

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF )  
)  
)

SPENCER MASON d/b/a )  
KOWALIGA RETREAT SEWAGE PLANT )  
NPDES PERMIT NO. AL0053538 )

ORDER NO. 89-065-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1984 and 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1988 Cum. Supp.), 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. Spencer Mason d/b/a Kowaliga Retreat Sewage Plant (hereinafter, "the Permittee") operates a waste treatment facility located at Kowaliga Retreat Subdivision which discharges pollutants from a point source into Lake Martin, a water of the State.

ISSUED 3/27/89	SERVED 3/31/89
-------------------	-------------------

2. On August 15, 1986 the Department issued NPDES Permit Number AL0053538 to the Permittee which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Lake Martin. Said permit also requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.

3. The Permittee failed to submit the said Discharge Monitoring Reports for the months of September 1986 through February 1989, that being all required reports since the issuance of NPDES Permit Number AL0053538.

#### ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18), 22-22-9(c), 22-22-9(i) and 22-22-9(k) (1988 Cum. Supp.) 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 comply with all the monitoring and reporting provisions of NPDES Permit Number AL0053538 and all other limitations, terms and conditions of NPDES Permit Number AL0053538 to the extent not inconsistent with this Order and

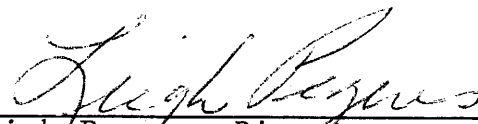
shall continue to comply with said monitoring and reporting provisions each and every day thereafter until the expiration of NPDES Permit Number AL0053538.

B. That not later than 30 days after receipt of notice of this Order, the Permittee shall submit to the Department all of the records required by the permit to be made and retained, including but not limited to Discharge Monitoring Reports, for the period of September 1986 through February 1989.

C. 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.

D. 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 AL0053538.

ORDERED and ISSUED this 27<sup>th</sup> day of March, 1989.

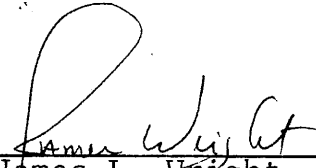
  
\_\_\_\_\_  
Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W.L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 89-065-WP upon Spencer Mason d/b/a Kowaliga Retreat Sewage Plant by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 873 074 476, with instructions to forward and return receipt requested to:

Mr. Spencer Mason  
Kowaliga Retreat Sewage Plant  
704 Walnut Street  
Tallassee, AL 36078

Done this 27<sup>th</sup> day of March, 1989.

  
\_\_\_\_\_  
James L. Wright