

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

WILLIAM L. SHIPP)

ARGIROS COUNTRY STORE)

NPDES PERMIT NO. AL0042757)

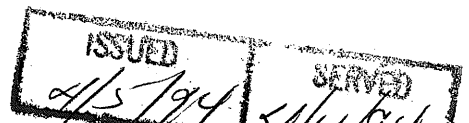
ORDER NO. 94-054-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), and the National Pollutant Discharge Elimination System administered by the Alabama Department of Environmental Management (hereinafter "the Department") and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, the Department makes the following FINDINGS OF FACT:

1. William L. Shipp (hereinafter, "the Permittee") operates a waste treatment facility known as the Argiros Country Store Wastewater Treatment Plant which discharges pollutants from a point source into Mobile Bay, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0042757 (hereinafter "the Permit") which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Mobile Bay. The Permit also requires that the Permittee monitor its discharges and



submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.

3. Discharge Monitoring Reports submitted to the Department by the Permittee for the month(s) of February through May, July and September through November 1993 and a compliance sampling inspection conducted by the Department on December 1, 1993, indicate that the Permittee has discharged pollutants from such point source into Mobile Bay in violation of the limitations established in NPDES Permit Number AL0042757.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(i), and 22-22-9(k) (1990 Rplc. Vol.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That commencing immediately after receiving notice of this Order, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the Argiros Country Store Wastewater Treatment Plant into Mobile Bay in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

Pollutant Parameter	Monthly Average lbs/day	Weekly Average lbs/day	Other Units Monthly Average	(Specify) Weekly Average
Biochemical Oxygen Demand (5 Day)	0.5	0.75	60 mg/l	90.0 mg/l

DISCHARGE LIMITATIONS

Pollutant Parameter	Monthly Average lbs/day	Weekly Average lbs/day	Other Units Monthly Average	(Specify) Weekly Average
Suspended Solids	0.63	0.95	75 mg/l	113 mg/l
Ammonia As Nitrogen (NH ₃ -N)	0.33	0.5	40 mg/l	60 mg/l

B. That, commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0042757 and all other limitations, terms and conditions of NPDES Permit Number AL0042757 to the extent not inconsistent with this Order.

C. That the Permittee shall prepare, and submit to the Department no later than 45 days after receipt of the Order, an engineering report or corrective action report which investigates the need for changes in maintenance and operation procedures, and the need for any modification of existing treatment works or any new or additional treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0042757.

D. That based upon the report referred to in paragraph C above, the Permittee shall submit to the Department no later than 120 days after receipt of the Order, a detailed compliance plan which outlines the measures necessary to achieve compliance with NPDES Permit Number AL0042757. The compliance plan shall:

1. Identify the causes of noncompliance;

2. Describe the corrective measures required to achieve compliance, including their estimated costs and the proposed method of financing; and

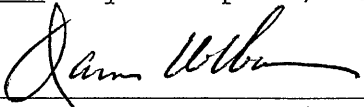
3. Provide an expeditious schedule for implementation of the measures required to achieve compliance.

E. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph D above which relates to the identification of the causes of noncompliance and the corrective measures required to achieve compliance and shall affix his seal and/or signature to such portions of the plan.

F. That failure to comply with 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 the Permittee.

G. That issuance of this Order does not preclude the Department or others from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against the Permittee for the violations of its NPDES Permit Number AL0042757.

ORDERED and ISSUED this 5th day of April, 1994.

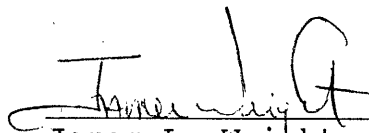

James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 94-054-WP upon William L. Shipp d/b/a Argiros Country Store by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 045 122 838, with instructions to forward and return receipt requested to:

Mr. William L. Shipp
Argiros Country Store
3920 Camellia Drive
Mobile, AL 36693

DONE this 5th day of April, 1994.


James L. Wright