

**ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT**

In The Matter Of: )  
)

**Dorsey Trailer, Inc.**

Dorsey Trailer, Inc. )

UST Facility ID No. 11507-031-006024 )

UST Incident No. UST91-01-18/UST91-09-12 )

Elba, Coffee County, Alabama )  
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**ADMINISTRATIVE ORDER**

No. 05-046-GW

**FINDINGS**

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended; the Alabama Underground Storage Tank and Wellhead Protection Act, §§ 22-36-1 through 22-36-10, Code of Alabama (1975), as amended; the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS:

1. Dorsey Trailer, Inc. (hereinafter, "the owner"), is the registered owner of an underground storage tank system formerly located at Dorsey Trailer, Inc., 1315 Hickman Avenue, Elba, Coffee County, Alabama, designated as ADEM Facility I.D. Number 11507-031-006024.

2. The Alabama Department of Environmental Management is a duly constituted agency of the State of Alabama pursuant to §§ 22-22A-1 through 22-22A-16, Code of Alabama 1975, as amended.

3. Pursuant to § 22-22A-4(n), Code of Alabama 1975, as amended, the Alabama Department of Environmental Management is the State Environmental Control Agency for the purposes of Federal Environmental Law, including 42 U.S.C. §6991, et. seq., as amended.

4. The Alabama Department of Environmental Management is authorized to administer and enforce the provisions of the Alabama Underground Storage Tank and Wellhead Protection Act, §§ 22-36-1 through 22-36-10, Code of Alabama 1975, as amended.

5. Based upon an inspection of the UST facility and/or a review of records relating to the UST facility, the Department has documented the violations alleged herein.

6. Pursuant to ADEM Admin. Code R. 335-6-15-.23, owners of UST systems must contain and immediately clean up spills or overfills and report to the Department within 24 hours, or another reasonable time period specified by the Department, and begin corrective action in accordance with Rules 335-6-15-.24 through 335-6-15-.31.

7. On December 27, 1990, the owner reported to the Department a spill/release of approximately 25 gallons of toluene. The release was assigned UST Release Incident No. UST91-01-18.

8. On February 5, 1991, the Department issued a Notice of Violation to the owner, requiring a preliminary investigation.

9. Pursuant to ADEM Admin. Code R. 335-6-15-.35(2), UST owners must begin corrective action in accordance with Rules 335-6-15-.24 through 335-6-15-.31, if contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered by a UST closure assessment or by any other manner.

10. On July 21, 1991, the owner submitted to the Department a Closure Assessment Report indicating the discovery of contaminated soils, contaminated groundwater or free product as a liquid or vapor. The release was assigned UST Release Incident No. UST91-09-12.

11. On October 7, 1991, the Department issued a Notice of Violation to the owner, requiring a Secondary Investigation to determine the horizontal and vertical extent of contamination.

12. On December 20, 1996, upon review of the completed Secondary Investigation Report, the Department issued a Notice of Requirement to the owner, requiring the development of a proposed Corrective Action Plan (CAP).

13. On August 13, 1997, the Department notified the owner that the proposed CAP submitted for ADEM review had been accepted and should be implemented, including quarterly groundwater monitoring and quarterly System Effectiveness Monitoring Reports.

14. The owner has failed to submit required quarterly System Effectiveness Monitoring Reports since July, 2003.

15. Pursuant to ADEM Admin. Code R. 335-6-15-.30, owners are required, within a schedule acceptable to the Department, to develop and submit to the Department for approval proposed Alabama Risk Based Corrective Action (ARBCA) limits, institutional controls, or a combination thereof, using ADEM formats and procedures.

16. On October 10, 2003, the Department issued the owner a Notice of Requirement to conduct an Alabama Risk Based Corrective Action (ARBCA) Tier 1 and/or Tier 2 Evaluation and submit the Evaluation Report for review no later than April 29, 2004.

17. The owner failed to submit the required Evaluation Report by the April 29, 2004 due date, in violation of the October 10, 2003 Notice of Requirement.

18. On May 28, 2004, the Department issued the owner a "Notice of Delinquency" for failure to submit the required ARBCA Evaluation Report.

19. On October 27, 2004, an inspection by Department personnel documented that the installed Corrective Action System was not operational nor being properly maintained.

20. On November 30, 2004, the Department issued a "Notice of Violation" to the owner citing the failure to submit an Alabama Risk Based Corrective Action Evaluation Report, as required. The notice also required the owner to properly operate and maintain the installed Corrective Action System.

21. On January 28, 2005, The Department issued a "Notice of Violation" to the owner citing the failure to submit the quarterly System Effectiveness Monitoring Reports, as required.

22. To date, the owner has refused or otherwise failed to submit the required Alabama Risk Based Corrective Action Evaluation Report, in violation of ADEM Admin. Code R. 335-6-15-.30, and has refused or otherwise failed to submit the required quarterly System Effectiveness Monitoring Reports, in violation of ADEM Admin. Code R. 335-6-15-.29.

23. Pursuant to Ala.Code § 22-22A-5, as amended, each day a violation continues constitutes a separate violation.

## ORDER

Based upon the foregoing FINDINGS and pursuant to §§22-22A-5(10), 22-22A-5(18), and 22-36-3, Code of Alabama (1975), as amended, it is hereby ORDERED:

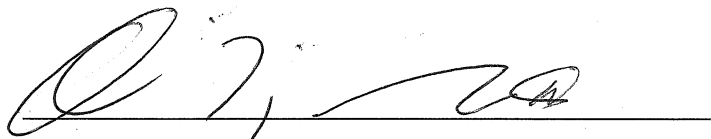
A. That, within ninety (90) days of the issuance date of this Order, the owner shall submit to the Department an Alabama Risk Based Corrective Action Tier 1 and/or Tier 2 Evaluation Report conducted in accordance with ADEM Admin. Code R. 335-6-15-.30.

B. That, if required by the Department based upon a review of the Alabama Risk Based Corrective Action Tier 1 and/or Tier 2 Evaluation Report, the owner shall undertake additional investigations and corrective actions in accordance with ADEM Admin. Code R. 335-6-15-.24 through 335-6-15-.31, and shall continue corrective actions thereunder until notified by the Department in writing that no further actions are required.

C. That the issuance of this Order does not preclude the Department from seeking civil penalties, criminal fines or other appropriate sanctions or relief against the owner for the violations cited herein.

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

ORDERED and ISSUED this 3<sup>rd</sup> day of FEBRUARY, 2005.



Onis "Trey" Glenn, III

Director

Alabama Department of Environmental Management

1400 Coliseum Boulevard

Montgomery, AL 36110-2059


(334) 271-7700

**Certificate of Service**

I hereby certify that I have this date served the foregoing ADEM Administrative Order No. 05-046-GW by placing a copy of same in the United States Mail, Certified Mail (No. 7003-0500-0001-2707-9102), postage prepaid and properly addressed as follows:

Tasha Dolan, Chief Financial Officer  
**Dorsey Trailer, Inc.**  
1315 Hickman Street  
Elba, Alabama 36323

Dated: February 3, 2005

  
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Thomas L. Johnston