

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

LISA GRIMES d/b/a
STARS BY THE SEA

ORDER NO. 86-033-DW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984) and the Alabama Safe Drinking Water Act of 1977, Code of Alabama 1975, §§ 22-23-30 to 22-23-53 (1984), the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS OF FACT:

1. Lisa Grimes d/b/a Stars by the Sea owns or operates a "public water system" as defined in Code of Alabama 1975, § 22-23-31(11) (1984). The "public water system is also a non-community water system" as defined in Code of Alabama 1975, § 22-23-31(13) (1984).

2. Pursuant to Code of Alabama 1975, § 22-23-49 (1984), the Department promulgated Water Supply Regulations applicable to public water systems including the following:

(a) Section 3-221.03 which requires that the owner or operator of a non-community water system shall collect and analyze a minimum of two samples of water per month for coliform bacteria.

(b) Section 3-221.08 which requires that the owner or operator of a water system shall make daily determinations of chlorine residual and shall maintain no less than 0.5 mg/l free chlorine throughout the public water distribution system.

3. Code of Alabama 1975, § 22-23-37 (1984) requires that the operator of a public water system which fails to perform monitoring required by regulations adopted by the Department shall, as soon as practicable, notify the users, the public and communications media, the Department and others of such violations and the extent, nature and possible health effects of such violations.

4. Lisa Grimes d/b/a Stars by the Sea failed to perform the required sampling for coliform bacteria during the months of October and November 1985.

5. Lisa Grimes d/b/a Stars by the Sea has continuously failed to make daily determinations of chlorine residual and has failed to maintain no less than 0.5 mg/l free chlorine throughout the public water distribution system.

6. Lisa Grimes d/b/a Stars by the Sea failed to notify the users, public, and communications media and the Department of her failure to perform the monitoring required by Sections 3-221.03 and 3-221.08 of the Department's Water Supply Regulations and the extent, nature and possible health effects of such violation.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, § 22-22A-5(10), it is hereby ORDERED:

A. That Lisa Grimes d/b/a Stars by the Sea shall immediately and continuously comply with the coliform bacteria monitoring requirements of Section 3-221.03 of the Department's Water Supply Regulations.

B. That not later than fifteen days after receiving notice of this ORDER, Lisa Grimes d/b/a Stars by the Sea shall continuously make daily determinations of chlorine residual and shall continuously maintain thereafter, no less than 0.5 mg/l free chlorine throughout the public water distribution system.

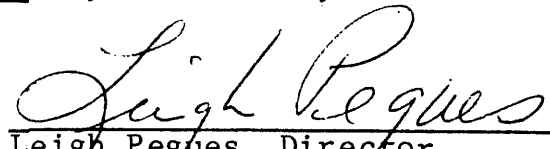
C. That in the event to comply with paragraph (B) of this Order, it shall become necessary for Lisa Grimes d/b/a Stars by the Sea to make a modification of the public water system, then in such event she shall first obtain a permit from the Department as required by Code of Alabama 1975, § 22-23-40 (1984).

D. That not later than fifteen days after receiving notice of this ORDER, Lisa Grimes d/b/a Stars by the Sea shall notify the users, public and communications media, the Department and others of its failure to perform monitoring required by regulations adopted by the Department in accordance with Code of Alabama 1975, § 22-23-37 (1984).

E. That the failure of Lisa Grimes d/b/a Stars by the Sea to comply with any provision of this Order shall constitute cause for the commencement of legal action for the assessment 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 sanctions or relief against Lisa Grimes d/b/a Stars by the Sea.

ORDERED and ISSUED this 6th day of February 1986.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Billy Pierce, have this 21st day
of March 1986, served Lisa Grimes with a
Final Administrative Order No. 86-033-DW and a letter
requiring Lisa Grimes d/b/a Stars by the Sea, to take
certain actions with regard to her non-community water
system.

Billy W. Pierce
Server