

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**AMVAC Chemical Corporation
Axis, Mobile County, Alabama
USEPA Identification Number ALR000014332**

Consent Order No. 25-XXX-CHW

PREAMBLE

This Consent Order is made and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and AMVAC Chemical Corporation ("AMVAC") 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. AMVAC operates an agricultural chemical manufacturing facility (the "Facility") with EPA Identification Number ALR000014332, located at 12650 Highway 43 North in Axis, Mobile County, Alabama. AMVAC, 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 August 26, 2024, AMVAC submitted a written notification to the Department that it had shipped containers holding acutely hazardous waste pesticide residuals (P094) to a warehouse in Saraland, Alabama. A subsequent review of AMVAC's compliance showed the following:

Pursuant to ADEM Admin Code r. 335-14-3-.01(8)(c), a generator must not offer his hazardous waste to transporters that have not received an EPA identification number and an Alabama Hazardous Waste Transport Permit or to treatment, storage, or disposal facilities that have not received an EPA identification number and an Alabama Hazardous Waste Facility Permit or interim status pursuant to 335-14-8-.07 (or, in the case of out-of-state facilities, a permit valid in the receiving state).

AMVAC offered P094 acutely hazardous waste (depleted Thimet containers) to a transporter for transport to a warehouse for storage prior to disposal. That transporter had not obtained an Alabama Hazardous Waste Transporter Permit nor an EPA Identification number. The warehouse had not obtained an Alabama Hazardous Waste Facility Permit to treat, store, or dispose of hazardous waste.

5. On January 23, 2025, the Department issued a Notice of Violation to AMVAC, which cited the above violation(s) of the hazardous waste regulations.

6. On February 21, 2025, AMVAC submitted a written response to the Notice of Violation. AMVAC asserted in that response that any such violations were inadvertent.

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 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 AMVAC, the Department noted that the violation(s) described above were non-technical and easily avoidable. Consequently, AMVAC 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 AMVAC as a result of the violations 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, AMVAC does not have a history of similar violations.

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

8. 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 violation(s) cited in this Consent Order (see Attachment A, which is made a part of the Department's Contentions).

9. The Department neither admits nor denies AMVAC'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 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.

AMVAC'S CONTENTIONS

10. AMVAC neither admits nor denies the Department's Contentions. AMVAC 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, AMVAC, 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 AMVAC agree to enter into this Consent Order with the following terms and conditions:

A. AMVAC agrees to pay to the Department a civil penalty in the amount of \$11,000 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. AMVAC 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 AMVAC's name and address, and the ADEM Consent Order Number of this action.

C. AMVAC agrees to comply with all applicable 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 AMVAC ("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.

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. AMVAC 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, AMVAC 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. AMVAC 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 Order shall not be appealable, and AMVAC 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 AMVAC'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 AMVAC of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

AMVAC CHEMICAL COMPANY

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT


(Signature of Authorized Representative)

Timothy M. Thomas
(Printed Name)

Environmental Manager
(Printed Title)

5/29/2025
(Date Signed)

Jeffrey W. Kitchens
Acting Director

(Date Executed)

Attachment A

AMVAC Chemical Corporation
Axis, Mobile County
Facility ID No. ALR000014332

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
Offering hazardous waste to an unpermitted transporter and an unpermitted treatment, storage, or disposal facility	1	\$10,000	\$1,000	\$0	
TOTAL PER FACTOR		\$10,000	\$1,000	\$0	Total of Three Factors \$11,000

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$11,000
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	\$0
Ability to Pay (-)	\$0	FINAL PENALTY	\$11,000
Other Factors (+/-)	\$0		

Footnotes

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