

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF )  
 )  
KEITH'S LUMBER COMPANY, INC. )  
RUSSELLVILLE, ALABAMA )

ORDER NO. 86-015-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984), 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. Keith's Lumber Company, Inc. operates a wood treating facility in Russellville, Alabama.

2. Code of Alabama 1975, § 22-22-9(j)(6) (1984) provides that "every person, prior to discharging any new or increased pollution into any waters of the State shall apply to the [Department] in writing for a permit and must obtain such permit before discharging such pollution." Rule 6-6-.03 of the Department's Water Quality Rules provides "[n]o person shall

discharge pollutants from a point source into waters without first having obtained a valid NPDES [National Pollutant Discharge Elimination System] permit . . . ."

3. Keith's Lumber Company, Inc. has neither applied to the Department for a permit to discharge pollutants nor obtained a permit to discharge pollutants.

4. An inspection by Department staff on July 24, 1985, revealed a discharge of copper, chromium, and arsenic solution and stormwater runoff contaminated with copper, chromium and arsenic solution into an unnamed tributary of Dodson Branch, a water of the State.

#### 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(j) and 22-22-9(1) (1984) and the National Pollutant Discharge Elimination System administered by the Department and approved by 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 not later than 30 days after receipt of notice of this Order, Keith's Lumber Company, Inc. shall submit to the Department a pollution abatement and/or prevention plan prepared and certified in accordance with Chapter 6-3 of the Department's

Water Quality Program Rules by a registered professional engineer licensed to practice in Alabama and describing in detail the measures to be taken to contain all treatment solution.

B. That not later than 60 days after receipt of notice of this Order, Keith's Lumber Company, Inc. shall have terminated all discharges of copper, chromium, and arsenic solution and other pollutants from its Russellville facility to an unnamed tributary of Dodson Branch.

C. That not later than 60 days after receipt of notice of this Order, Keith's Lumber Company, Inc. shall submit to the Department a plan, prepared and certified in accordance with Chapter 6-3 of the Department's Water Quality Program Rules by a registered professional engineer licensed to practice in Alabama, describing in detail the measures to be taken to clean up the areas contaminated with copper, chromium, and arsenic solution so that they return to natural background conditions.

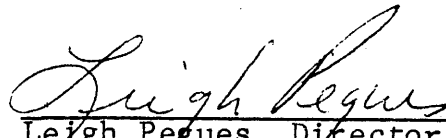
D. That not later than 120 days after receipt of notice of this Order, Keith's Lumber Company, Inc. shall have completely implemented its plan for cleanup and shall have returned the contaminated areas to their natural background conditions.

E. That not later than 120 days after receipt of notice of this Order, Keith's Lumber Company, Inc. shall have terminated all unpermitted discharges of contaminated stormwater runoff.

F. That the failure to comply with 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 by the Department against Keith's Lumber Company, Inc.

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

ORDERED and ISSUED this 4th day of December 1985.


  
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Leigh Pegues, 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. 86-018-WP upon Keith's Lumber Company, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. 686585618, with instructions to forward and return receipt requested to:

Keith Bullington  
Keith's Lumber Company, Inc.  
P.O. Box 626  
Russellville, Alabama 35653

Done this 4th day of December 1985.

  
Olivia Hardy Hudgins

PS Form 3811, July 1982

- **SENDER:** Complete items 1, 2, 3, and 4.  
Add your address in the "RETURN TO" space on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).

- ☒ Show to whom and date delivered .....  
☐ Show to whom, date, and address of delivery...  
2. ☐ **RESTRICTED DELIVERY** .....  
(The restricted delivery fee is charged in addition to the return receipt fee.)

**TOTAL \$** .....

3. **ARTICLE ADDRESSED TO:**  
Keith Bullington  
Keith's Lumber Company, Inc.  
P.O. Box 626  
Russellville, Alabama 35653

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**  
☐ REGISTERED ☐ INSURED  
☒ CERTIFIED ☐ COD  
☐ EXPRESS MAIL  
686585618

(Always obtain signature of addressee or agent)

I have received the article described above.  
**SIGNATURE** ☐ Addressee ☒ Authorized agent

5. **DATE OF DELIVERY**  
12/5/85

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

**EMPLOYEE'S INITIALS**  
OHH/rdg

• GPO: 1982-375-500

P 686 585 618

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Keith Bullington Keith's Lumber Company, Inc. P.O. Box 626 Russellville, Alabama 35653	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

RETURN RECEIPT