

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Huxford Pole & Timber Company, Inc.
Huxford, Escambia County, Alabama
USEPA Identification Number ALD008185407**

Consent Order No. 26-XXX-CHW

PREAMBLE

This Consent Order is made and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and Huxford Pole & Timber Company, Inc. ("HPTCI") 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. HPTCI operates a wood treating facility with EPA Identification Number ALD008185407, located at 14200 Highway 21 North in Huxford, Escambia County, Alabama. HPTCI, as a result of its operations at the facility, was a large quantity generator of hazardous waste, a small quantity handler of universal waste, a used oil generator, and a land disposal facility undergoing post-closure care, 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 September 5, 2025, the Department conducted a compliance evaluation inspection ("CEI") of HPTCI. The CEI and a review of HPTCI's compliance showed the following:

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

HPTCI failed to mark or label one 55-gallon satellite accumulation drum located in the DCOI treatment area with the words "Hazardous Waste".

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10.(i)2., a large quantity generator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into the central accumulation area.

HPTCI failed to close and lock the gate to the hazardous waste central accumulation area.

(c) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(a)1., a container holding used oil must always be closed during storage, except when it is necessary to add or remove used oil.

HPTCI failed to keep closed one 55-gallon drum and three 5-gallon buckets of used oil located in the maintenance building.

(d) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

HPTCI failed to mark or label two 55-gallon drums and three 5-gallon buckets of used oil located in the maintenance building with the words "Used Oil".

(e) Pursuant to the pertinent part of ADEM Admin. Code r. 335-14-5-.02(5)(c), a sign with the legend "Danger-Unauthorized Personnel Keep Out" must be posted at each entrance to the active portion of the facility, and at other locations, in sufficient numbers to be seen from

any approach to the active portion. The legend must be written in English and in any other language predominant in the workplace and the area surrounding the facility, and must be legible from a distance of at least 25 feet.

HPTCI failed to post the required signage on the fence surrounding its surface impoundments. Such signs were not present in sufficient numbers to be seen from any approach from a distance of at least 25 feet.

(f) Pursuant to ADEM Admin. Code r. 335-14-5-.06(8)(c), the owner or operator of a solid waste management unit must operate and maintain monitoring wells in a manner to prevent soil, surface water, and/or groundwater contamination. This requirement includes the installation of protective barriers around monitoring wells where necessary to prevent damage to the well from traffic or other causes or as required on a case-by-case basis by the Department. All monitoring wells must have functional key or combination locks on the wellhead covers to prevent unauthorized access. All monitoring wells must be assigned an identifying number by the facility, and such numbers must be permanently affixed to the outer casing of each monitoring well. Additionally, the owner or operator must cease all monitoring wells in a manner that maintains the integrity of the monitoring well bore hole.

HPTCI failed to operate and maintain its monitoring wells to prevent soil, surface water, and/or groundwater contamination. Four monitoring wells were not locked. Four monitoring wells were not labeled. The grout at the base of one monitoring well was submerged in water.

(g) HPTCI failed to furnish or make available copies of all records and plans, as required by its Hazardous Waste Facility Permit ("Permit") and Division 14 of the ADEM Administrative Code, at the time of the CEI. As a result, HPTCI failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v), a large quantity generator must inspect central accumulation areas weekly. The large quantity generator must record inspections in an inspection log or summary. These records must be kept for at least three years from the date of inspection.

HPTCI failed to provide for review documentation that the facility inspected the hazardous waste accumulation area weekly. At the time of the CEI, no weekly inspection reports were available for review.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.04(1)(a), a generator must keep a copy of each manifest signed in accordance with 335-14-3-.02(4)(a) for three years or until they receive a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

HPTCI failed to provide for review copies of all manifests from the past three years. At the time of inspection, several manifests were not available for review.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10)(b), a large quantity generator must submit a quick reference guide of the contingency plan to the required local emergency responders or, as appropriate, the Local Emergency Planning Committee.

HPTCI failed to provide for review documentation that the facility had developed a quick reference guide for their contingency plan and that a copy had been sent to the required local emergency responders.

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.14(11)(d), a large quantity generator must review and immediately amend the contingency plan, if necessary, whenever the list of emergency coordinators changes.

HPTCI failed to amend the contingency plan when the facility's emergency coordinator(s) changed.

(V) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3., if a large quantity generator places hazardous waste on drip pads, the large quantity generator must comply with 335-14-6-.23, maintain for inspection 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, and maintain for inspection 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.

HPTCI failed to provide for review a written description of procedures to ensure that all waste is removed from the drip pads every 90 days and failed to provide for review documentation of the removal of waste from the drip pads.

(VI) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3., referencing ADEM Admin Code r. 335-14-6-.23(4)(a)4(ii), the owner or operator 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).

HPTCI failed to provide for review a written assessment of the dip pads by a qualified professional engineer.

(VII) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3., referencing ADEM Admin Code r. 335-14-6-.23(1)(c)1., the drip pad requirements of 335-14-6-.23 are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage in those storage yards.

HPTCI, having elected not to comply with the drip pad requirements of 335-14-6-.23, failed to provide for review a contingency plan for the discharge of infrequent and incidental drippage in their storage yards.

