

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

KERR-MCGEE REFINING CORPORATION)

KERR-MCGEE SERVICE)
STATION #124-7063)
OLD HIGHWAY 78 WEST)
JASPER, ALABAMA)

ADMINISTRATIVE ORDER

NO. 94-248-GW

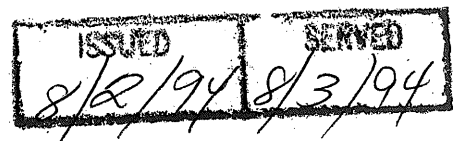
FINDINGS

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 as amended, and the administrative regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS:

1. KERR-MCGEE REFINING CORPORATION (hereinafter, "KMRC"), was the registered owner and operator of an underground storage tank system (UST) located at Old Highway 78 West, Jasper, *Walker* Jefferson County, Alabama. The underground storage tank system is registered as ADEM Facility ID No. 14309-127-003833.

2. On or about February 26, 1992 a motor fuel release was discovered at the referenced facility when a product delivery resulted in the overflow of the plus unleaded tank.

3. An investigation on or about March 13, 1992, by Department personnel, revealed that the referenced facility had failed a system tank tightness test performed on the plus unleaded tank in November of 1990.



4. Pursuant to ADEM Admin. Code R. 335-6-15-.22(a)(1), the owner/operator must repair, replace or upgrade the UST system and begin corrective action within seven (7) days if test results for the system, tank, or delivery piping indicate that a leak exists.

5. KMRC failed to repair, replace or upgrade the UST system and begin corrective action within seven (7) days of test results indicating a leak, in violation of ADEM Admin. Code R. 335-6-15-.22(a)(1).

6. As a result of the release on/or about February 26, 1992, the Department requested that KMRC provide all inventory records of the referenced facility since the new tanks were installed.

7. Inventory records for the period July, 1991 through December, 1991, from the referenced facility, revealed that there was an inventory loss in excess of the requirements of ADEM Admin. Code R. 335-6-15-.20(c)2.

8. ADEM Admin. Code R. 335-6-15-.20 requires that the owner/operator notify the Department of the suspected release within 24-hours of discovery of the suspected release.

9. KMRC failed to notify the Department of the suspected release within 24-hours in violation of ADEM Admin. Code R. 335-6-15-.20.

ORDER

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-5(10), 22-36-7 and 22-36-9, Code of Alabama 1975 as amended, it is hereby ORDERED:

A. That not later than 30 days from notice of receipt of this Order, KMRC shall pay to the Department a civil penalty in the amount of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

B. That KMRC shall continue under the investigation and corrective action requirements of ADEM Admin. Code R. Chapter 335-6-15 until released from those requirements in writing by the Department upon a showing of satisfaction of applicable corrective action limits or other demonstration as required by the Department.

C. KMRC waives any and all rights to an administrative hearing before the Alabama Environmental Management Commission; however, the waiving of the right to an administrative hearing shall not be construed as an admission by KMRC of any of the violations cited above, and KMRC does not admit any of the violations cited above.

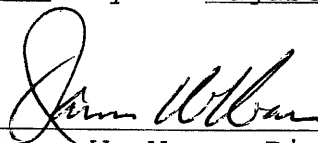
D. That KMRC shall comply with all other applicable underground storage tank requirements. KMRC shall continuously remain in compliance therewith each and every day thereafter until formal closure of the underground storage tank system pursuant to ADEM Admin. Code R. 335-6-15-.37.

E. That the issuance of this Order does not preclude the Department from seeking other appropriate sanctions or relief against the owner/operator for the violations cited herein.

F. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against the owner/operator for recovery of civil

penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 2nd day of August, 1994.



James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7977

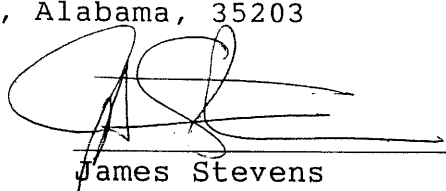
CERTIFICATE OF SERVICE

I, James Stevens, hereby certify that I have this date served Administrative Order No. 94-248-GW upon the Kerr-McGee Corporation by sending the same, postage paid, through the U.S. Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. (P 841 248 890)

Mr. William S. Cox, III
Lightfoot, Franklin, White and Lucas
505 Twentieth Street North
300 Financial Center
Birmingham, Alabama, 35203

Dated: August 2, 1994


James Stevens