

97-005-GW thru 97-102-GW

# ADEM

**ALABAMA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**



Fob James, Jr.  
Governor

James W. Warr  
Director

October 24, 1996

(334) 271-7700

1751 Cong. W. L.  
Dickinson Drive  
Montgomery, AL  
36109-2608

UNDERGROUND STORAGE TANK OWNER  
DELINQUENT UST FEE ACCOUNT

Dear UST OWNER:

Mailing Address:  
PO Box 301463  
Montgomery, AL  
36130-1463

FAX: (334)  
Admin: 271-7950  
Air: 279-3044  
Land: 279-3050  
Water: 279-3051  
Sp Proj: 213-4399  
Field Ops: 272-8131  
Backup: 270-5612

Field Offices:

10 Vulcan Road  
Birmingham, AL  
35209-4702  
(205) 942-6168  
FAX: 941-1603

400 Well St, N.E.  
P.O. Box 953  
Decatur, AL  
35602-0953  
(205) 353-1713  
FAX: 340-9359

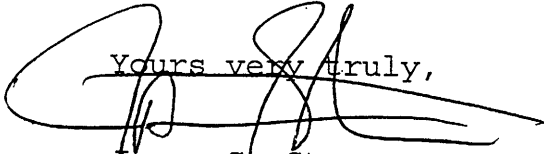
2204 Perimeter Rd  
Mobile, AL  
36615-1131  
(334) 450-3400  
FAX: 479-2593

Enclosed please find an Administrative Order which requires you to take certain actions regarding violations of applicable environmental laws and regulations. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on your behalf.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000.00 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, §22-22A-7(c)(1) this Order may be appealed by filing a request for hearing before the Environmental Management Commission within 15 days after receiving notice of this Order. The request should be addressed to the Chair of the Environmental Management Commission and comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be obtained by submitting a request in writing along with a check or money order for \$2.00 for each copy requested. Written requests should be sent to the ADEM-Office of General Counsel, P.O. Box 301463, Montgomery, Alabama 36130-1463, Attention: Ann Fells.

If you have any questions, please feel free to contact me at (334) 271-7977.

Yours very truly,

  
James G. Stevens  
Associate General Counsel

JGS:df/96FeeOrd  
Enclosures

Copy to: Sonja Massey  
Curt Johnson  
ADEM-Public Affairs Office  
Marilyn Elliott  
Mike Hollinger, US EPA, Region IV



ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

UNDERGROUND STORAGE TANK OWNER  
DELINQUENT UST FEE ACCOUNT

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ADMINISTRATIVE ORDER

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FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 to 22-22A-16, Code of Alabama 1975, as amended, the Alabama Underground Storage Tank and Wellhead Protection Act, §§ 22-36-1 to 22-36-10, Code of Alabama 1975, as amended, the Alabama Underground and Aboveground Storage Tank Trust Fund Act, §§ 22-35-1 to 22-35-13, Code of Alabama 1975, as amended, and the administrative regulations adopted pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department"), makes the following FINDINGS:

1. The UST owner identified in the attached "Exhibit A" is the owner of regulated underground storage tanks (USTs) in Alabama, as identified more fully in the tank inventory attached as "Exhibit B". These underground storage tanks are subject to assessment for the Alabama UST Regulatory Fee.

2. Pursuant to § 22-36-5, Code of Alabama 1975, as amended, the UST owner was assessed and invoiced for the UST Regulatory Fee in the amount of \$30.00 per regulated tank said amounts were due 30 days from the date of the invoice.

3. The UST owner has refused or otherwise failed to pay the Regulatory Fee assessment, which is now delinquent in the amount identified in the attached "Exhibit A".

4. The failure of the UST owner to pay the Alabama Regulatory Fee renders the owner ineligible for benefits from the Alabama Aboveground and Underground Storage Tank Trust Fund.

ORDER

Based upon the foregoing FINDINGS and pursuant to §§ 22-22A-5(18)a, and 22-36-5, 22-36-9, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That within thirty (30) days of notice of receipt of this Order, the UST owner shall pay to the Alabama Department of Environmental Management the delinquent UST Regulatory Fee as identified in the attached "Exhibit A" as the TOTAL DELINQUENT AMOUNT DUE.