(VIII) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)3., referencing ADEM Admin Code r. 335-14-6-.23(1)(c)1.(iii), the drip pad requirements of 335-14-6-.23 are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator retains documents regarding the cleanup of storage yards for three years.

HPTCI, having elected not to comply with the drip pad requirements of 335-14-6-.23, failed to provide for review documentation of cleanups of the storage yard.

(IX) Pursuant to Permit Condition I.C.10.e.iii., copies of all plans, reports, inspection schedules, and inspection logs required by ADEM Admin. Code r. 335-14-5 and this permit shall be maintained throughout the post- closure care period at the facility.

HPTCI failed to provide for review records of inspections of surface impoundments and monitoring wells.

5. During the CEI, it was observed that HPTCI stored treated wood, that was not free from drippage of hazardous waste, in its storage yard, causing a release of hazardous waste onto the gravel and soil. During a subsequent visual site inspection ("VSI") conducted at the facility on October 9, 2025, it was observed that HPTCI had consolidated and stored the contaminated rocks and soil into a large pile in the storage yard in an effort to address the violation noted during the CEI. The VSI and a review of HPTCI's compliance showed the following:

(a) 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

HPTCI failed to operate its facility to minimize the release of hazardous waste to the environment. At the time of the CEI and at the time of the VSI, the facility allowed significant hazardous waste drippage onto the gravel and the soil in the storage yard.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a), a large quantity generator may accumulate hazardous waste on site without a permit or interim status provided the generator accumulates hazardous waste on site for no more than 90 days, unless it has been granted an extension to the 90-day period. ADEM Admin. Code r. 335-14-8-.01(1)(c) requires a permit for the "treatment", "storage", and "disposal" of any "hazardous waste" as identified or listed in Chapter 335-14-2.

HPTCI stored gravel and soil contaminated with hazardous waste in the storage yard for more than 90 days without receiving a permit or being granted an extension. Facility personnel indicated that no contaminated rocks or soil had been removed from the storage yard

since rocks were added in February of 2025. The contaminated rocks and soil were observed onsite during the September 5, 2025, CEI and the October 9, 2025, VSI.

6. On January 27, 2026, the Department issued a Notice of Violation to HPTCI, which cited the abovementioned violation(s).

7. On February 26, 2026, HPTCI submitted to the Department a written response to the NOV.

8. 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 HPTCI, the Department noted that the violation(s) were non-technical and easily avoidable. Consequently, HPTCI 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 HPTCI as a result of the violation(s).

(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 violation(s).

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

(f) ABILITY TO PAY: The Department does not have any evidence indicating that HPTCI 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).

9. The Department neither admits nor denies HPTCI'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.

HPTCI'S CONTENTIONS

10. HPTCI neither admits nor denies the Department's Contentions. HPTCI 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, HPTCI, along with the Department, desires to resolve and settle the alleged violation(s). 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 alleged

violation(s). Therefore, the Department and HPTCI agree to enter into this Consent Order with the following terms and conditions:

A. HPTCI agrees to pay to the Department a civil penalty in the amount of \$14,560 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. HPTCI 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 HPTCI's name and address, and the ADEM Consent Order Number of this action.

C. HPTCI agrees to comply with all applicable terms, conditions, and limitations of the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and HPTCI ("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 violation(s) cited herein.

F. HPTCI 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, HPTCI 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. HPTCI 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 HPTCI 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 HPTCI'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 HPTCI of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

HUXFORD POLE & TIMBER COMPANY, INC.

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT


(Signature of Authorized Representative)

Edward Poolos
Director

Mike BEED
(Printed Name)

President
(Printed Title)

7/22/26
(Date Signed)

(Date Executed)

Attachment A

Huxford Pole & Timber Company, Inc.
Huxford, Escambia County
Facility ID No. ALD008185407

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
4.(a) Failure to properly label satellite accumulation containers	1	\$150	\$50	\$0	
4.(b) Failure to restrict unauthorized access to central accumulation areas	1	\$1,500	\$150	\$0	
4.(c) Failure to keep containers of used oil closed	1	\$150	\$50	\$0	
4.(d) Failure to properly label containers of used oil	1	\$150	\$50	\$0	
4.(e) Failure to post warning signs at each approach to the active portion of the facility	1	\$150	\$50	\$0	
4.(f) Failure to properly operate and maintain groundwater monitoring wells	1	\$150	\$50	\$0	
4.(g) Failure to provide required records/documents for review	9	\$1,350	\$450	\$0	
5.(a) Failure to maintain and operate the facility to minimize the possibility of release of hazardous waste to the environment	1	\$2,500	\$250	\$0	
5.(b) Storage of hazardous waste for greater than 90 days without a permit	1	\$10,000	\$1,000	\$0	Total of Three Factors
TOTAL PER FACTOR		\$16,100	\$2,100	\$0	\$18,200

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$18,200
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	-\$3,640
Ability to Pay (-)	\$0	FINAL PENALTY	\$14,560
Other Factors (+/-)	-\$3,640		

Footnotes

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