) Kelly
Field Office Manager
Division of Solid Waste Management
Jackson Environmental Field Office

Copy: Chris White, EWS
DSWM, NCO file
DSWM, JFO file
DSWM, Enforcement