

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Stella-Jones Corporation Clanton Facility
Clanton, Chilton County, Alabama
USEPA Identification Number ALR000053686**

Consent Order No. 25-XXX-CHW

PREAMBLE

This Consent Order is made without the adjudication of law or fact and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and Stella-Jones Corporation Clanton Facility ("Stella-Jones") 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. Stella-Jones operates a wood treatment facility (the "Facility") with EPA Identification Number ALR000053686, located at 100 McKinney Drive in Clanton, Chilton County, Alabama. Stella-Jones, as a result of its operations at the Facility, was a large quantity generator of hazardous waste, as 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 June 10, 2024, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection ("CEI") of Stella-Jones. The CEI and a review of Stella-Jones' compliance showed the following:

(a) Stella-Jones stored treated wood (which was not free from drippage of hazardous waste) in an area that was not constructed of non-earthen materials or managed as a drip pad as required pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3. and ADEM Admin. Code r. 335-14-6-.23, thereby creating an unauthorized drip pad and allowing hazardous waste to be released into the environment. As a result, Stella-Jones failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.14(2), a large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Stella-Jones failed to operate its facility to minimize the release of hazardous waste to the environment. The unauthorized drip pad was constructed of earthen materials and hazardous waste was allowed to enter the environment.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(ii), a large quantity generator must remove all waste from the drip pad at least once every 90 days. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day accumulation limit in 335-14-3-.01(7)(a) and 335-14-3-.01(5).

Stella-Jones failed to remove hazardous wastes from the unauthorized drip pad within 90 days.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(iii)a., the large quantity generator must maintain on site a written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associate collection system at least every 90 days.

Stella-Jones failed to have a written description of procedures that are followed to ensure that all waste is removed from the unauthorized drip pad within 90 days.

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(iii)b., the large quantity generator must maintain on site documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

Stella-Jones failed to maintain on site documentation of each waste removal from the unauthorized drip pad.

(V) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(a)2., as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), a drip pad must be sloped to free-drain treated wood drippage, rain and other waters, or solutions of drippage and water or other wastes to the associated collection system.

Stella-Jones failed to construct the unauthorized drip pad to free-drain treated wood drippage, rain and other waters, or solutions of drippage and water or other wastes to a collection system.

(VI) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(a)3., as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), a drip pad must have a curb or berm around its perimeter.

Stella-Jones failed to construct a curb or berm around the perimeter of the unauthorized drip pad.

(VII) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(a)4.(ii), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), the large quantity generator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of 335-14-6-.23(4), except for 335-14-6-.23(4)(b).

Stella-Jones failed to obtain the required written assessment of the unauthorized drip pad certified by a qualified professional engineer.

(VIII) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(a)5., as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), a drip pad must be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations (e.g., variable and moving loads such as vehicle traffic and movement of wood).

Stella-Jones failed to construct the unauthorized drip pad to be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations.

(IV) Pursuant to ADEM Admin. Code r. 335-14-6-.23(5)(b), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), while a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following: deterioration, malfunctions, or improper operation of run-on and run-off control systems; the presence of leakage in and proper function of leak detection systems; and deterioration or cracking of the drip pad surface.

Stella-Jones failed to inspect the unauthorized drip pad weekly and after storms.

(X) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(d), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), the drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drizzle or precipitation to prevent run-off.

Stella-Jones failed to prevent run-off of hazardous waste and rainwater from the unauthorized drip pad.

(XI) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(e), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), unless protected by a structure or cover, as described in 335-14-6-.23(1)(b), the owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak

discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.

Stella-Jones failed to design, construct, operate, and maintain a run-on control system for the unauthorized drip pad.

(XII) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(f), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), unless protected by a structure or cover, as described in 335-14-6-.23(1)(b), the owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

Stella-Jones failed to design, construct, operate, and maintain a run-off control system for the unauthorized drip pad.

(XIII) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(g), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), the drip pad must be evaluated to determine that it meets the requirements of 335-14-6-.23(4)(a) through (f), and the large quantity generator must obtain a statement from a qualified professional engineer certifying that the drip pad design meets the requirements of 335-14-6-.23(4).

Stella-Jones failed to obtain a statement from a qualified professional engineer certifying that the unauthorized drip pad meets the requirements of 335-14-6-.23(4).

(XIV) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(h), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

Stella-Jones failed to remove drippage and accumulated precipitation from the unauthorized drip pad.

(b) Stella-Jones did not properly label containers of hazardous waste located in the central hazardous waste accumulation area/drip pad. As a result, Stella-Jones failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)(a), a large quantity generator must mark or label its containers with the words "Hazardous Waste".

Stella-Jones failed to mark or label multiple containers of hazardous waste in the central hazardous waste accumulation area with the words "Hazardous Waste".

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)(b), a large quantity generator must mark or label its containers with an indication of the hazards of the contents.

Stella-Jones failed to mark or label multiple containers of hazardous waste in the central hazardous waste accumulation area with an indication of the hazards of the contents.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)(c), a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

Stella-Jones failed to mark or label multiple containers of hazardous waste in the central hazardous waste accumulation area with accumulation start dates.

(c) Stella-Jones did not properly manage and maintain its drip pad. As a result, Stella-Jones failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(iii)a., the large quantity generator must maintain on site a written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days.

Stella-Jones failed to maintain on site a written description of procedures that are followed to ensure that all waste is removed from the drip pad every 90 days.

(II) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(c), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

Stella-Jones failed to maintain the drip pad such that it remain free of cracks, gaps, corrosion, or other deterioration that could release hazardous waste to the environment.

(III) Pursuant to ADEM Admin. Code r. 335-14-6-.23(4)(i), as referenced by ADEM Admin. Code r. 335-14-3-.01(7)(a)3.(i), the drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as hazardous waste, so as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad.

Stella-Jones failed to remove accumulated residue to allow weekly inspections of the entire drip pad without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad.

5. On October 21, 2024, the Department issued a Notice of Violation to Stella-Jones, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. 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 VIOLATION(S):** In determining the seriousness of the violation(s), 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) **STANDARD OF CARE:** In considering the standard of care manifested by Stella-Jones, the Department noted that the violation(s) described above were non-technical and

easily avoidable. Consequently, Stella-Jones 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 no significant economic benefit was gained by Stella-Jones as a result of the violation(s) referenced herein.

(d) EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION(S) UPON THE ENVIRONMENT: There are no known environmental effects to mitigate as a result of the alleged violation(s).

(e) HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, Stella-Jones does not have a history of similar violations.

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

7. 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 (see Attachment A, which is made a part of the Department's Contentions).

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

STELLA-JONES' CONTENTIONS

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

10. The Stella Jones Clanton Facility (Clanton Facility) maintains a certified, engineered drip pad pursuant to Ala. Admin. Code. Section 335-14-6-.23. Treated wood is removed from the treatment cylinders and held on the engineered drip pad until visual inspection confirms that

dripping has ceased.

11. Once dripping has ceased, treated wood is moved from the drip pad to one of the Treated Wood Storage yards at the Clanton Facility.

12. Changes in ambient temperature and barometric pressure can, and sometimes do, cause incidental and infrequent dripping from treated wood after it has been moved to one of the Treated Wood Storage yards.

13. Pursuant to Ala. Admin. Code. Section 335-14-6-.23(1)(c) the Clanton Facility has a written Contingency Plan intended to ensure that Treated Wood Storage yards are inspected for evidence of incidental dripping and any such dripping is documented and cleaned up in accordance with applicable regulations and the terms of the Contingency Plan.

14. For purposes of this Administrative Order on Consent, Stella Jones does not contest that during the time of the June 10, 2024 inspection of the Clanton Facility the ADEM inspector noted evidence indicating the Clanton Facility had temporarily failed to fully adhere to the inspection and cleanup requirements of the Treated Wood Storage Yard Contingency Plan.

15. Stella Jones contends that any such failures do not convert the Treated Wood Storage yards B, G, and H into drip pads regulated under Ala. Admin. Code. Section 335-14-6-.23.

16. Stella Jones instead contends that the evidence noted by the ADEM inspector on June 10, 2024 is more appropriately characterized as a temporary failure to fully adhere to the requirements of the Clanton Facility's Treated Wood Storage Contingency Plan.

17. Pursuant to communications with ADEM, Stella Jones understands that ADEM's position is that its temporary failure to adhere to the terms of the Treated Wood Storage Contingency Plan constitutes managing Treated Wood Storage yards B, G, and H as unauthorized drip pads but does not convert the Treated Wood Storage yards B, G, and H into drip pads for purposes of Ala. Admin. Code. Section 335-14-6-.23 so long as appropriate corrective measures are taken to return the Clanton Facility into compliance with the Treated Wood Storage Contingency Plan.

