

# ADEM

ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



Guy Hunt  
Governor

Leigh Pegues, Director

June 1, 1989

1751 Cong. W. L.  
Dickinson Drive  
Montgomery, AL  
36130  
205/271-7700

CERTIFIED MAIL (P 627-013-916)  
RETURN RECEIPT REQUESTED

Field Offices:

Unit 806, Building 8  
225 Oxmoor Circle  
Birmingham, AL  
35209  
205/942-6168

P.O. Box 953  
Decatur, AL  
35602  
205/353-1713

204 Perimeter Road  
Mobile, AL  
36615  
205/479-2336

Mr. Tony E. Dees  
d/b/a Western Mobile Home Park  
P. O. Box 8305  
Mobile, Alabama 36608

Dear Mr. Dees:

Enclosed please find Administrative Order No. ~~89-087-DW~~ which requires Western Mobile Home Park to take certain actions in regard to its operation of a public water system in the State of Alabama.

Please be advised that failure to comply with the terms of this Order may result in penalties of up to \$25,000 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, § 22-22A-7(c)(1) this Order may be appealed by filing a request for hearing before the Environmental Management Commission within 15 days after receiving notice of this Order. The request should be addressed to the Chair of the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be obtained by submitting a request in writing along with a check or money order for \$1.25 for each copy requested. Written requests should be sent to the attention of the Office of General Counsel.

If you have any questions, please feel free to contact me at (205) 271-7855.

Yours very truly,

Thomas L. Johnston  
Associate General Counsel

TLJ/saw  
Enclosures  
CC: Joe A. Power  
Keith Lowery

ISSUED 6/2/89	SERVED 7/7/89
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ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

TONY DEES d/b/a  
WESTERN MOBILE HOME PARK

ORDER NO. 89-087-DW

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.), and the Alabama Safe Drinking Water Act, Code of Alabama 1975, §§ 22-23-30 through 22-23-53 (1984 and 1988 Cum. Supp.), the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Tony Dees d/b/a Western Mobile Home Park (hereinafter, "the owner") owns and operates a "public water system" as defined in Code of Alabama 1975, §§ 22-23-31(11). The public water system is also a "community water system" as defined in Code of Alabama 1975, §§ 22-23-31(13), which utilizes only a ground water source.

2. ADEM Admin. Code R. 335-7-2-.11(2) requires community water systems utilizing groundwater sources in whole or in part to perform inorganic chemical analyses every three years on water samples taken from a representative point in the distribution system, after treatment, for each source in use.

3. Water samples from the well utilized by Western Mobile Home Park have not been collected and analyzed for inorganic chemicals since on or before September 30, 1985, in violation of ADEM Admin. Code R. 335-7-2-.11(2). Said analyses were due on or before October 1, 1988, and have not been submitted.

4. ADEM Admin. Code R. 335-7-2-.23(5)(a) and (b) require a water system which fails to comply with required monitoring to issue notice of said violation within three months by publication in a daily newspaper of general circulation, and by mail or hand delivery to all persons served by the water system every three months following the initial newspaper notification for as long as the violation continues.

5. The owner of Western Mobile Home Park has not provided the required notification for failure to perform inorganic chemical monitoring, in violation of ADEM Admin. Code R. 335-7-2-.23(5)(a) and (b).

6. ADEM Admin. Code R. 335-7-2-.17(b) requires monitoring for naturally occurring radionuclides and, for systems substituting a single sample, said monitoring shall be conducted at the same frequency as that required for inorganic chemicals (i.e. every three years).

7. Samples have not been collected by Western Mobile Home Park and analyzed for naturally occurring radionuclides since on or before September 30, 1985, in violation of ADEM Admin. Code R. 335-7-2-.17(b). Said analyses were due on or before October 1, 1988, and have not been submitted.

8. The owner of Western Mobile Home Park has not provided the required notification of his failure to perform monitoring for naturally occurring radionuclides, in violation of ADEM Admin. Code R. 335-7-2-.23(5)(a) and (b).

9. ADEM Admin. Code R. 335-7-11-.03 prohibits water service to a customer if 20 pounds per square inch (psi) of pressure is not available under normal flow conditions.

10. An inspection by Department personnel on January 23, 1989 revealed available pressure at a service connection in Western Mobile Home Park to be 14 psi, in violation of ADEM Admin. Code R. 335-7-11-.03(3). The Department has received no evidence that said deficiency was corrected during the month of February, 1989.

11. ADEM Admin. Code R. 335-7-6-.10 requires stabilization of the water when it is considered by the Department to be unstable or have a tendency to react with metal piping.

12. By letter dated March 25, 1988, the Department notified the owner of Western Mobile Home Park that water from the system required stabilization, to be achieved no later than June 19, 1988. Investigation by the Department on January 23, 1989, revealed that the required stabilization had not been achieved, in violation of ADEM Admin. Code R. 335-7-6-.10.

13. ADEM Admin. Code R. 335-7-2-.23(6) provides for a Community Water System, when required by the Department, to issue notice to persons served by the system of the potential hazards of lead contamination, even if no violation of the primary drinking water standards for lead exist.

