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Storage Tank Enforcement: Alabama Department of Environmental Management Proposed Administrative Order Addressing Fayette Facility Diesel Release

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The Alabama Department of Environmental Management (“ADEM”) issued on February 12th a Proposed Administrative Order (“AO”) to Dodson Oil Co. of Fayette, Inc (“Dodson”) alleging violations of certain Alabama environmental regulations in relation to a diesel release.

The OA alleges that Dodson is responsible for the release of pollutants to ground water at its facility in Fayette, AL.

A release is stated to have been reported to ADEM on January 19, 2024 through the National Response Center referencing an off-road diesel release from an above ground storage tank (“AST”) of an unknown quantity. ADEM is stated to have observed approximately 1,000 feet of open storm drainage ditch that was impacted by off-road diesel discharging from the AST.

ADEM is stated to have issued on February 20, 2024 a Notice of Requirement to Conduct Investigative and Corrective Actions Letter (“NOR”) to Dodson and an individual. The letter required abatement measures to be performed as well as a preliminary investigation.

The initial abatement report was required to be submitted to ADEM within 20 days of receiving the letter. The Preliminary investigation report was required to ADEM within 60 days from receipt of the letter.

ADEM personnel were stated to have conducted a site inspection of the facility on January 23, 2024. The inspection is stated to have indicated that clean-up activities had been initiated but not completed.

On March 11, 2024 ADEM conducted a site inspection which is stated to have identified a noticeable odor of diesel fuel. The state Agency is stated to have not received the initial abatement report nor the preliminary investigation report.

On February, 2024 ADEM issued a Notice Of Violation (“NOV”) to the owners to submit a report prepared by a professional engineer that addresses the release and the corrective/preventive measures taken to complete remediation of the affected areas to eliminate such releases in the future. The report was required to be submitted to ADEM within 30 days from receipt of the NOV but has not been received.

A second NOV is stated to have been issued for failure to respond to the February 20, 2024 NOR.

The AO provides that not later 45 days of its issuance that Dodson and the individual shall pay a civil penalty of \$22,500.

The AO also sets timelines for completion of the previously referenced investigative/corrective action measures.

A copy of the AO can be found [here](#).