

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

LOYAL WASHINGTON

MULGA, ALABAMA 35118

ORDER NO. 93-017-WP

FINDINGS

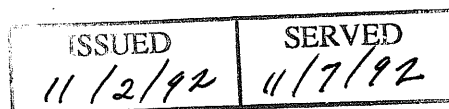
Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 through 22-22A-16 (1990 Replacement Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§22-22-1 through 22-22-14 (1990 Replacement Vol.), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS :

1. Loyal Washington operates a subdivision construction development facility located in Tuscaloosa, Alabama at T21S, R8W, S31.

2. The Code of Alabama 1975, §22-22-9(i)(3) states as follows:

"...Every person, prior to discharging any new or increased pollution into any waters of the state, shall apply to the Department in writing for a permit and must obtain such permit before discharging such pollution..."

3. Loyal Washington has not applied for and has not obtained a permit from the Department to discharge pollutants from its facility.



4. An inspection, by the Department, on September 4, 1991 revealed unpermitted discharges of sediment from Loyal Washington's facility to an unnamed tributaries of Bee Branch, a water of the State.

5. The September 4, 1991 inspection revealed that Loyal Washington were in the process of constructing a subdivision. A road had been cut through the property and the land cleared and graded. There had not been any measures taken to prevent the property from eroding.

6. That Loyal Washington requested an informal conference on June 8, 1992 to review the proposed administrative order.

7. Loyal Washington did not attend the June 8, 1992 informal conference.

8. On August 3, 1992 the Department mailed a Certified Letter to Loyal Washington with a return receipt requested setting another informal conference for August 12, 1992.

9. Loyal Washington did not attend the August 12, 1992 informal conference.

ORDER

Based upon the foregoing FINDINGS and pursuant to Code of Alabama 1975, §§22-22A-5(10), 22-22-9(c), 22-22-9(i), and 22-22-9(k) (1990 Replacement Vol.) it is hereby ORDERED:

A. That immediately upon the receipt of this Order, Loyal Washington shall cease and desist any and all discharge of pollutants into waters of the State, except through a permitted outfall.

B. That not later than 30 days after receiving notice of this Order, Loyal Washington shall submit to the Department, a detailed, comprehensive Pollution Abatement/Operations Management Plan, prepared by a professional engineer licensed by the state of Alabama, to address and correct pollution control deficiencies at Loyal Washington facility located at Tuscaloosa

County, Alabama.

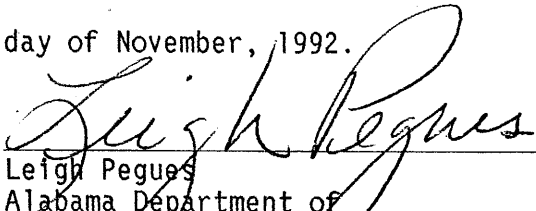
C. That not later than 90 days after the Department's acceptance of Loyal Washington pollution abatement/prevention plan, Loyal Washington shall submit to the Department certification, by a design engineer, that the pollution abatement plan have in fact been implemented in accordance with the accepted plan.

D. That is the event that the subdivision construction is still ongoing subsequent to October 1, 1992, Loyal Washington shall apply for and obtain a stormwater permit to discharge pollutants for its facility.

E. That the failure to comply fully with the terms and conditions 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 Loyal Washington

F. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate relief against Loyal Washington for the violations stated herein.

ORDERED and ISSUED this 2 th day of November, 1992.

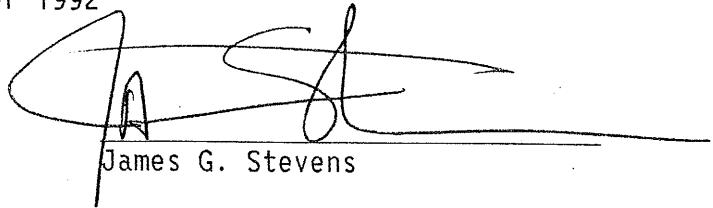

Leigh Pegues
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, AL 36130
(205) 271-7855

CERTIFICATE OF SERVICE

I, James G. Stevens, hereby certify that I have served a copy of the foregoing Administrative Order No. 93-017-WP upon Loyal Washington by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 055 116 457, with instructions to forward and return receipt requested to:

Loyal Washington
1140 Sunrise Rd.
Mulga, Alabama 35118

DONE this 2nd day of November 1992



James G. Stevens