

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

February 3, 2012

CERTIFIED MAIL # 7007 0710 0001 6198 9420
RETURN RECEIPT REQUESTED

David Ellen
Complete Septic Tank Service
65 Bagwell Road
Pell City, AL 35125

RE: **Final Unilateral Order 12-064-WP**
Complete Septic Tank Service
St. Clair County (115), Alabama

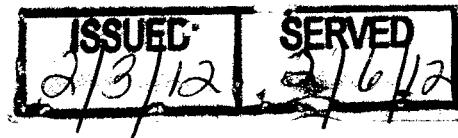
Dear Mr. Ellen:

Please find enclosed the ADEM Unilateral Order which requires you to take certain actions at the Complete Septic Tank Service located on 65 Bagwell Road, in Pell City, Alabama in regard to alleged violations of the Alabama Water Pollution Control Act. This Unilateral Order has been issued without the consent of Complete Septic Tank Service. This order does not assess a civil penalty.

Pursuant to §§22-22A-(7)(c)1, Code of Alabama (1975), as amended, this Order may be appealed by filing a request for a hearing within 30 days after receiving notice of this Order. The request should be addressed to the Chair of the Environmental Management Commission and must comply with the requirements of ADEM Admin. Code r. 335-2-1-.04, copies of which may be obtained by submitting a written request to the attention of Molly Tatum, ADEM-Office of General Counsel. Rule 335-2-1-.04 is also available online at the Department's website at <http://www.adem.state.al.us/alEnviroRegLaws/files/Div2Eff5-26-09.pdf>.

Sincerely,

Glenda L. Dean, Chief
Water Division



GLD/nwc

Enclosure: Final Unilateral Order

cc: Tom Johnston/ADEM, Office of General Counsel
Laura Eubank/ADEM, Office of General Counsel
Daphne Smart/ADEM, Industrial/Municipal Branch
Samuel Scott Ramsey/ADEM, Industrial/Municipal Branch
Nicholas Caraway/ADEM, Industrial/Municipal Branch

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

IN THE MATTER OF:

UNILATERAL
ADMINISTRATIVE ORDER
No. 12-064-WP

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.), the Alabama Water Pollution Control Act (hereinafter “AWPCA”), Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342, the Alabama Department of Environmental Management (hereinafter, “the Department”) makes the following FINDINGS:

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

5. The Facility neither holds nor has applied for a discharge permit to groundwater or to the Unnamed Tributary to Roberts Creek.

6. Pursuant to Ala. Code 1975, §22-22-9(i), as amended, the Department is authorized to issue, modify or revoke Orders abating discharges of pollutants or other wastes into waters of the state.

7. Pursuant to §22-22-9(c), Ala. Code (2006 Rpl. Vol.), the Department is authorized to require any person discharging to establish and maintain records, make reports, install, use and maintain monitoring equipment and methods, and to provide such other information as the Department may reasonably require.

8. Pursuant to §22-22-9(e), Ala. Code (2006 Rpl. Vol.), whenever the Department determines that any person is in violation of, or is about to violate, the Alabama Water Pollution Control Act, or any regulation or permit issued there under, such person shall file with the Department within the time required a full report of actions taken or being taken to control such discharge of pollution.

9. On January 11, 2012, ADEM personnel responded to a report of the Facility dumping the contents of their trucks onto the ground. The Department observed that the truck operator was discharging the Facility's truck contents onto the ground, where the material pooled on the property and then discharged into the headwaters to an unnamed tributary of Roberts Creek. ADEM personnel collected fecal coliform and E. coli samples approximately 50 yards upstream and downstream of the discharge point and at the discharge point. Results indicated elevated levels of fecal coliform and E.coli in the downstream stream and the discharge point sample locations. The results of the inspection were provided to the Facility.

10. The discharge of wastewater from the Facility's truck is an unpermitted discharge of pollutants into waters of the state (both groundwater and surface water), in violation of §22-22-9(i)(3), Ala. Code (2006 Rpl. Vol.).

11. In a phone conversation with ADEM personnel on Tuesday January 17, 2012, Complete Septic Tank Service stated that the material in the truck which was being discharged

during the Department's January 11, 2012, inspection was storm water from a clogged storm drain (in addition to residual materials left in the truck).

