

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

DEAN OIL COMPANY  
210 Main Avenue, N.W.  
CULLMAN, CULLMAN COUNTY, ALABAMA

EMERGENCY ORDER  
No. 92-154-GW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama 1975 (1990 Rp1.Vol.), the Alabama Underground Storage Tank and Wellhead Protection Act, §§22-36-1 through 22-36-10, Code of Alabama 1975 (1990 Rp1.Vol.), and the administrative regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. DEAN OIL COMPANY (hereinafter, "the owner/operator"), is the registered owner and/or operator of an underground storage tank system located at the BP Service Station, 210 Main Avenue N.W., Cullman, Cullman County, Alabama. The underground storage tank system is registered as ADEM Facility ID No. 11402-043-008174.

2. On or about July 20, 1992, the department investigated and confirmed reports of gasoline vapors in sanitary sewer lines in proximity to the referenced UST facility. Five (5) plunger-bar readings at the site were confirmed to be greater than 100% LEL (lower explosive limit).

ISSUED 7/23/92	SERVED 7/27/92
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3. Pursuant to ADEM Admin. Code R. 335-6-15-.20, the discovery of gasoline vapors in sewer and utility lines and the presence of explosive conditions on site constitute a suspected release requiring reporting and release investigation and confirmation.

4. Investigation by department personnel has identified the BP Service Station facility referenced above as a possible source of the aforementioned suspected release.

5. Pursuant to ADEM Admin. Code R. 335-6-15-.14, the owner/operator was required to provide an acceptable method of release detection for each UST located at the subject facility no later than December 22, 1989.

6. The owner/operator has failed to provide release detection for each UST located at the subject facility, in violation of ADEM Admin. Code R. 335-6-15-.14.

7. Pursuant to ADEM Admin. Code R. 335-6-15-.05, all underground storage tanks must be registered with the department within thirty (30) days of April 5, 1989.

8. Inspection of the BP Service State by department personnel has identified one (1) underground storage tank containing waste oil that is not registered with the department, in violation of ADEM Admin. Code R. 335-6-15-.05.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to §§22-22A-1 to 22-22A-15, 22-36-1 to 22-36-10, and 22-35-1 to 22-35-13 Code of Alabama 1975 (1990 Rpl.Vol.), it is hereby ORDERED:

A. That within five (5) days of receipt of this Order, the owner/operator shall register the underground waste oil tank by completing and submitting to the department the attached ADEM Form 279.

B. That within seven (7) days of receipt of this Order, the owner/operator shall conduct Release Investigation and Confirmation as required by ADEM Admin. Code R. 335-6-15-.22, to include a tightness test of each UST and associated piping, preliminary investigation, and such other actions necessary to identify and mitigate fire, explosion and vapor hazards.

C. That within ten (10) days of receipt of this Order, the owner/operator shall submit to the department a report of Release Investigation and Confirmation as required by ADEM Admin. Code R. 335-6-16-.22, to include all results of all tightness tests performed.

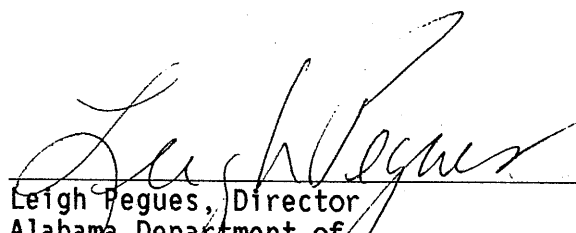
D. That upon confirmation of a release from the referenced facility, the owner/operator shall undertake Initial Abatement Measures as required by ADEM Admin. Code R. 335-6-15-.25, and within sixty (60) days of receipt of this Order, shall submit to the department a report of Preliminary Investigation as required by ADEM Admin. Code R. 335-6-15-.26. The

owner/operator shall remain under the corrective action requirements of ADEM Admin. Code Chapter 335-6-15 until issued a written notice of no further action from the department.

E. That the issuance of this Order does not preclude the Department from seeking civil penalties, criminal prosecution, or other appropriate sanctions or relief against the owner/operator for the violations cited herein.

F. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against the owner/operator for recovery of civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 23rd day of July, 1992.



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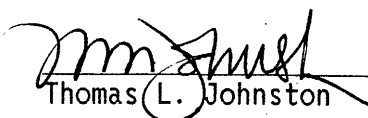
Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W.L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7855

Certificate of Service

I, Thomas L. Johnston, hereby certify that I have this date served the foregoing Administrative Order No. 92-154-GW, Certified Mail (No. P-622-952-419), return receipt requested, postage prepaid and properly addressed to:

Mr. Gary Dean  
DEAN OIL COMPANY  
909 N. Main Avenue  
Cullman, Alabama 35055

Dated: July 23, 1992

  
Thomas L. Johnston