

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Pine Ridge Transportation, LLC  
Tanner, Limestone County, Alabama  
USEPA ID NUMBER ALR000058933**

ORDER NO. 20-XXX-HW

**FINDINGS**

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (“AHWMMA”), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (“ADEM” or the “Department”) makes the following FINDINGS:

1. Pine Ridge Transportation, LLC (“Pine Ridge”) is a used oil generator, transporter, and a used oil processing/re-refining facility (the “Facility”) with EPA Identification Number ALR000058933, located at 17894 Lindsay Road in Tanner, Limestone County, Alabama. Pine Ridge, as a result of its operations at the facility, was a used oil generator, transporter, and processor/re-refiner, as those terms are defined in ADEM Admin. Code div. 14, at all times relevant to this action.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

4. On February 21, 2020, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection (hereinafter "CEI") of Pine Ridge. The CEI and a review of Pine Ridge's compliance showed the following:

- (a) Pursuant to ADEM Admin. Code r. 335-14-17-.09, used oils that cannot be recycled and are therefore being disposed must be disposed of in a manner according to ADEM Admin. Code r. 335-14 or 335-13.

Pine Ridge failed to address releases of used oil to the ground in multiple places at the facility, and thereby disposed of it in a manner prohibited under ADEM Admin. Code div. 335-14 and 335-13.

- (b) Pursuant to ADEM Admin. Code r. 335-14-17-.06(3)(a)1., a used oil processing facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.

On Friday, February 14, 2020, Pine Ridge released approximately 1,700 gallons of used oil into the environment. The release was not discovered until the following Tuesday. Pine Ridge failed to provide containment for the truck unloading areas, which allowed the released oil to spread onto neighboring properties.

- (c) Pursuant to ADEM Admin. Code r. 335-14-17-.06(5)(a)1., a container holding used oil at a used oil processing facility must always be closed during storage, except when it is necessary to add or remove used oil.

Pine Ridge failed to keep closed fifteen 55-gallon drums of used oil stored in the containment area outside the processing building.

- (d) Pursuant to ADEM Admin. Code r. 335-14-17-.06(5), a used oil processing facility is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) in addition to the requirements of 335-14-17-.06. 40 CFR 112.3 requires a facility covered by Part 112 to prepare in writing and implement a Spill Prevention, Control and Countermeasures Plan.

Pine Ridge failed to have a Spill Prevention, Control and Countermeasures (SPCC) plan in place at the time of the inspection.

- (e) Pursuant to ADEM Admin. Code r. 335-14-17-.06(5)(c), Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system. ADEM Admin. Code r. 335-14-1-.02(1)(a)50. defines a "Container" as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled. So, under this definition, tanker trucks are containers.

Pine Ridge failed to provide secondary containment for the truck unloading areas.

- (f) Pursuant to ADEM Admin. Code r. 335-14-17-.06(5)(e)5., the containment system must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked used oil and accumulated precipitation must be removed from the containment system in as timely a manner as necessary to prevent overflow of the system.

Pine Ridge failed to remove spilled or leaked oil and accumulated precipitation from the sloped secondary containment area and the tank farm secondary containment.

- (g) Pursuant to ADEM Admin. Code r. 335-14-17-.06(5)(c)6., spilled or leaked used oil and accumulated precipitation in sump or collection area of the secondary containment system for containers used to store or process used oil at a processing facility must be removed in as timely a manner as necessary to prevent overflow of the collection system.

Pine Ridge had not removed precipitation mixed with used oil in a timely manner from the sump or collection area.

- (h) Pursuant to ADEM Admin. Code r. 335-14-17-.06(5)(f)1., containers and aboveground used oil storage tanks at used oil processing facilities must be labeled or clearly marked with the words "Used Oil".

Pine Ridge failed to mark with the words “Used Oil” fifteen 55-gallon drums of used oil stored in the containment area outside the processing building.

- (i) Pursuant to ADEM Admin. Code r. 335-14-17-.06(7), used oil processors must keep a record of each shipment of used oil accepted for used oil processing or shipped off-site to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping document.

Pine Ridge failed to keep complete records of the used oil shipments received at the facility and could not provide records for used oil shipped off-site.

- (j) Pursuant to ADEM Admin. Code r. 335-14-17-.06(8)(a) used oil processing facilities must keep a written operating record at the facility. This operating record must contain, as it becomes available, records and results of used oil analysis performed as described in the analysis plan; and documentation of information used to make the determinations described in the analysis plan; and summary reports and details of all incidents that require implementation of the contingency plan.

Pine Ridge failed to provide the records of information listed above during the inspection.

- (k) Pursuant to ADEM Admin. Code r. 335-14-17-.06(8)(b), a used oil processor must report to the department, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), information concerning used oil activities during the previous calendar year.

Pine Ridge had not submitted a biennial report to the Department by March 1, 2020.

- (l) Pursuant to ADEM Admin. Code r. 335-14-17-.05(4)(d), a transporter must demonstrate to the satisfaction of the Department that the financial document submitted with their applications as required in 335-14-17-.05 is in force for the duration of the permit.

The Certificate of Insurance submitted to the Department by Pine Ridge with their transporter permit application expired on February 23, 2020.

- (m) Pursuant to ADEM Admin. Code rs. 335-14-17-.05(6)(a) and 335-17-.06(4)(a), to ensure that the used oil being transported is not a hazardous waste, under the rebuttable presumption of rule 335-14-17-.02(1)(b)1.(ii), the used oil transporter and a used oil processing/re-refining facility must determine whether the total halogen content is above or below 1,000 ppm.

Pine Ridge failed to provide documentation to demonstrate if used oil it transported from generators and processed at the Facility was a hazardous waste.

