

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

Buck Oil Services, Inc.  
Montgomery, Montgomery County, Alabama  
USEPA Identification Number ALR000009571

Consent Order No. 24-XXX-CHW

PREAMBLE

This Consent Order is made and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and Buck Oil Services, Inc. ("Buck Oil") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, 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.

STIPULATIONS

1. Buck Oil operates a used oil transportation company (the "Facility") with EPA Identification Number ALR000009571, located at 3243 Money Road in Montgomery, Montgomery County, Alabama. Buck Oil, as a result of its operations at the Facility, was a used oil transporter/transfer facility, 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-17, 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.

DEPARTMENT'S CONTENTIONS

4. On July 27, 2023, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection ("CEI") of Buck Oil. The CEI and a review of Buck Oil's compliance showed the following:

(a) Pursuant to ADEM Admin. Code r. 335-14-17-.05(3)(d), a non-rail transporter must not transport used oil without having received an Alabama Used Oil Transport Permit in compliance with rules 335-14-8-.09 through 335-14-8-.13.

Buck Oil transported used oil without having received an Alabama Used Oil Transport Permit. Buck Oil's Alabama Used Oil Transport Permit expired on August 27, 2018. Buck Oil has continued to transport used oil in the State of Alabama without a Used Oil Transport Permit.

(b) Pursuant to ADEM Admin. Code r. 335-14-17-.05(3)(e), a used oil transporter whose base of operations is located in the State of Alabama must submit a correct and complete ADEM Form 8700-12 (including all appropriate attachment pages and fees) reflecting current used oil activities to the Department annually.

Buck Oil failed to submit a correct and complete ADEM Form 8700-12 for 2022 and 2023.

(c) Pursuant to ADEM Admin. Code r. 335-14-17-.05(7)(f), containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

Buck oil failed to provide secondary containment for numerous containers of used oil stored in the following areas: the Warehouse and the Dirt Lot.

(d) Pursuant to ADEM Admin. Code r. 335-14-17-.05(7)(i)1., containers and aboveground used oil tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil".

Buck oil failed to label numerous containers and tanks of used oil in the following areas with the words "Used Oil": the Warehouse, the Dirt Lot, and the Tank Farm.

(e) Pursuant to ADEM Admin. Code r. 335-14-17-.05(7)(j)3., upon detection of a release of used oil to the environment not subject to ADEM Admin. Code div. 335-6, Vol. 2, the owner/operator of a transfer facility must clean up and manage properly the released used oil and other materials in accordance with all applicable Division 335-13 and 335-14 requirements.

Buck Oil failed to clean up a release of used oil observed in the Dirt Lot.



(f) Pursuant to ADEM Admin. Code r. 335-14-17-.05(7)(d), a used oil transfer facility must be able to demonstrate the length of time that the used oil has been accumulated from the date it is received.

Buck Oil failed to demonstrate the length of time that used oil had been accumulated. Buck Oil failed to label used oil containers with an accumulation start date and maintain other records documenting used oil accumulation time.

(g) Pursuant to ADEM Admin. Code r. 335-14-17-.05(9)(b), a transporter of used oil must maintain a copy of the contingency plan required by rule 335-14-8-.09(4)(g) with each vehicle actively transporting used oil.

Buck Oil failed to provide documentation that the facility maintained a copy of the contingency plan with each vehicle transporting used oil.

(h) Pursuant to ADEM Admin. Code r. 335-14-17-.05(9)(c), records of analyses conducted or information used to comply with 335-14-17-.05(6)(a), (b), and (c) (ensuring that used oil is not a hazardous waste) must be maintained by the used oil transporter for at least 3 years.

Buck Oil failed to provide documentation that the facility maintained records of analyses on used oil collected for transport.

(i) Pursuant to ADEM Admin. Code r. 335-14-17-.05(9)(d), records of each used oil shipment accepted and delivered for transport as described in 335-14-17-.05(8)(a) through (d) must be maintained for at least 3 years.

Buck Oil failed to provide documentation that the facility had maintained records of used oil shipments accepted or delivered for transport.

5. On August 17, 2023, the Department issued a Notice of Violation to Buck Oil, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. On October 12, 2023, the Department received Buck Oil'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 this civil penalty, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATION(S):** In determining the seriousness of the violations, 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 the health or safety of the public.

