

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
)
)

JAMES NORMAN)
SULFUR SPRINGS COMMUNITY)
)

ORDER NO. 95-096-HW/WP/AP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama, 1975 §§ 22-22A-1 through 22-22A-16, as amended, the Alabama Hazardous Wastes Management and Minimization Act of 1978, Code of Alabama 1975 §§ 22-30-1 through 22-30-20, as amended, the Alabama Water Pollution Control Act, Code of Alabama, 1975, §§ 22-22-1 through 22-22-14, as amended, and the National Pollutant Discharge Elimination System ("NPDES") administered by the Alabama Department of Environmental Management, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama 1975, as amended, and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, the Alabama Department of Environmental Management ("the Department") makes the following FINDINGS:

1. James Norman, a citizen of the State of Alabama, owns property in a residential area located off DeKalb County Road 140 in Sulfur Springs, Alabama.

2. Mr. Norman operates a scrap business on his property.

ISSUED 8/2/95	SERVED 8/3/95
------------------	------------------

Said scrap is salvaged for usable metals through burning, physical separation, and acid precipitation.

3. On March 31, 1994, Mr. Norman received an Order, No. 94-052-HW/WP/AP, from the Department as a result of the failure to properly manage and dispose of hazardous waste on his property. The Order placed certain requirements on Mr. Norman.

4. An inspection conducted by the Department on May 30, 1995 revealed that Mr. Norman had not complied with the aforementioned Order, specifically:

A. A complete inventory of all wastes on-site and a waste determination of those wastes had not been conducted.

B. All hazardous waste on-site had not been properly disposed.

C. A description of all processes used, the waste generated by each process, the quantity of each waste managed on the property, and a plan to manage and dispose any future generation of these wastes as of the date of this Order has not been submitted to the Department.

D. A plan for assessing the extent of soil contamination remaining on the property has not been submitted.

E. An assessment has not been conducted.

F. All contaminated soils, hazardous wastes and solid wastes remain on-site.

G. Unauthorized open burning was still being conducted on Mr. Norman's property.

H. An Individual NPDES had not been applied for.

5. The inspection also revealed several other violations of the ADEM Admin. Code R.s including the following:

A. Accumulation of hazardous waste in unclosed, unlabelled, and undated containers in violation of ADEM Admin. Code 335-14-3-.03(5)(d) and 335-14-6-.09(4)(a), 335-14-3-.03(5)(d), and 335-14-3-.03(5)(a)(2)and(3).

B. Storage of hazardous waste for a period of greater than 180 days in violation of ADEM Admin. Code 335-14-3-.03(5)(d).

C. Storing hazardous waste in an area which does not meet the container storage requirements of ADEM Admin. Code 335-14-6-.09(4).

ORDER

Based upon the foregoing FINDINGS and pursuant to Code of Alabama, 1975, §§22-22A-1 to 22-22A-18, 22-30-20, 22-28-1 to 22-28-23, 22-30-19(a) and (b) 22-22-9(C), 22-22-9(j), and 22-22-9(i), as amended, and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency under the Federal Water Pollution Control Act §402, 33 U.S.C. §1342, it is hereby ORDERED:

A. That immediately upon receipt of notice of this Order, Mr. James Norman shall pay a civil penalty of \$25,000.00

B. That immediately upon receipt of notice of this Order, Mr. James Norman and/or his employees must cease all

unauthorized open burning of refuse and scrap material.

C. That within 30 days of receipt of notice of this Order, Mr. James Norman shall dispose of all hazardous waste on-site, including, but not limited to, the 6 drums of spent acid.

D. That within 60 days of receipt of notice of this Order, Mr. James Norman shall submit to this Department a plan for assessing the extent of soil contamination on his property. The assessment plan shall provide measures for establishing background levels for constituents of concern, a demonstration of the impacts of all hazardous wastes identified on Mr. Norman's property upon the soils, surface waters, and ground water of the property, or in the vicinity of the property, and the identification of all hazardous and solid waste management units on the property. The plan shall allow up to 60 days for completion of the assessment.

E. That the assessment plan shall be implemented immediately according to and following the Department's review of the assessment plan. Results of the assessment shall be sent to the Department within 15 days of completion of the assessment. Intended disposal facilities for hazardous and non-hazardous waste shall be included with the results.

F. That no later than 180 days after completion of the assessment, all soil contaminated with hazardous constituents above background levels shall be removed. A waste determination shall be made on excavated soils. Soils

identified as hazardous waste shall be disposed according to ADEM Admin. Code 335-14-3, otherwise, contaminated non-hazardous soils shall be disposed according to ADEM Admin. Code 335-13-5.

Testing must be conducted on all excavated areas to verify that background levels have been achieved. Test results must be submitted to the Department within 30 days of receipt of the test results by Mr. Norman.

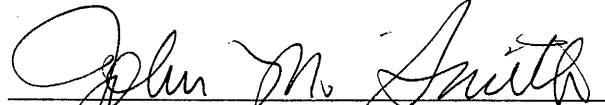
G. That within 45 days of disposal of any hazardous waste, contaminated soils, or non-hazardous solid waste, Mr. Norman shall provide copies of manifests for hazardous wastes or disposal receipts for non-hazardous wastes, that demonstrate disposal of these wastes in disposal facilities that are permitted by EPA or STATE equivalent programs to dispose hazardous waste or non-hazardous solid waste.

H. Within 90 days of receipt of notice of this Order, Mr. James Norman must apply for and obtain the appropriate wastewater discharge permit.

I. That the failure to comply fully with the terms and conditions of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department or others against Mr. Norman.

J. That the issuance of this Order does not preclude the Department or others from seeking criminal fines or other appropriate relief against Mr. James Norman for the violations stated herein.

ORDERED and ISSUED this 2nd ~~th~~ day of ~~July~~^{August}, 1995.

A handwritten signature in cursive script, reading "John M. Smith", written over a horizontal line.

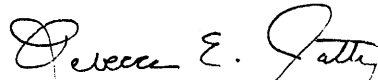
John M. Smith, Director
Alabama Department of
Environmental Management
751 Cong. W. L. Dickinson Dr.
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Rebecca E. Patty, hereby certify that I have served Draft Administrative Order No. 95-096-HW/WP/AP upon James Norman, Sulfur Springs Community, by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. Z 073 536 399, with instructions to forward and return receipt requested to:

James Norman
Sulfur Springs Community
Route One, Box 807
Valley Head, Alabama 35989

Done this 2nd day of ~~July~~^{August}, 1995.



Rebecca E. Patty