B. That within thirty (30) days of notice of receipt of this Order, the UST owner shall pay to the Department a civil penalty the amount identified in Exhibit "A" as CIVIL PENALTY to the Alabama Department of Environmental Management.

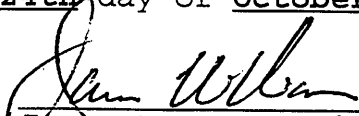
C. That in the event the amount required under Paragraph A is not paid in full within thirty (30) days of receipt of this Order, the UST owner immediately shall cease the operation and use of all USTs registered to said owner. Said USTs shall not be operated or used thereafter nor shall additional product be introduced into the USTs until such time all requirements of this Order are satisfied.

D. That the UST owner forthwith shall comply with all applicable requirements for each UST and shall continuously remain in compliance therewith each and every day thereafter until such time the UST is permanently removed from service pursuant to ADEM Admin. Code R. 335-6-15.

E. That the issuance of this Order does not preclude the Department from the commencement of legal action against the UST owner for the recovery of criminal penalties, or other appropriate sanctions or relief for nonpayment of UST fees assessed in previous years.

F. That the failure to comply with any of the provisions of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief.

ORDERED and ISSUED this 24th day of October, 1996.

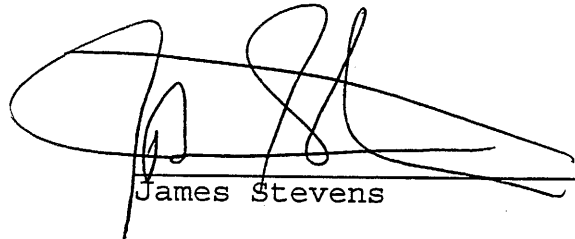


James W. Warr, Director  
Alabama Department of  
Environmental Management  
1751 Dickinson Drive  
Montgomery, AL 36109-2608  
(334) 271-7977

CERTIFICATE OF SERVICE

I, James Stevens, hereby certify that I have this date served the foregoing Administrative Order on the UST owner by sending the same, postage paid, through the U.S. Mail as Certified Mail with instructions to forward and with return receipt requested.

DONE this 24th day of October, 1996.