18. Stella-Jones immediately took corrective measures following the June 10, 2024 inspection at the Clanton Facility and has (a) re-trained its employees regarding the inspection

and cleanup provisions of the Treated Wood Storage Yard Contingency Plan and (b) undertaken appropriate steps to clean up areas of incidental and infrequent drippage in its Treated Wood Storage yards B, G, and H noted during the inspection.

19. It is Stella Jones's intent to operate and maintain the Treated Wood Storage yards at the Clanton Facility in compliance with its Treated Wood Storage Yard Contingency Plan.

20. Stella Jones contends that compliance with the terms of the Treated Wood Storage Contingency Plan prevents the Treated Wood Storage yards B, H, and G from being deemed drip pads subject to the requirements for drip pads set forth in Ala. Admin. Code. Section 335-14-6-.23.

ORDER

Therefore, without admitting that it has violated any statutes or regulations, Stella-Jones, along with the Department, desires to resolve and settle the alleged violation(s) 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 violation(s) alleged herein. Therefore, the Department and Stella-Jones agree to enter into this Consent Order with the following terms and conditions:

A. Stella-Jones agrees to pay to the Department a civil penalty in the amount of \$18,350 in settlement of the violation(s) alleged herein within forty-five (45) days of the effective date of this Consent Order. Failure to pay the civil penalty within forty-five (45) 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. Stella-Jones 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 Stella-Jones' name and address, and the ADEM Consent Order Number of this action.

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

D. Stella-Jones agrees to, within forty-five (45) days of issuance of this Order, submit to the Department a plan to conduct assessment and remediation of each area at the facility where Stella-Jones' activities described in the Department's Contentions above may have created an unauthorized drip pad or allowed hazardous waste to be released into the environment. The plan shall be prepared in accordance with all applicable sections of the Alabama Environmental Investigation and Remediation Guidance (AEIRG) manual. The plan shall include a schedule for completion of all assessment and remediation activities.

E. Stella-Jones agrees to, immediately upon the Department's approval of the abovementioned assessment and remediation plan, begin assessment and remediation of the facility in accordance with the approved plan.

F. Stella-Jones agrees to, within sixty (60) days of completion of assessment and remediation activities, submit to the Department a report detailing all approved plan implementation activities at the site, including but not limited to the following:

- (i) a description of the areas where remediation was performed;
- (ii) the volume of remediation-related wastes generated;
- (iii) the volume of remediation-related wastes removed from the site;
- (iv) a list of waste transportation entities utilized; and
- (v) a list of facilities where remediation-related waste was sent off-site for management.

G. The Department and Stella-Jones ("Parties") agree that this Consent Order shall apply to and be binding upon both parties, and both parties shall direct their directors, officers, and employees implementing this Consent Order to comply with its provisions. 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.

H. 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.

I. Stella-Jones agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

J. For purposes of this Consent Order only, Stella-Jones 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.

K. 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. Stella-Jones 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.

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

M. The Parties agree that this Consent Order shall not affect Stella-Jones' obligation to comply with any federal, State, or local laws or regulations.

N. 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.

O. 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.

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

Q. 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 Stella-Jones of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

STELLA-JONES CORPORATION
CLANTON FACILITY

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT


(Signature of Authorized Representative)

Lance R. LeFleur
Director

JEFF JORDAN
(Printed Name)

Plant Manager
(Printed Title)

4/14/2025
(Date Signed)

(Date Executed)

Attachment A

Stella-Jones Corporation Clanton Facility
Clanton, Chilton County
Facility ID No. ALR000053686

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
(a) Creating an unauthorized drip pad and allowing hazardous waste to be released into the environment	14	\$15,000	\$1,500	\$0	
(b) Failure to properly mark or label containers of hazardous waste	3	\$300	\$150	\$0	
(c) Failure to comply with drip pad management standards	3	\$1200	\$200	\$0	Total of Three Factors
TOTAL PER FACTOR		\$16,500	\$1,850	\$0	\$18,350

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$18,350
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	\$0
Ability to Pay (-)	\$0	FINAL PENALTY	\$18,350
Other Factors (+/-)	\$0		

Footnotes

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