

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
ALAN MILLS, INC.

ORDER NO. 90-012-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 1988 Cum. Supp.), the Alabama Water Pollution Control Act, ALA. CODE §§ 22-22-1 through 22-22-14 (1975 and 1988 Cum. Supp.), and the National Pollutant Discharge Elimination System (NPDES) 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. Alan Mills, Inc. (the Permittee) operates a sock finishing mill in Dekalb County, Alabama.
2. Pursuant to §22-22-9(i)(3) (1988 Cum. Supp.) of the Act, the Permittee was issued NPDES Permit Number AL0056090 authorizing the discharge of pollutants and other wastes into Big Wills Creek, a water of the state.
3. This permit was issued subject to certain monitoring and reporting conditions.

ISSUED 10/16/89	SERVED 10/17/89
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4. The Permittee violated the reporting conditions of NPDES Permit Number AL0056090 by submitting late Discharge Monitoring Reports for the following months:

DATE

January, 1989
February, 1989
March, 1989
April, 1989
May, 1989
June, 1989
July, 1989
August, 1989

5. The Permittee submitted a late, incomplete and incorrectly submitted Discharge Monitoring Report for the month of March, 1989 in violation of the reporting requirements of NPDES Permit Number AL0056090.

6. The Permittee has been subject to the following enforcement efforts:

- a) the Permittee was issued a warning letter on March 17, 1989;
- b) the Permittee was issued a Notice of Violation on May 23, 1989;
- c) the Permittee has refused to respond to either effort, and has refused to return phone calls.

ORDER

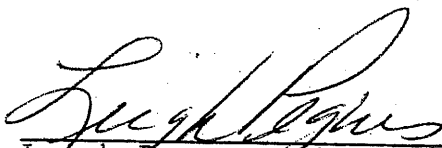
Based upon the foregoing FINDINGS OF FACT and pursuant to ALA. CODE §§ 22-22A-5(10), 22-22A-5(18) and 22-22-9 (1975 and 1988 Cum. Supp.), and 33 U.S.C. §1342 it is hereby ORDERED:

A. That the Permittee immediately comply with the terms, conditions, and limitations of NPDES Permit Number AL0056090, including but not limited to the monitoring and reporting requirements of that permit.

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

C. That the issuance of this Order does not preclude the Department or others from seeking criminal fines, or other appropriate sanctions or relief against the Permittee for the violations stated herein.

ORDERED and ISSUED this 16th day of October, 1989.

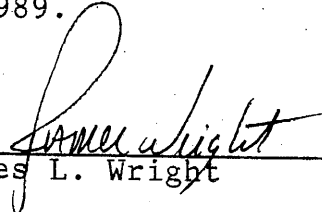

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Dr.
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served the foregoing Order No. 90-012-WP, upon Alan Mills, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 873 074 778, with instructions to forward and return receipt requested to:

Mr. Curtis Mitchell
Alan Mills, Inc.
Post Office Drawer 707
Fort Payne, Alabama

Done this 16th day of October, 1989.



James L. Wright