

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

LEVOYDE BRADFORD
d/b/a BRADFORD GRAVEL COMPANY
BECKWITH PIT

ORDER NO. 90-022-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, ALA. CODE §§ 22-22A-1 through 22-22A-16 (1975 and 1989 Cum. Supp.), and the National Pollutant Discharge Elimination System administered by the Alabama Department of Environmental Management (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. Levoyde Bradford d/b/a Bradford Gravel Company (the Operator) operates a sand and gravel mine, known as the Beckwith Pit, and wet preparation plant located at Township 9 North, Range 4 East, Section 2 in Clarke County, Alabama.

2. ALA. Code §22-22-9(i)(3) (1988 Cum. Supp.) mandates that every person prior to discharging any new or increased pollution into any waters of the state, shall apply to the [Alabama Department of Environmental Management] in writing for a permit and must obtain such permit before discharging such pollution.



3. ADEM Admin. Code R. 6-6-.03 states that no person shall discharge from a point source into waters without first having obtained a valid NPDES Permit.

4. ADEM Admin. Code R. 6-9-.05(1) states that all surface mining operations must have an NPDES Permit, and ADEM Admin. Code R. 6-9-.08(1) states that applicants who wish to begin new surface mining operations must comply with the Department's surface mining rules prior to the commencement of operations.

5. ADEM Admin. Code R. 6-9-.06(2) states that no untreated wastewater from a mineral preparation plant, washing operation, or contaminated surface runoff from mineral storage piles or refuse piles shall be discharged into any stream.

6. On July 26, 1989, the Operator discharged unpermitted, untreated wastewaters from an unpermitted surface mining and gravel washing operation into an unnamed tributary of Little Bassett Creek, as shown by the following laboratory analysis of a sample taken from that discharge:

SAMPLE POINT	pH (s.u.)	Turbidity (N.T.U.)	TOTAL SUSPENDED SOLIDS (mg/l)
Washer discharge	5.2	39,600	42,750
Upstream from discharge	6.3	12.3	13
Downstream from discharge	5.2	34,920	34,528

7. This discharge, by virtue of the large volume of sediment in the discharge, caused environmental harm.

8. This discharge was intentional.

9. The Operator knew this discharge was illegal, and knew that a permit is required by the Department for all surface mining operations.

10. The Operator took no steps to mitigate the environmental effects of this discharge.

11. This was the Operator's first infraction.

12. The Operator was in the process of obtaining a permit at the time this discharge occurred, has permits for two other operations, and otherwise has a history of cooperation with the Department.

13. The Operator has the ability to pay a civil penalty.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to ALA. CODE §§ 22-22A-5(10), 22-22A-5(18), 22-22-9(i), 22-22-9(k) and 22-22-9(c) (1975 and 1989 Cum. Supp.), it is hereby ORDERED:

A. That the Operator will immediately cease all unpermitted discharges into any waters of the State.

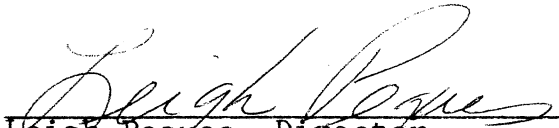
B. That the Operator pay to the Department a civil penalty in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) within thirty (30) days of the date this Order becomes final.

C. That the failure of the Operator to comply with any of the provisions of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief or the

revocation of the Operator's NPDES permits, if any, by the Department.

D. That the issuance of this Order does not preclude the Department or others from seeking other appropriate relief for violations stated herein.

ORDERED and ISSUED this 3rd day of November, 1989.

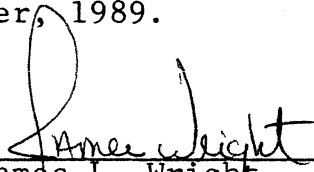

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 90-022-WP upon the Levoyde Bradford d/b/a Bradford Gravel Company by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 873 074 773, with instructions to forward and return receipt requested to:

Mr. Levoyde Bradford
d/b/a Bradford Gravel Company
Route 1, Box 133
Dickinson, AL 36436

Done this 3rd day of November, 1989.


James L. Wright