

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:
FUELS & CHEMICALS, INC.

COUNTY ROAD 14
POST OFFICE BOX 726
COALING, ALABAMA 35449
ALD 980 055 850

ORDER NO. 92-169-HW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975 §§22-22A-1 through 22-22A-16 (1990 Replacement Vol.), and the Alabama Hazardous Wastes Management and Minimization Act of 1978, Code of Alabama 1975 §§22-30-1 through 22-30-20 (1990 Replacement Vol.), the Alabama Department of Environmental Management, ("the Department") makes the following FINDINGS:

1. Fuels and Chemicals, Inc.(the Permittee) is a hazardous waste treatment and storage facility and is located on County Road 14 in Coaling, Alabama.
2. The Permittee was issued an Alabama Hazardous Waste Management and Minimization Act (AHWMMA) permit No. ALD 980 559 850, on May 15, 1986, as amended on December 19, 1988.
3. An inspection by the Department on October 1, 1991, revealed that on September 26, 1991 the Permittee accepted 148 containers of waste material and the containers were being stored on a loading dock at the Permittee's facility.
4. At least 60 containers contained the following hazardous wastes:

ISSUED 9/2/92	SERVED 9/3/92
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- Four contained D001/D008 waste--waste oil contaminated with lead.
- One contained D002/D007 waste-- waste chromic acid solution.
- Six contained D002 waste-- waste ammonium hydroxide.
- Twenty-One contained D002 waste-- waste potassium permanganate.
- Three contained D002 waste-- waste corrosive liquid (sodium hydroxide)/ethylene glycol/conditioner solution).
- Sixteen contained D002 waste--waste sodium aluminate.
- Nine contained D002 waste--waste corrosive liquid (sulfuric acid/hydrogen peroxide/water solution).

5. An inspection on November 1, 1990, by the Department, revealed that the Permittee was storing hazardous waste in unpermitted tanks at its facility. Samples taken during the inspection revealed that tanks 2, 4 through 12, 16, and the solvent tank contained hazardous wastes above the regulatory thresholds.

6. Section III. A. 3. of the Permittee's permit states as follows:

"...Storage in tanks at the facility shall only be in the two 51,370 gallon vertical tanks..."

7. Code of Alabama 1975 §22-30-12(b) (1990 Replacement Vol.) provides that no person shall engage in the storage of hazardous waste without having applied for and obtained a permit from the Department unless that person has been granted interim status pursuant to Code of Alabama 1975 §22-30-12(i) (1990 Replacement Vol.)

8. The Permittee has neither applied for nor obtained a permit or interim status for the storage of hazardous wastes in containers or in tanks 4 through 12, 16 or the solvent tank at its County Road 14 facility.

9. The Permittee violated the terms of its AHWMA permit No. ALD 980 559 850 and the Code of Alabama 1975 §22-30-12(b)(1990 Replacement Vol.) in that the permit does not allow for the storage of hazardous waste in containers or storage of hazardous waste on the Permittee's loading dock or in tanks that have not been previously permitted by the Department or qualified

for interim status .

10. Section II.F. of the Permittee's permit requires that the Permittee shall conduct personnel training for new employees to ensure the facility's compliance with the regulations and the requirement that all personnel training records be maintained on file at the Permittee's facility.

11. During an inspection on September 25, 1991, the Department could not determine from reviewing the available training records whether or not the Permittee had been conducting the required annual training for facility personnel. The facility records reflected that at least 2 facility employees had not received the required training update since 1988. In addition, there were no training records that indicated that new employees were being trained in accordance with the Permittee's training program. On April 28, 1992, the Permittee submitted information to the Department demonstrating that this violation was adequately corrected.

12. Section II.I.1. of the Permittee's permit requires that the Permittee review and where necessary amend its Contingency Plan to meet the requirements of ADEM Admin. Code R. 335-14-5-.04(5)(d).

13. The September 25, 1991 inspection revealed that the Permittee's Contingency Plan had not been amended to remove the name of a former alternate Coordinator and add the name of a new alternate Coordinator. On January 29, 1992, the Permittee submitted information to the Department demonstrating that this violation was adequately corrected.

14. Section II.M. of the Permittee's permit requires that the Permittee maintain a detailed closure cost estimate, in current dollars, and that the closure cost estimate be updated annually as required by ADEM Admin. Code R. 335-14-5-.08(3)(b).

15. The September 25, 1991 inspection revealed that the Permittee had not adjusted its closure cost estimate for 1990 inflation as required by the

Permit. The Permittee has been cited by the Department for this violation in warning letters and/or notices of violation on January 19, 1989, June 16, 1989, April 16, 1990, May 15, 1990, and in a Notice of Violation dated December 20, 1991. On January 29, 1992, the Permittee submitted information to the Department demonstrating that the violation cited in the December 20, 1991 Notice of Violation was adequately corrected. Also, submittals to the Department in response to the previous warnings and notices were determined to be adequate.

16. Section II.N. of the Permittee's permit requires that the Permittee maintain financial assurance in accordance with the requirements of ADEM Admin. Code R. 335-14-5-.08(4) in that the Permittee is required to adjust its Letter of Credit for inflation on an annual basis.

17. The September 25, 1991 inspection revealed that the Permittee had not adjusted its Letter of Credit for 1990 inflation. Subsequent to the September 25, 1991 inspection, the Department determined that the Permittee had not adjusted its closure costs estimate for 1991 inflation, as required by its Permit. The Permittee submitted information on January 29, and April 28, 1992, respectively, that demonstrated that its Letter of Credit had been adjusted for 1990 and 1991 inflation.