James Stevens

	OWNER	NAME_OWNER	CERTMAIL	ORDER#	PENALTY	DATE SENT	DATE2	DELIVERY D/
1	10032	A J TAFT CITY SERVICE STATION	P-248278705	97005GW	100.00	10/24/96		
2	10198	ALTAMONT ASSOCIATES LTD	P-248278706	97006GW	100.00	10/24/96		
3	10201	ALVERSON LAND CO.:C/O HERMAN MAI	P-248278707	97007GW	300.00	10/24/96		
4	10280	ANTHONY GLENN BROGDON	P-248278708	97008GW	200.00	10/24/96		
5	10373	B & R BACKHOE	P-248278709	97009GW	200.00	10/24/96		
6	10407	BAMA OIL SUPPLY INC	P-248278710	97010GW	2600.00	10/24/96		
7	10430	BARNES EXCAVATING CO INC	P-248278711	97011GW	200.00	10/24/96		
8	10604	BOB HAYES	P-248278712	97012GW	100.00	10/24/96		
9	10751	BURNWELL GROCERY	P-248278713	97013GW	200.00	10/24/96		
10	11098	CLARENCE PARKER	P-248278714	97014GW	100.00	10/24/96		
11	11099	CLARK AIRCRAFT INC	P-248278715	97015GW	200.00	10/24/96		
12	11105	WENDELL & HELEN MAZINGO	P-248278716	97016GW	100.00	10/24/96		
13	11284	CRAIG PARADE STATION	P-248278717	97017GW	100.00	10/24/96		
14	11320	CURLIE B DERAMUS	P-248278718	97018GW	100.00	10/24/96		
15	11375	DAVID DEAN	P-248278719	97019GW	100.00	10/24/96		
16	11639	EDDIE LEE MORRIS	P-248278720	97020GW	200.00	10/24/96		
17	11999	GANDY OIL CO INC	P-248278721	97021GW	1000.00	10/24/96		
18	12113	GOODYEAR TIRE & RUBBER CO	P-248278722	97022GW	100.00	10/24/96		
19	12248	HAMMETT DRILLING CO INC	P-248278723	97023GW	100.00	10/24/96		
20	12355	HOMER HESTER JR	P-248278724	97024GW	100.00	10/24/96		
21	12363	HICKS OIL CO	P-248278725	97025GW	100.00	10/24/96		
22	12468	HUDSON SELF SERVE	P-248278726	97026GW	200.00	10/24/96		
23	12622	JACK ADRIAN	P-248278727	97027GW	200.00	10/24/96		
24	12672	JAMES G ROGERS	P-248278728	97028GW	100.00	10/24/96		
25	12737	JESSIE L JACKSON	P-248278729	97029GW	200.00	10/24/96		
26	12887	CHARLES REDDING	P-248278730	97030GW	100.00	10/24/96		
27	12934	GREGORY RAINBOLT	P-248278732	97032GW	200.00	10/24/96		
28	12959	KERMIT NOLES JR	P-248278733	97033GW	100.00	10/24/96		
29	13104	LEON HUNTER	P-248278734	97034GW	100.00	10/24/96		
30	13948	QUALITY OIL CO	P-248278735	97035GW	100.00	10/24/96		
31	14038	RAYMOND B SANDERS	P-248278736	97036GW	300.00	10/24/96		
32	14164	RODDIE L PRATER	P-248278737	97037GW	200.00	10/24/96		
33	14409	SHIRLEY JONES	P-248278738	97038GW	400.00	10/24/96		
34	15070	ARTHUR BELL	P-248278739	97039GW	100.00	10/24/96		
35	15278	WALTER JOLY	P-248278740	97040GW	100.00	10/24/96		
36	15441	WINSTON COUNTY SHERIFF DEPARTMEN	P-248278741	97041GW	100.00	10/24/96		
37	15520	WALLACE HUBBERT	P-248278742	97042GW	100.00	10/24/96		
38	15556	JEWELL THOMPSON	P-248278743	97043GW	200.00	10/24/96		
39	15567	ROTHELL GORAM	P-248278744	97044GW	300.00	10/24/96		
40	15772	J W EZELL	P-248278745	97045GW	100.00	10/24/96		
41	15774	EARLINE RIVERS	P-248278746	97046GW	100.00	10/24/96		
42	15923	MACARTHUR DAVIS	P-248278747	97047GW	100.00	10/24/96		
43	15931	JOSEPH PETTWAY PETTWAYS PLACE	P-248278748	97048GW	200.00	10/24/96		

