

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

KENNETH ALEXANDER
d/b/a ALABAMA ALCOHOL AND
XYLENE RECYCLERS and
d/b/a ALABAMA REAGENT RECYCLING

ORDER NO. 87-030-HW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 to 22-22A-15 (1984 and 1986 Cum. Supp.) and the Alabama Hazardous Wastes Management Act of 1978, §§ 22-30-1 to 22-30-14 (1984 and 1986 Cum. Supp.) the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS OF FACT:

1. Kenneth Alexander, d/b/a Alabama Alcohol and Xylene Recyclers and d/b/a Alabama Reagent Recycling, (hereinafter "Kenneth Alexander") operates a facility for the storage and treatment of waste solvents and other solid wastes located at Route 2, Leeds, Alabama (hereinafter "the Leeds facility").

2. Kenneth Alexander is presently storing in excess of 70 drums of solid wastes at the Leeds facility. Such solid wastes have been designated as hazardous wastes by the generators of such wastes.

3. Kenneth Alexander has transported such hazardous wastes to the Leeds facility from the sites of generation.

4. Kenneth Alexander has neither applied for nor received permits from the Department to transport, treat, store or dispose of hazardous waste.

5. Kenneth Alexander has violated Code of Alabama 1975, §22-30-12 (c)(3) (1984) by transporting hazardous waste without a permit to transport from the Department.

6. Kenneth Alexander has violated Code of Alabama 1975, §22-30-12(c)(3) (1984) by storing or treating hazardous waste without a hazardous waste facility permit from the Department.

7. Kenneth Alexander has violated the ADEM Admin. Code R. 335-14-6-.02(5) by operating the Leeds facility without providing the required security.

8. Because of the storage of hazardous waste at the Leeds facility without the required security, the Leeds facility constitutes a threat to human and animal health.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§22-22A-5(10) and 22-30-19(a)(1984 and 1986 Cum. Supp.), it is hereby ORDERED:

A. That immediately after receiving notice of this Order, Kenneth Alexander shall cease all transport, receipt or treatment of hazardous waste.

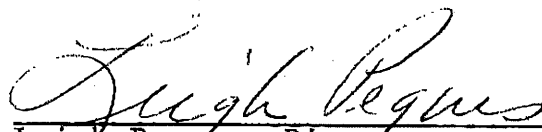
B. That Kenneth Alexander shall not remove any hazardous waste from the Leeds facility without prior written approval from the Department.

C. That not later than seven days after receiving notice of this Order Kenneth Alexander shall submit to the Department a plan for the removal and management of all hazardous waste presently stored at the Leeds facility which plan shall comply with the requirements of the ADEM Admin. Code Division 335-14.

D. Failure by Kenneth Alexander to comply fully with the terms of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department against Kenneth Alexander.

E. Issuance of this Order does not preclude the Department or others from seeking appropriate sanctions or relief against Kenneth Alexander for the violations stated herein.

ORDERED and ISSUED this 14th day of January, 1987.



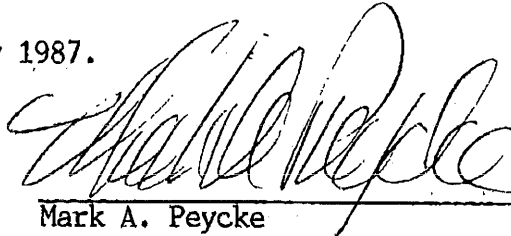
Leigh Pegues, Director
Alabama Department of Environmental
Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 87-030-HW upon Kenneth Alexander by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 226-617-350, with instructions to forward and return receipt requested to:

**Mr. Kenneth Alexander
d/b/a Alabama Alcohol and Xylene Recyclers
Route 2, Box 502
Leeds, Alabama 35054**

Done this 14th day of January 1987.



Mark A. Peycke