- (n) Pursuant to ADEM Admin. Code r. 335-14-17-.02(1)(c)3., excludes used oil filters from regulation as used oil provided that a generator gravity hot-drain his used oil filters using an appropriate method (i.e. puncturing, crushing, dismantling, or any equivalent method) which removes the free-flowing used oil.

Used oil filters stored in two 350-gallon totes were not properly drained of free flowing used oil.

- (o) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(a)1., a container holding used oil at used oil generator facilities must always be closed during storage, except when it is necessary to add or remove used oil.

Two 350-gallon tote containers holding used oil filters were not closed during the inspection. The tops had been removed so that the totes could not be closed.

- (p) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(b), containers used to store used oil at used oil generator facilities must be in good condition and not leaking. One 350-gallon tote holding used oil filters was not in good condition. The container was cracked and used oil was leaking from the tote on to the ground during the inspection.

- (q) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(d), upon detection of a release of used oil to the environment, a generator must stop the release; contain the released used oil; clean up and manage the released used oil; and if necessary,

repair or replace any leaking used oil storage containers prior to returning them to service.

Pine Ridge had not followed the appropriate procedure to stop and clean up a used oil release from the 350-gallon tote of used oil filters described in (p).

- (r) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

Pine Ridge failed to mark or label two 350-gallon totes containing used oil filters with the words "Used Oil".

5. On April 22, 2020, the Department issued a Notice of Violation to Pine Ridge, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. To date, the Department has not received Pine Ridge's response to the aforementioned Notice of Violation.

7. Pursuant to Ala. Code § 22-22A-5(18), as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at the civil penalty assessed in this Order, the Department has considered the following:

(a) SERIOUSNESS OF THE VIOLATIONS: In arriving at the civil penalty, the Department considered the general nature and magnitude of the violation(s) along with the

available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) **THE STANDARD OF CARE:** In considering the standard of care manifested by Pine Ridge, the Department noted that the violations described above were non-technical and easily avoidable. Consequently, Pine Ridge has failed to exhibit a standard of care commensurate with the applicable regulatory standards.

(c) **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has determined that there was no significant economic benefit gained by Pine Ridge as a result of the violations referenced herein.

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT:** The Department is not aware of the extent of efforts made by the facility to mitigate the effects of the violations upon the environment.

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, Pine Ridge has a history of previous violations and the penalty reflects that history.

(f) **THE ABILITY TO PAY:** The Department does not have any evidence indicating that Pine Ridge is unable to pay the civil penalty.

8. **OTHER FACTORS:** The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, and has concluded that the civil penalty is appropriate for the violations cited in this Order (see Attachment A, which is made a part of the Department's Findings).

### **ORDER**

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§22-22A-5(10), 22-22A-5(18), 22-30-20, and 22-30-19(a) and (b), as amended, it is hereby ORDERED:

A. That, within forty-five days of the receipt of this Order, Pine Ridge shall pay to the Department a civil penalty in the amount of \$39,700 for the violations cited herein. Said penalty

shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment acceptable to the Department and shall be remitted to:

Office of General Counsel  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Order shall reference Pine Ridge's name and address and the ADEM Administrative Order number of this action.

B. That, Pine Ridge shall comply with all terms, conditions, and limitations of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

C. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

D. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Pine Ridge for the violation(s) cited herein.

E. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against Pine Ridge for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Lance R. LeFleur  
Director



**Attachment A**

Pine Ridge Transportation, LLC

Tanner, Limestone County

Facility ID No. ALR000058933

<b>Violation</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violation*</b>
Failure to properly dispose of used oil released to the ground in multiple places at the facility	1	\$10,000	\$1,000	\$0
Failure to operate in a way that minimized the possibility of a release	1	\$10,000	\$1,000	\$1,000
Failure to ensure all containers holding used oil are closed	1	\$100	\$50	\$50
Failure to have a Spill Prevention, Control and Countermeasures (SPCC) plan	1	\$1,000	\$500	\$500
Failure to provide secondary containment in their truck unloading areas	1	\$1,000	\$500	\$500
Failure to remove precipitation mixed with used oil from tank secondary containment areas	1	\$1,000	\$500	\$0
Failure to remove precipitation mixed with used oil in a timely manner from the container storage area	1	\$1,000	\$500	\$0
Failure to mark with the words "Used Oil" fifteen containers holding used oil	1	\$100	\$50	\$50
Failure to keep records of used oil accepted for used oil processing or shipped off-site	1	\$500	\$250	\$0
Failure to maintain or provide all required records	1	\$1,000	\$100	\$0
Failure to submit a biennial report to the Department	1	\$500	\$250	\$0
Failure to provide financial assurance for the duration of the transporter permit	1	\$2,500	\$1,000	\$0

Failure to produce documentation of tests to determine if used oil was a hazardous waste	1	\$1,000	\$500	\$0	
Failure to ensure all spent oil filters are drained of free flowing used oil	1	\$100	\$50	\$0	
Failure to ensure all containers holding used oil are closed	1	\$100	\$50	\$50	
Failure to ensure all containers holding used oil are in good condition	1	\$100	\$50	\$0	
Failure to respond to a release of used oil to the environment	1	\$500	\$250	\$250	
Failure to mark or label two containers holding used oil filters with the words "Used Oil"	1	\$100	\$50	\$50	<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		\$30,600	\$6,650	\$2,450	\$39,700

Adjustments to Amount of Initial Penalty

Mitigating Factors (-)	\$0	Economic Benefit (+)	\$0
Ability to Pay (-)	\$0	Amount of Initial Penalty	\$39,700
Other Factors (+/-)	\$0	Total Adjustments (+/-)	\$0
<b>Total Adjustments (+/-) Enter at Right</b>	<b>\$0</b>	<b>FINAL PENALTY</b>	<b>\$39,700</b>

Footnotes

\* \* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.