

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

GRAYFIELD HAMILTON,  
d/b/a HAMILTON TEXACO  
SERVICE STATION  
EUTAW ALABAMA

ORDER NO. 89-039-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 through 22-22A-16 (1984 and 1988 Cum. Supp.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§22-22-1 through 22-22-14 (1984 and 1988 Cum. Supp.), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS OF FACT:

1. Grayfield Hamilton, d/b/a Hamilton Texaco Service Station, operates a service station located in Eutaw, Alabama.

2. Code of Alabama 1975, § 22-22-9(i)(3) provides that "[e]very person, prior to discharging any new or increased pollution into any waters of this state, shall apply to the [Department] in writing for a permit and must obtain such permit before discharging such pollution."

3. On June 14, 1988 an investigation by Department personnel revealed that soil adjacent to the Hamilton Texaco Service Station site to be contaminated with petroleum products, posing a substantial threat of discharge to the groundwater beneath the soil.

4. Groundwater contamination has been documented at locations hydrogeologically downgradient from the Hamilton Texaco Service Station.

5. A tank removed from the Hamilton Texaco Service Station site in February 1988 did not appear to be competent for proper storage of petroleum products as there were three holes found to be present in the tank wall.

6. On June 21, 1988 the Department instructed Grayfield Hamilton to have all facility underground lines and tanks tightness tested and a site investigation of the area performed.

7. Grayfield Hamilton failed to have all facility underground lines and tanks tightness tested or to have the site investigation performed.

8. On August 24, 1988 the Department issued a notice of violation to Grayfield Hamilton citing him for failure to submit tightness test reports for underground lines and tanks as required and for failure to perform the site investigation.

9. On September 1, 1988 Grayfield Hamilton submitted to the Department tank tightness test reports for two tanks.

10. No tank tightness test reports have been submitted for a tank installed during February 1988 and for the underground lines at the facility.

#### ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(i), and 22-22-9(k) (1988 Cum. Supp.), Grayfield Hamilton is hereby ORDERED:

A. That not later than 30 days after receipt of notice of this Order, Grayfield Hamilton shall submit to the Department tightness test reports for the tank installed in February 1988 and all underground lines and shall submit a plan for a site investigation sufficient to define the horizontal and vertical extent of soil and groundwater contamination.

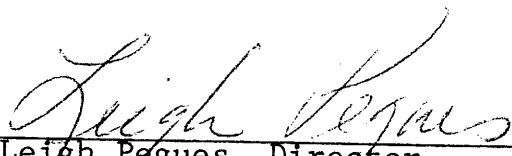
B. That not later than 120 days after receipt of notice of this Order, Grayfield Hamilton shall submit to the Department the completed site investigation report and a plan for corrective action.

C. That not later than 180 days after receipt of notice of this Order, Grayfield Hamilton shall have implemented the corrective action plan.

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

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

ORDERED and ISSUED this 13th day of January, 1989.

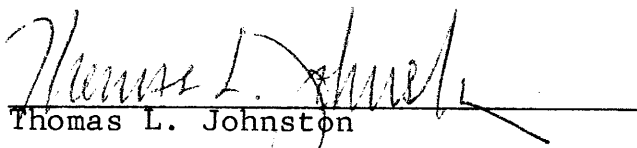
  
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Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W.L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, Thomas L. Johnston, hereby certify that I have served Administrative Order No. 89-039-WP upon Grayfield Hamilton d/b/a Hamilton Texaco Service Station by sending the same, postage paid, through the U.S. Mail as certified Mail No. P-627-011-719 with instructions to forward and return receipt requested to:

Grayfield Hamilton  
Hamilton Texaco Service Station  
99 Greensboro Street  
Eutaw, Alabama 35462

DONE this 13th day of January, 1989.

  
Thomas L. Johnston