(b) **STANDARD OF CARE:** In considering the standard of care manifested by Buck Oil, the Department noted that the violations described above were non-technical and easily avoidable. Consequently, Buck Oil 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 Buck Oil as a result of the violations referenced herein.

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION(S) UPON THE ENVIRONMENT:** The Department is not aware of any efforts employed by Buck Oil to mitigate the effects of a release of used oil in the Dirt Lot area.

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, Buck Oil does not have a history of similar violations.

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

(g) **OTHER FACTORS:** It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty that is warranted in the spirit of cooperation and the desire to resolve this matter amicably without incurring the unwarranted expense of litigation (see Attachment A, which is made a part of the Department's Contentions).



8. The Department neither admits nor denies Buck Oil's Contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violations cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interest of the citizens of Alabama.

BUCK OIL'S CONTENTIONS

9. Buck Oil neither admits nor denies the Department's Contentions. Buck Oil consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

ORDER

Therefore, without admitting that it has violated any statutes or regulations, Buck Oil, along with the Department, desires to resolve and settle the alleged violations cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement. The Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and Buck Oil agree to enter into this Consent Order with the following terms and conditions:

A. Buck Oil agrees to pay to the Department a civil penalty in the amount of \$13,120.00, according to the payment schedule described below, in settlement of the violations alleged herein. Buck Oil shall pay this civil penalty as follows: \$3,280.00 shall be paid within forty-five (45) days of the effective date of this Consent Order and the remainder of the civil penalty shall be paid within one-hundred-eighty (180) days of the effective date of this Consent Order. Failure to pay the civil penalty within one-hundred-eighty days from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. Buck Oil agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or other payment methods 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 Consent Order shall reference Buck Oil's name and address, and the ADEM Administrative Order Number of this action.

C. Buck Oil agrees to comply with all terms, conditions, and limitations of the AHWMMMA and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and Buck Oil ("Parties") agree 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.

E. The Parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the alleged violations cited herein.

F. Buck Oil agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, Buck Oil agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The Parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future 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 actions as may be appropriate. Buck Oil agrees not to object to such future orders, litigation, or enforcement actions based on the issuance of this Consent Order if future orders, litigation, or other enforcement actions address new matters not raised in this Consent Order.



I. The Parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent shall not be appealable, and Buck Oil does hereby waive any hearing on the terms and conditions of this Consent Order.

J. The Parties agree that this Consent Order shall not affect Buck Oil's obligation to comply with any federal, State, or local laws or regulations.

K. The Parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The Parties agree 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.

M. The Parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

N. The Parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State, or local law, and shall not be construed to waive or relieve Buck Oil of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

BUCK OIL SERVICES, INC.

ALABAMA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

  
\_\_\_\_\_  
(Signature of Authorized Representative)

Robert L. Chambliss  
\_\_\_\_\_  
(Printed Name)

President  
\_\_\_\_\_  
(Printed Title)

1-15-2024  
\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
Lance R. LeFleur  
Director

\_\_\_\_\_  
(Date Executed)





**Attachment A**

Buck Oil Services, Inc.  
 Montgomery, Montgomery County  
 Facility ID No. ALR000009571

<b>Violation</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violation*</b>
Transportation of used oil without an Alabama Used Oil Transport Permit	1	\$4,000	\$1,000	\$0
Failure to submit ADEM Form 8700-12 to the Department	2	\$200	\$100	\$0
Failure to provide secondary containment for containers of used oil	1	\$1,000	\$500	\$0
Failure to mark containers and tanks of used oil with the words "Used Oil"	1	\$200	\$100	\$0
Failure to clean up releases of used oil	1	\$5,000	\$1,000	\$0
Failure to demonstrate the length of time used oil has been accumulated	1	\$1,000	\$500	\$0
Failure to provide a contingency plan for review	1	\$100	\$50	\$0
Failure to document analysis/information used to determine if used oil contains	1	\$1,000	\$500	\$0

hazardous wastes					
Failure to maintain records of used oil shipments	1	\$100	\$50	\$0	<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		\$12,600	\$3,800	\$0	\$16,400

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	-\$3,280

Amount of Initial Penalty	\$16,400
Total Adjustments (+/-)	-\$3,280
<b>FINAL PENALTY</b>	<b>\$13,120</b>

Footnotes

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