ORDER

Based on the foregoing *FINDINGS* and pursuant to Ala. Code §§ 22-22A-5(1), 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), and 22-22-9(k) (2006 Rpl. Vol.), it is hereby *ORDERED*:

A. That, immediately upon receipt of this Order, the Facility shall take such steps as are necessary to cease and desist all unpermitted discharges into waters of the state.

B. That, within fourteen days from the issuance of this Administrative Order, the Facility shall submit to the Department a report documenting all abatement activities conducted or to be conducted to address the unpermitted discharge of pollutants into waters of the state, including steps taken or to be taken to remediate and sanitize the area unto which the Facility has been discharging.

C. Within 30 days from the issuance of this Administrative Order, the Facility shall submit to the Department documentation verifying that the material in the truck which was being discharged during the Department's January 11, 2012, inspection was storm water from a clogged storm drain.

D. That, if required by the Department upon review of the required report, the Facility shall undertake additional abatement activities to address the discharge of pollutants, and shall continue abatement activities until released in writing by the Department.

E. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

F. That, except as otherwise set forth herein, this Order is not and shall not be interpreted to be a permit or modification of a permit under federal, State or local law, and shall not be construed to waive or relieve the Facility of the obligation to comply in the future with all applicable law.

G. That the issuance of this Administrative Order does not preclude the Department from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against the Facility for the violations cited herein.

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

ORDERED and ISSUED this 3rd day of February, 2012



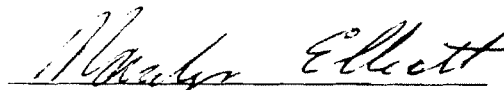
Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059
(334) 271-7700

ADMINISTRATIVE ORDER CERTIFICATE OF SERVICE

I, Glenda L. Dean, do hereby certify that I have served the executed Administrative Order Number 12-064-WP upon the person listed below by sending the same, postage paid, through the United States Mail, Certified Mail Receipt # 7007 0710 0001 6198 9420, with instructions to forward and return receipt, to:

**David Ellen
Complete Septic Tank Service
65 Bagwell Road
Pell City, AL 35125**

Done this 3rd day of February, 2012.

A handwritten signature in cursive script, appearing to read "Glenda L. Dean", is written over a horizontal line.

Glenda L. Dean, Chief
Water Division
Alabama Dept. of Environmental Management

[English](#)[Customer Service](#)[USPS Mobile](#)[Register / Sign In](#)[Search USPS.com or Track Packages](#)[Quick Tools](#)[Ship a Package](#)[Send Mail](#)[Manage Your Mail](#)[Shop](#)[Business Solutions](#)

Track & Confirm

[GET EMAIL UPDATES](#)

YOUR LABEL NUMBER
70070710000161989420

SERVICE
First-Class Mail ®

STATUS OF YOUR ITEM
Delivered

DATE & TIME
February 06, 2012, 12:20 pm

LOCATION
PELL CITY, AL 35125

FEATURES
Expected Delivery By:
February 4, 2012
Certified Mail™
Return Receipt

Notice Left
February 04, 2012, 12:47 pm
PELL CITY, AL 35125

Acceptance
February 03, 2012, 4:20 pm
MONTGOMERY, AL 36121

Check on Another Item

What's your label (or receipt) number?

LEGAL

[Privacy Policy](#) ›
[Terms of Use](#) ›
[FOIA](#) ›
[No FEAR Act EEO Data](#) ›

OTHER USPS SITES

[Business Customer Gateway](#) ›
[Postal Inspectors](#) ›
[Inspector General](#) ›
[Postal Explorer](#) ›

ON USPS.COM

[Government Services](#) ›
[Buy Stamps & Shop](#) ›
[Print a Label with Postage](#) ›
[Customer Service](#) ›
[Site Index](#) ›

ON ABOUT.USPS.COM

[About USPS Home](#) ›
[Newsroom](#) ›
[Mail Service Updates](#) ›
[Forms & Publications](#) ›
[Careers](#) ›

Copyright© 2012 USPS. All Rights Reserved.