	OWNER	NAME_OWNER	CERTMAIL	ORDER#	PENALTY	DATE SENT	DATE2	DELIVERY C
44	16023	JOHN PHARES JR	P-248278749	97049GW	200.00	10/24/96		
45	16062	JIM COPELAND	P-248278750	97050GW	200.00	10/24/96		
46	16158	WILLIAM H JOHNSON JR	P-248278751	97051GW	100.00	10/24/96		
47	16170	D & J ENTERPRISES INC	P-248278752	97052GW	200.00	10/24/96		
48	16194	ALMA TERRY	P-248278753	97053GW	200.00	10/24/96		
49	16248	LILLIAN BACHMAN	P-248278754	97054GW	200.00	10/24/96		
50	16281	CAROLYN MCCOY	P-248278755	97055GW	200.00	10/24/96		
51	16286	BETTY MIMS	P-248278756	97056GW	100.00	10/24/96		
52	16338	CARNES SERVICE STATION	P-248278757	97057GW	200.00	10/24/96		
53	16387	EARL OWENS	P-248278758	97058GW	100.00	10/24/96		
54	16563	DEES INC	P-248278759	97059GW	100.00	10/24/96		
55	16569	SOUTHERN SPORTSMAN R M DAVIS JR	P-248278760	97060GW	100.00	10/24/96		
56	16632	MARIE HILL	P-248278761	97061GW	200.00	10/24/96		
57	16671	CLAY COUNTY COMMISSION	P-248278762	97062GW	100.00	10/24/96		
58	16680	AUBURN FORD LINC MERCURY INC	P-248278763	97063GW	100.00	10/24/96		
59	16744	MICHAEL L UPSHAW	P-248278764	97064GW	300.00	10/24/96		
60	16812	RONALD DONALD & DOUGLAS LITTLE	P-248278765	97065GW	200.00	10/24/96		
61	16901	BOBBY THOMPSON	P-248278766	97066GW	200.00	10/24/96		
62	16970	JACK HANCOCK	P-248278767	97067GW	100.00	10/24/96		
63	17108	EASTERN SHORE MARINE INC	P-248278768	97068GW	200.00	10/24/96		
64	17119	M T ROWLAND	P-248278769	97069GW	100.00	10/24/96		
65	17285	S & J SALES CO INC	P-248278770	97070GW	200.00	10/24/96		
66	17300	THE JAM SESSION INC	P-248278771	97071GW	100.00	10/24/96		
67	17477	SMITH BROTHERS GROCERY	P-248278772	97072GW	200.00	10/24/96		
68	17520	JAMES ESPEY	P-248278773	97073GW	100.00	10/24/96		
69	17579	SAV U FOODS (SAM KOSSARY)	P-248278774	97074GW	200.00	10/24/96		
70	17591	CALVIN C WELDON	P-248278775	97075GW	200.00	10/24/96		
71	17644	LARRY AND ANGELIA GLASS	P-248278776	97076GW	100.00	10/24/96		
72	17646	CHARLES BOYD BERRY	P-248278777	97077GW	100.00	10/24/96		
73	17652	JOE DANNA	P-248278778	97078GW	100.00	10/24/96		
74	17764	JOYE BAKER	P-248278779	97079GW	100.00	10/24/96		
75	17811	STANFORD L SMITH	P-248278780	97080GW	200.00	10/24/96		
76	17826	MARK & WALT HILYER	P-248278781	97081GW	200.00	10/24/96		
77	17843	VIRGINIA ARTHUR	P-248278782	97082GW	100.00	10/24/96		
78	17849	BRYCE HOSPITAL/ROY LAGRONE	P-248278783	97083GW	100.00	10/24/96		
79	17888	JOE MATTOX	P-248278784	97084GW	100.00	10/24/96		
80	17947	RANDALL BOSWELL	P-248278785	97085GW	100.00	10/24/96		
81	17962	ELEFTHERIS PALAMOYTIS	P-248278786	97086GW	200.00	10/24/96		
82	17994	ROBERT FLYNT	P-248278787	97087GW	200.00	10/24/96		
83	17995	DONNA NICHOLSON	P-248278788	97088GW	100.00	10/24/96		
84	18076	WILLIAM W DANLAY	P-248278789	97089GW	100.00	10/24/96		
85	19019	BRENDA HOLDER	P-248278790	97090GW	200.00	10/24/96		
86	19025	BEVERLY J PEEK	P-248278791	97091GW	100.00	10/24/96		

	OWNER	NAME_OWNER	CERTMAIL	ORDER#	PENALTY	DATE SENT	DATE2	DELIVERY
87	19073	WILLIE T FORD	P-248278792	97092GW	200.00	10/24/96		
88	19122	WILLIE LEE FORD	P-248278793	97093GW	200.00	10/24/96		
89	19138	LARRY & PEGGY TURNER	P-248278794	97094GW	200.00	10/24/96		
90	19146	NANCY L SWAIM	P-248278795	97095GW	200.00	10/24/96		
91	19212	ALVIN BROWN JR	P-248278796	97096GW	100.00	10/24/96		
92	19649	LARRY HACKER	P-248278797	97097GW	100.00	10/24/96		
93	19873	SWANN FOOD MART INC	P-248278798	97098GW	100.00	10/24/96		
94	19901	TIM FOREHAND	P-248278799	97099GW	200.00	10/24/96		
95	19935	DONNIE MCDANIEL	P-248278800	97100GW	200.00	10/24/96		
96	19948	BEAVER DAM INVESTMENT CO	P-248278801	97101GW	100.00	10/24/96		
97	20043	CURTIS C CHAPPELL	P-248278802	97102GW	100.00	10/24/96		