14. By memorandum dated February 18, 1988, the Department required the owner of Western Mobile Home Park to issue public notification of potential lead contamination no later than June 19, 1988. The Owner of Western Mobile Home Park has failed to issue the required notice, in violation of ADEM Admin. Code R. 335-7-2-.23(6).

15. ADEM Admin. Code R. 335-7-13-.08(b) 1 and 5, and ADEM Admin. Code R. 335-7-13-.18(a) require the owner of a Community Water System to perform and record at least daily the free chlorine residual and the pH of the finished water representing each source, and forward to the department each month operation data reports which include results of all required water quality control tests.

16. Since June, 1988, the owner of Western Mobile Home Park has failed to submit operation data reports reflecting results of daily chlorine residual and pH determinations of the finished water from the groundwater source used, in violation of ADEM Admin. Code R. 335-7-13-.08(b) 1 and 5 and ADEM Admin. Code R. 335-7-13-.18(a).

17. ADEM Admin. Code R. 335-7-2-.09(a), (b) and (d) require the owner of a Community Water System each month to collect and have analyzed for microbiological contamination by a certified laboratory two (2) water samples representing the distribution system and one (1) sample representing well water prior to treatment.

18. The owner of Western Mobile Home Park failed to collect the required samples and have them analyzed for microbiological contaminants during the months of January and February, 1989, in violation of ADEM Admin. Code R. 335-7-2-.09(a)(b) and (d), and has failed to issue notice of said violation as required by ADEM Admin. Code R. 335-7-2-.23.

19. ADEM Admin. Code R. 335-7-13-.03 (e)(2) requires a Community Water System which utilizes groundwater sources to employ of Grade II Certified Operator.

20. The owner of Western Mobile Home Park has failed to employ a Grade II Certified Operator since June, 1988, in violation of ADEM Admin. Code R. 335-7-13-.03(e)(2).

21. The aforesaid violations have resulted in the quality of the water being provided to persons at Western Mobile Home Park being largely unknown, and those persons have not been notified of the questionable quality as is required of all community water systems.

22. The owner of Western Mobile Home Park has realized an economic benefit from his failure to comply with the Safe Drinking Water Act and its implementing regulations.

23. The owner has failed, following warnings and Notices of Violation, to take steps to minimize or mitigate the effects of these violations.

24. The owner has the ability to pay a civil penalty.

ORDER

Based on the forgoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18) (1988 Cum. Supp.) and § 22-23-43 (1984), it is hereby ORDERED:

A. That there is hereby assessed a civil penalty against the owner of Western Mobile Home Park in the amount of Nine Thousand Nine Hundred Dollars (\$9,900.00), to be paid to the Alabama Department of Environmental Management within thirty (30) days of receipt of this Order.

B. That the owner shall, pursuant to ADEM Admin. Code R. 335-7-2-.23, provide the required notice to all persons served by the system of the foregoing violations, and shall furnish proof of notification to the Department within fifteen (15) days of receipt of this Order.

C. That the owner shall, pursuant to ADEM Admin. Code R. 335-7-2-.23(6), issue to persons served by the system the required notice of the potential hazards of lead contamination, and shall furnish proof of said notification to the Department within fifteen (15) days of receipt of this Order.

D. That within fifteen (15) days of receipt of this Order, the owner shall comply with the following conditions, and shall continuously remain in compliance with all water supply regulations each and every day thereafter as long as he continues to operate the system:

(1) The owner shall furnish to the Department proof that pressure of at least 20 psi is available at all connections at Western Mobile Home Park;

(2) The owner shall furnish to the Department the results of radiological and inorganic chemical analyses of water from the well serving the park;

(3) The owner shall test and record results of the daily chlorine residual and pH of the finished water, and furnish operation data reports monthly or as required by the Department; and,

(4) The owner shall submit proof to the Department that he has employed a grade II operator.

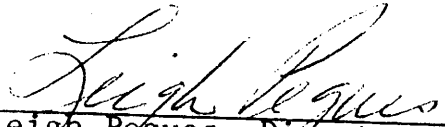
E. In lieu of complying with the conditions contained in Paragraph D, above, the owner may within fifteen (15) days of receipt of this Order submit proof to the Department that he has ceased operating the water system serving customers of Western Mobile Home Park and has properly abandoned the water supply well.

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

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



ORDERED and ISSUED this 31st day of May, 1989.

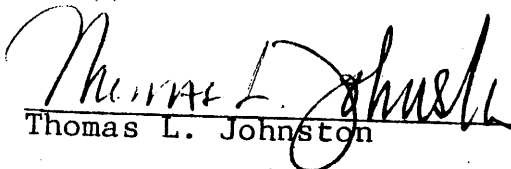
  
Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Dr.  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, Thomas L. Johnston, hereby certify that I have served the foregoing Administrative Order upon Mr. Tony E. Dees by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 627-013-916 with instructions to forward and return receipt requested to:

Tony Dees  
d/b/a Western Mobile Home Park  
P. O. Box 8305  
Mobile, Alabama 36608

DONE this 2nd  
~~1st~~ day of June, 1989.

  
Thomas L. Johnston