18. Section III.B.2. of the permittee's permit requires that the Permittee annually test its treatment and storage tanks for wall and bottom thickness and shall keep all records of these measurements for the life of the tanks and an annual assessment of the remaining tank life.

19. The September 25, 1991 inspection revealed that the Permittee did not have the required documentation at its facility that the Permittee had conducted the tank assessment for 1991. The inspection revealed that the last annual tank assessment was performed in May of 1990. The Permittee submitted to the Department information on April 28, 1992 that demonstrated that the

annual tank assessment for 1991 had been conducted in November, 1991.

20. ADEM Admin Code R 335-14-5-.09-(6)(b)5 requires that spilled, leaked and accumulated precipitation must be managed in a timely manner as is necessary to prevent an overflow of the collection system.

21. The Permittee has violated ADEM Admin. Code R. 335-14-5-.09-(6)(b)5, in that during the September 25, 1991 inspection, the Department noted that there was a significant amount of rainwater accumulated in the containment area of the loading dock and subsequently, on October 1, 1991 the Department determined that the Permittee had not taken any steps to remove the accumulated precipitation.

ORDER

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

A. That immediately upon receipt of notice of this Order, the Permittee shall cease and desist the storage of any hazardous waste at its facility except in accordance with its Alabama Hazardous Waste Management and Minimization(AHWMMA) permit No. ALD 980 559 850.

B. That not later than 90 days after receipt of notice of this Order, the Permittee shall submit to the Department a Closure Plan acceptable to the Department for the container storage area, tanks 4-12, 16 and the solvent tank and associated areas that comply with all requirements of ADEM Admin. Code R. 335-14-5-.07, .09 and .10. In the event that the Permittee has removed any wastes from the aforementioned units prior to notice of receipt of this Order, the Permittee shall provide the Department with complete documentation as part of its Closure Plan, detailing the disposition of these wastes. Further, as part of its Closure Plan, the Permittee shall comply with all requirements for financial assurance in accordance with ADEM Admin. Code R. 335-14-5-.08.

C. That not later than 30 days after receipt of notice of this Order, the Permittee shall submit to the Department a site assessment plan for all fuel blending and treatment areas that is acceptable to the Department. Said plan shall be sufficiently broad in scope to determine the extent of the hazardous waste management areas and identify all areas contaminated by hazardous waste. The site assessment plan shall include an evaluation of the quality of the ground water beneath the site, as well as an evaluation of soils and subsurface soils in and around the hazardous waste management units, which may have been impacted adversely by hazardous waste activities at the site. The site assessment plan must be certified by a registered professional engineer licensed by the State of Alabama and shall contain an implementation schedule that will accomplish all required objectives as soon as technically feasible. The Permittee shall implement the site assessment plan upon completion of the plan without prior approval by the Department; however, in no event shall the implementation of the plan begin later than 30 days after receipt of notice of this Order. The submittal of the final results of the plan to the Department shall not exceed 15 days from the date of completion.

D. In the event that any modifications to the site assessment are required by the Department, the Permittee shall make any such modifications and comply with all time frames as set out in such modifications. The Department's acceptance, approval or disapproval of the site assessment plan or any modifications thereof shall not relieve the Permittee from its obligation to identify all soils and groundwater contaminated by hazardous waste or hazardous waste constituents at the site or remediate the site.

E. That not later than 180 days after receipt of notice of the Department's approval of the Closure Plan, the Permittee shall have completed closure activities of all hazardous waste management units in accordance with the approved Closure Plan.

F. That not later than 240 days after receipt of notice of the Department's approval of the Closure Plan, the Permittee shall submit to the Department a certification of closure in accordance with all of the requirements of ADEM Admin. Code R. 335-14-5-.07(6).

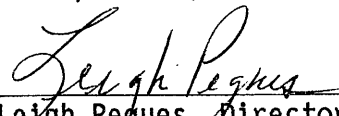
G. That a determination by either the Permittee or the Department that all hazardous waste or hazardous constituents cannot be removed from any on-site hazardous waste disposal area identified from the Site Assessment, the Permittee shall comply with the requirements of ADEM Admin. Code R. 335-14-5 and 335-14-8 and shall submit to the Department within 180 days after this determination a complete post closure permit application, including all applicable fees, in accordance with the requirements of ADEM Admin. Code. R. 335-14-8-.01(1)(c) and ADEM Admin. Code R. 335-14-8-.02(5) and (12).

H. That not later than 30 days from receipt of notice of this Order, the Permittee shall pay to the Department a civil penalty in the amount of \$50,000.00.

I. 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 the Permittee.

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

ORDERED and ISSUED this 2nd day of September, 1992.



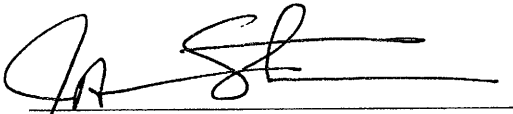
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James G. Stevens, hereby certify that I have served the foregoing Administrative Order, Order No. 92-169-HW upon Fuel & Chemicals, Inc. by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 055 116 436, with instructions to forward and return receipt requested to:

Mike Walls, Owner
Fuels & Chemicals, Inc.
County Road 14
Coaling, Alabama 35449

DONE this 2nd day of September, 1992.


James G. Stevens