

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
)
DAN S. KENNEDY, d/b/a) ORDER NO. 84-042-WP
KKK READY MIX CONCRETE COMPANY)

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama (1975) §§22-22A-1 et seq. (1983 Cum. Supp.) and the Alabama Water Pollution Control Act, Code of Alabama (1975) §§22-22-1 et seq. (1983 Cum. Supp.), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following Findings of Fact:

1. KKK Ready Mix Concrete Company (hereinafter "KKK") operates a batch concrete facility with a vehicle maintenance shop in Hartselle, Alabama.
2. Code of Alabama (1975) §22-22-9(j)(6) (1983 Cum. Supp.) requires that every person, prior to discharging any pollutants or other wastes to waters of the State, shall apply for and obtain a permit therefor from the Department.
3. KKK has neither applied for nor obtained a permit from the Department to discharge pollutants or other wastes to any waters of the State.
4. On or about July 27, 1982 Department personnel observed an unpermitted discharge of high suspended solids from Kennedy's truck loading area to Moss Spring Branch, a water of the State.

5. On or about June 13, 1983, Department personnel again observed an unpermitted discharge of high suspended solids from the truck loading area to Moss Spring Branch and observed an unpermitted discharge from the maintenance shop area to Moss Spring Branch.

6. On or about June 19, 1984, Department personnel observed that recent unpermitted discharges from Kennedy's facility to Moss Spring Branch have occurred.

7. Each of the aforesaid discharges is a discharge of pollutants or other wastes to waters of the State and constitutes a violation of the Alabama Water Pollution Control Act, Code of Alabama (1975) §§22-22-1 et seq. (1983 Cum. Supp.).

8. KKK's owner, Billy Kennedy, was advised verbally by the Department on July 27, 1982 to cease all discharges of pollutants to waters of the State.

9. On June 17, 1982, Billy Kennedy was directed to submit a pollution abatement plan within 90 days of receipt of the directive and to cease unpermitted discharges.

10. Again, on September 28, 1983, KKK was contacted by letter and directed to submit a status report on its compliance with the Department's directive to cease unpermitted discharges and to formulate a pollution abatement plan within 15 days.

11. As of this date, KKK has made no response to either of the Department's directives.

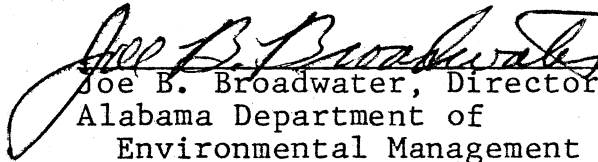
ORDER

Based on the foregoing Findings of Fact and pursuant to Code of Alabama (1975) §§22-22A-5(10), 22-22-9(j) and 22-22-9(1) (1983 Cum. Supp.), it is hereby ORDERED:

A. That commencing on the 45th day after receiving notice of this Order, KKK shall cease and desist the discharge of all pollutants and other wastes to waters of the State unless it has applied for and obtained a permit therefor from the Department; and

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

ORDERED and ISSUED this ^{21st}~~18th~~ day of September 1984.

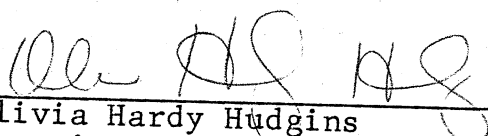

Joe B. Broadwater, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 84-042-WP upon KKK Ready Mix Concrete Company by sending the same, postage paid, through the United States Mail as Certified Mail, with the instructions to forward and return receipt requested, to:

Mr. Dan S. Kennedy
KKK Ready Mix Concrete Company
311 Roan Road
Hartselle, Alabama 35640

Done this 27th day of September 1984.


Olivia Hardy Hudgins
Associate General Counsel

OHH/rdg Final Order

PS Form 3811, July 1983

● **SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.

2. ☐ Restricted Delivery.

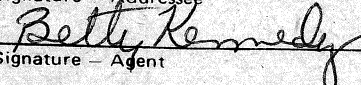
3. Article Addressed to:
Mr. Dan S. Kennedy
KKK Ready Mix Concrete Co.
311 Roan Road
Hartselle, Alabama 35640

4. Type of Service:

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	

Article Number
52632

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X 

6. Signature - Agent
X

7. Date of Delivery
9/29/84

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT