Used Oil Enforcement: Alabama Department of Environmental Management and Tuscaloosa County Used Oil Transportation Facility Enter into Consent Order

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02/23/2022

The Alabama Department of Environmental Management ("ADEM") and Delta Oil Services, Inc. ("Delta") entered into a February 16th Consent Order ("CO") addressing alleged violations of Alabama regulations focused on used oil management. See Consent Order No. 22-XXX-CHW/CWP.

The CO provides that Delta is a used oil transporter located in Tuscaloosa County, Alabama.

A release of used oil is stated to have been discovered on April 15, 2021, by Tuscaloosa County EMA and Northport Fire Department at Burgess Equipment Repair located in Northport, Alabama. ADEM is stated to have determined that used oil was released from a Delta transport vehicle.

Alleged violations identified are stated to have included:

- Failure to clean up used oil released from one of its transport vehicles that was staged at the Burgess Equipment Repair site
- Discharge of pollutants to a water of the state without a permit
- The discharge from the Delta truck allegedly resulted in a floating oil sheen that violated the water quality criteria set forth in ADEM Admin. Code R.335-6-10-.06(b)

A representative of ADEM's Industrial Hazardous Waste Branch is stated to have conducted a compliance evaluation inspection ("CEI") of Delta's facility in Adger, Alabama. The CEI and a review of Delta's compliance is alleged to have demonstrated the following:

- Disposal of used oil onto the ground at the facility by not properly cleaning up releases of used oils in a timely manner
- Failure to label 20 totes and three aboveground tanks containing used oils with the words "Used Oil"
- Failure to keep closed two totes that contained used oil
- Failure to provide secondary containment for the storage of totes containing used oil
- Storing used oil in three aboveground storage tanks that were not in good condition and leaking
- Storing used oil in three aboveground used oil storage tanks that did not have a secondary containment system
- Failure to clean up used oil released from a secondary containment drainage hose and from leaking aboveground storage tanks

- Transporting hazardous waste (i.e., EPA hazardous waste No. D001) from a generator in Tuscaloosa without an Alabama Hazardous Waste Transporter Permit
- Storage of hazardous waste from an offsite generator at the Adger facility without a permit
- Treating hazardous waste from an offsite generator by mixing hazardous waste with nonhazardous used oil in tanks at the Adger facility without a permit
- Failure to submit a Form 8700-12 to ADEM for the year 2021

On May 12, 2021, a representative of ADEM is stated to have conducted a CEI of a transfer station operated by Delta in Cottondale, Alabama. The CEI and a review of Delta's compliance is stated to have indicated the following:

- Failure to include a transfer station located in Cottondale, Alabama, in its permit application

Delta denies the contentions of ADEM but consents to abide by the terms of the document and pay the civil penalty.

A civil penalty of $58,680 is assessed.

A copy of the CO can be downloaded here.