

**ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT**

In The Matter Of: )

New Frontier Oil LLC )  
Fuel Deliverer for UST Facility )  
ID No. 23608-073-015187 )  
Adamsville, Jefferson County, Alabama )

**CONSENT ORDER**

No. \_\_\_\_\_

**PREAMBLE**

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 to 22-22A-17, Ala. Code as amended; the Alabama Underground Storage Tank and Wellhead Protection Act, §§ 22-36-1 to 22-36-10, Ala. Code as amended; and the ADEM Administrative Code of Regulations (hereinafter "ADEM Admin. Code r.") promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter the "Department" or "ADEM") stipulates the following:

1. New Frontier Oil LLC (herinafter the "Owner") is a regulated substance deliverer.
2. ADEM is a duly constituted agency of the State of Alabama pursuant to §§ 22-22A-1 to 22-22A-16, Ala. Code as amended.
3. Pursuant to § 22-22A-4(n), Ala. Code (2006 Rpl.Vol.), ADEM is the State Environmental Control Agency for the purposes of federal environmental law, including 42 U.S.C. §§ 6991 to 6991(m), as amended.
4. ADEM is authorized to administer and enforce the provisions of the Alabama Underground Storage Tank and Wellhead Protection Act, §§ 22-36-1 to 22-36-10, Ala. Code as amended.
5. Pursuant to ADEM Admin. Code r. 335-6-15-.45(c), upon implementation of delivery prohibition, it shall be unlawful for any regulated substance deliverer to deliver a regulated substance, and it shall be unlawful for owners and operators of UST systems to accept delivery of a regulated substance to an underground storage tank facility that is under delivery prohibition.

**DEPARTMENT'S CONTENTIONS**

6. The Owner, a regulated substance deliverer, delivered a regulated substance to an underground storage tank facility that was under delivery prohibition.

7. The regulated substance was delivered to Village Store Fuel Stop located at 1380 Union Grove Road, Adamsville, Jefferson County, Alabama while they were on delivery prohibition. The ADEM Facility I.D. Number for Village Store Fuel Stop is 23608-073-015187.

8. Available Bills of Lading indicates that New Frontier Oil LLC made eight deliveries of a regulated substance to an underground storage tank facility that was under delivery prohibition; deliveries were made on September 10, 2020, January 5, 2021, January 29, 2021, February 1, 2021, March 16, 2021, March 29, 2021, May 4, 2021 and May 16, 2021.

9. The Owner violated ADEM Admin. Code r. 335-6-15-.45(c) by making the deliveries described above.

10. The Owner neither admits nor denies the allegations contained in this Consent Order. However, in an effort to cooperate with the Department and to resolve the alleged violations, the Owner consents to this Consent Order and agrees to abide by the terms herein.

11. The Department agrees to this Consent Order upon a determination that the terms are in the best interests of the citizens of Alabama in resolving the allegations contained herein without the unwarranted expenditure of State resources in further enforcement actions.

12. Pursuant to § 22-22A-5(18)(c), Ala. Code as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, 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 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 violation continues shall be a separate violation.

In arriving at the civil penalty assessed in this matter, 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 violations along with the available evidence of irreparable harm to the environment and threat to health or safety of the public.

(b) **STANDARD OF CARE:** In considering the standard of care manifested by the Owner, the Department finds that the Village Store was listed on the UST Delivery Prohibition List website, which provides deliverers with the information to avoid delivering to prohibited UST systems.

(c) ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:

The Department has been unable to ascertain if there has been a significant economic benefit conferred on the Owner.

(d) EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON

THE ENVIRONMENT: There are no known environmental effects as a result of the alleged violations.

(e) HISTORY OF PREVIOUS VIOLATIONS: The Owner does not have a known history

of previous violations

(f) ABILITY TO PAY: The Owner has not alleged an inability to pay the civil penalty.

**ORDER**

Whereas the parties desire to resolve and settle the compliance issues cited above, the Department and the Owner consent to the terms and conditions of this Consent Order and agree as follows:

A. That, within one hundred eighty days of the effective date of this Administrative Order, the Owner shall pay to the Department a civil penalty in the amount of \$15,000.00 for the violations cited herein. Failure to pay the civil penalty within forty-five days of the effective date of this Administrative Order shall constitute cause for the Department to file a civil action in the Circuit Court of Montgomery County, Alabama. Payment shall be made by Cashier's Check or Money Order, payable to the Alabama Department of Environmental Management, and addressed as follows:

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

B. That, the Owner shall cease all deliveries of regulated substances to facilities on delivery prohibition.

C. That this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented and to legally bind such party.

D. That, subject to the terms contained herein and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations alleged in this Consent Order.

E. That the Owner is not relieved from any liability upon the failure to comply with any provision of this Consent Order.

F. That, for purposes of this Consent Order only, that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including, but not limited to, Montgomery County Circuit Court. The Owner also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, the Owner shall be limited to the defenses of compliance with this Agreement, Force Majeure, and physical impossibility.

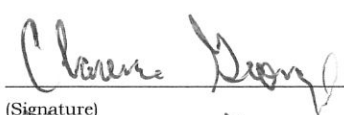
G. The Department and the Owner agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein. Should additional facts and circumstances be discovered in the future concerning the facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate, and the Owner shall not object to such future orders, litigation or enforcement action based on the issuance of this Consent Order if such actions address new matters not raised in this Consent Order.

H. That this Consent Order shall not affect the Owner's obligation to comply with any Federal, State, or local laws or regulations.

I. That, should any provision of this Consent 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.

J. That any modifications of this Consent Order must be agreed to in writing signed by both parties.

K. That, by agreement of the parties, this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Owner does hereby waive any hearing on the terms and conditions of same



(Signature)

CHARNE GEORGE

(Please Print Name and Title of Authorized Officer)

New Frontier Oil, LLC

Lance R. LeFleur,  
Director

Dated: 3-19-22

Dated: \_\_\_\_\_

Attachment A

New Frontier Oil, LLC  
 3008 Avenue H  
 Birmingham, AL 35080

<b>Violation</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violation*</b>	
Delivery of fuel to a UST facility while on delivery prohibition	8	\$20,000	\$1,000	\$0	
<b>TOTAL PER FACTOR</b>		\$20,000	\$1,000	\$0	<b>\$21,000</b>

Adjustments to Amount of Initial Penalty

Mitigating Factors (-)	\$0	Economic Benefit (+)	\$0
Ability to Pay (-)	\$0	Amount of Initial Penalty	\$21,000
Other Factors (+/-)	\$0	Total Adjustments (+/-)	\$6,000
<b>Total Adjustments (+/-) Enter at Right</b>	<b>\$0</b>	<b>FINAL PENALTY</b>	<b>\$15,000</b>

Footnotes

\* See the "DEPARTMENT'S CONTENTIONS" portion of the Order for a detailed description of each violation and the penalty factors.