

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

PANOLA LAND BUYING)
ASSOCIATION - HDC)

NPDES PERMIT NO. AL0043648)

ORDER NO. 92-015-WP

FINDINGS OF FACTS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), and the National Pollutant Discharge Elimination System administered by the Alabama Department of Environmental Management (hereinafter "the Department") and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C § 1342, the Department makes the following FINDINGS OF FACTS:

1. The Panola Land Buying Association - HDC (hereinafter, "the Permittee") operates a waste treatment facility known as the Wendy Hills Subdivision Wastewater Treatment Plant.

2. On August 15, 1986, the Department issued NPDES Permit Number AL0043648 to the Permittee authorizing the discharge of pollutants into Town Creek, a water of the State.



3. This permit establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001. Those permit parameters are as follows:

PARAMETER	MONTHLY AVERAGE		WEEKLY AVERAGE	
	(mg/l)	(lb/day)	(mg/l)	(lb/day)
BOD ₅	90	4.0	45	6.0
TSS	90	12.0	135	18.0
NH ₃ -N	10	1.3	15	2.0
pH	in the range of 6.0 s.u. to 9.0 s.u.			

4. Said permit also requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.

5. The Permittee has not submitted Discharge Monitoring Reports for the period of May 1989 until June 1991.

6. The Department notified the Permittee on August 28, 1989; December 11, 1989; March 12, 1990; May 15, 1990; and July 11, 1991 by certified mail, that Discharge Monitoring Reports were not received by the Department. Replies to these letters were never received by the Department, as requested.

7. The Permittee has taken inadequate and untimely efforts to comply with its permit.

8. The permit violations above were committed with knowledge of the illegality thereof and with indifference to the consequences thereto.

9. The Permittee has recognized an economic benefit from its failure to comply with its permit.

10. The Permittee has a history of numerous permit violations and has failed to adequately address these violations.

11. The Permittee has the ability to pay an administrative penalty.

ORDER

Based upon the foregoing FINDINGS OF FACTS 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 Rplc. Vol.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

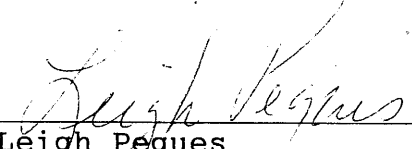
A. That within 30 days after receiving notice of this Order, the Permittee shall pay a penalty in the amount of Four Thousand Eight Hundred Dollars (\$4,800).

B. That commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0043648 and all other limitations, terms and conditions of this permit not inconsistent with this Order.

C. That failure to comply with any of the provisions of this Order shall constitute cause for the commencement of legal action for the recovery of additional civil penalties, criminal fines or other appropriate relief by the Department or others against the Permittee.

D. That the issuance of this Order does not preclude the Department or others from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against the Permittee for violation of its permit.

ORDERED and ISSUED this 13th day of November, 1991.



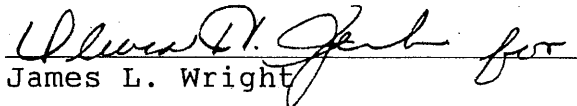
Leigh Pegues
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, AL 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 91-015-WP upon the Panola Land Buying Association - HDC by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 622 952 557, with instructions to forward and return receipt requested to:

Panola Land Buying Association - HDC
Route 1, Box 30
Gainesville, AL 35564

Done this 13th day of November, 1991.


James L. Wright