

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

ROBERT EDDIE GLASS

RE: GLASS BATTERY COMPANY,
703 HEADSTROM DRIVE
DOTHAN, ALABAMA
FACILITY I.D. NO. 15698-069-007931

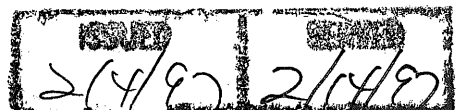
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ADMINISTRATIVE ORDER
97-132-GW

FINDINGS

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

1. Robert Eddie Glass (hereinafter "the owner") is the registered owner of an underground storage tank system located at Glass Battery Company, 1347 South Oates Street, Dothan, Alabama. The UST system was registered by the owner on January 11, 1989, identified as ADEM Facility I.D. No. 15698-069-007931.
2. Registration forms submitted by the owner indicate the age of the subject tanks to be approximately fifteen (15) years.
3. The subject tank(s) identified above do not satisfy new tank performance standards of ADEM Admin. Code R. 335-6-15-.06 or existing tank upgrade requirements of ADEM Admin. Code R. 335-6-15-.07.
4. Investigation by Department personnel indicates the subject tank(s) were/was last used on or about December 1, 1989, and have been temporarily closed and not used since that date.
5. ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") 335-6-15-.36 provides that USTs may be temporarily closed for no more than twelve (12) months.
6. By Notice of Violation dated March 3, 1992, the Department notified the owner of the regulations for temporary closure and required responsive action within ten (10) days. The owner failed to respond to the Notice of Violation.
7. ADEM Admin. Code R. 335-6-15-.36 requires tanks that have been temporarily closed for more than twelve (12) months to be permanently closed within (90) days after said twelve-month period if the tanks do not meet either new tank performance



standards of ADEM Admin. Code R. 335-6-15-.06 , or existing tank upgrade requirements of ADEM Admin. Code R. 335-6-15-.07.

8. By Notice of Violation dated March 5, 1993, the Department again notified the owner of temporary closure regulations and requested a response within seven (7) days. The owner again failed to respond to the Notice of Violation.

9. Pursuant to ADEM Admin. Code R. 335-6-15-.36, the subject tanks were required to be permanently closed no later than March 1, 1991.

10. An investigation by Department personnel on July 28, 1993, revealed that the subject tanks have not been permanently closed and remain in violation of ADEM Admin. Code R. 335-6-15-.36.

ORDER

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-5(10), 22-36-7 and 22-36-9, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That within ten (10) days of receipt of this Order, the owner shall provide to the Department written notice of its intent to permanently close the underground storage tank system, as required by ADEM Admin. Code R. 335-6-15-.37(1).

B. That within sixty (60) days of receipt of this Order, the owner shall permanently close the underground storage tank system in accordance with ADEM Admin. Code R. 335-6-15-.37 through .40, including the performance of a site closure assessment as required by ADEM Admin. Code R. 335-6-15-.38.

C. That within forty-five (45) days of initiating closure, the owner shall submit to the Department a report of the assessment findings required by ADEM Admin. Code R. 335-6-15-.38.

D. That in the event that the requirements of Paragraph A, B and C are not complied with, the UST owner shall immediately cease the operation and use of all USTs registered to said owner. Said USTs shall not be operated or used thereafter nor shall additional product be introduced into the USTs until such time all requirements of this Order are satisfied.

E. That the UST owner forthwith shall comply with all applicable requirements for each UST and shall continuously remain in compliance therewith each and every day thereafter until such time the UST is permanently removed from service pursuant to ADEM Admin. Code R. 335-6-15.

F. That pursuant to ADEM Admin. Code R. 335-6-16-.05, the UST owner is ineligible for benefits under the Tank Trust Fund for any release prior to the date the UST owner fully complies with the provisions of this Order.

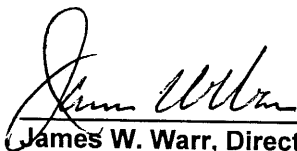
G. That in the event contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered in the course of closure, the owner shall begin corrective action in accordance with ADEM Admin. Code Rules 335-6-15-.24 through 335-6-15-.34.

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

I. 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.

J. That within thirty (30) days of notice of receipt of this Order, the owner and/or operator shall pay to the Department a civil penalty in the amount of Five Hundred Dollars (\$500.00).

ORDERED and ISSUED this 28th day of January, 1997.



James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36109-2608
(334) 271-7977

CERTIFICATE OF SERVICE

I, James G. Stevens, hereby certify that I have served Administrative Order No. 97-132-GW upon Eddie Glass d/b/a Glass Battery Company by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 841 389 305, with instructions to forward and return receipt requested to:

Eddie Glass
Glass Battery Company
703 Headstrom Drive
Dothan, AL 36301

DONE this **4th** day of February, 1997.



James G. Stevens