

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

C and A Transport LLC
Axton, Virginia
USEPA ID Number VAR000543520

ORDER NO. 25-XXX-HW

FINDINGS

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, the Alabama Department of Environmental Management (“ADEM” or “the Department”) makes the following FINDINGS:

1. C and A Transport LLC (“C and A”) operates a waste transportation company with EPA Identification Number VAR000543520, headquartered at 6485 Irisburg Road in Axton, Virginia. C and A, as a result of its operations, was a used oil transporter, 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.

4. During a compliance evaluation inspection performed on March 12, 2025, the Department obtained manifests indicating that C and A transported used oil in the State of

Alabama multiple times between November 18, 2024, and January 30, 2025. A subsequent review of C and A's compliance showed the following:

Pursuant to 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.

C and A failed to obtain an Alabama Used Oil Transport Permit before transporting used oil in the State of Alabama.

5. On March 13, 2025, the Department issued Used Oil Transport Permit Number VAR000543520 to C and A.

6. On May 5, 2025, the Department issued a Notice of Violation to C and A, which cited this 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 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 C and A, the Department noted that the violation(s) described above was non-technical and easily avoidable. Consequently, C and A 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 C and A 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, C and A does not have a history of similar violations.

(f) ABILITY TO PAY: The Department does not have any evidence indicating that C and A 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 violations cited in this Order (see Attachment A, which is made a part of the Department's Findings).

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§ 22-22A-5(10), 22-22A-5(18), 22-30-20, and 22-30-19(a) and (b), as amended, it is hereby ORDERED:

A. That, within forty-five days of the receipt of this Order, C and A shall pay to the Department a civil penalty in the amount of \$5,000 for the violation(s) cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment 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 Order shall reference C and A's name and address and the ADEM Administrative Order number of this action.

B. That C and A shall comply with all terms, conditions, and limitations of the permit and the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

C. That, should any provision of this 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.

D. That, the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against C and A for the violation(s) cited herein.

E. That, failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against C and A for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this _____ day of _____, _____.

Edward Poolos
Director

Attachment A

C and A Transport LLC
Axton, Virginia
USEPA ID No. VAR000543520

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
Transportation of used oil without an Alabama Used Oil Transport Permit	1	\$4,000	\$1,000	\$0	Total of Three Factors
TOTAL PER FACTOR		\$4,000	\$1,000	\$0	\$5,000

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$5,000
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	\$0
Ability to Pay (-)	\$0	FINAL PENALTY	\$5,000
Other Factors (+/-)	\$0		

Footnotes

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