

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: )

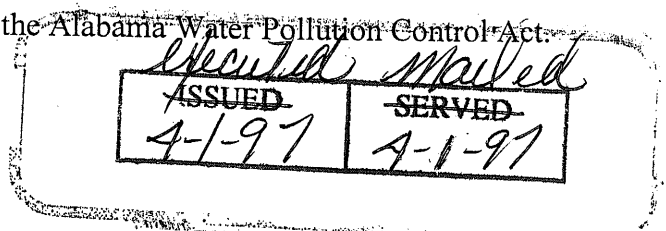
SCHMIDT OIL PRODUCTS )  
DECATUR, ALABAMA )

ORDER NO. 97-158-WP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama (1975), §§ 22-22A-1 through 22-22A-16, as amended, and the Alabama Water Pollution Control Act, Code of Alabama (1975), §§ 22-22-1 through 22-22-14, as amended, the regulations promulgated thereto and the National Pollutant Discharge Elimination System (hereinafter "NPDES") 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, 33 U.S.C. § 1342, the Department makes the following FINDINGS:

1. Schmidt Oil Products (hereinafter "Schmidt") operates a bulk petroleum storage facility in Decatur, Alabama that discharges wastewaters to waters of the State.
2. Code of Alabama (1975), § 22-22-9(I) provides that no person may discharge new or increased pollutants into waters of the State without a permit.
3. At a minimum, Schmidt's operation is one of the types of facilities which must have a permit to discharge stormwater pursuant to federal Clean Water Act regulations appearing at 40 C.F.R. § 122.26 (1994) as adopted by reference by the Department at ADEM Admin. Code R. 335-6-6-.03(b).
4. Schmidt must have coverage either under General Permit No. ALG340000 or under an individual permit in order to meet the requirements of the Alabama Water Pollution Control Act.



5. On October 18, 1990, the Department issued NPDES Permit NO. AL0021555 to Schmidt authorizing the discharge of wastewaters to an unnamed tributary of the Tennessee River, a water of the State. Said permit expired on October 31, 1995.

6. ADEM Admin. Code R. 335-6-6-.12(b) requires that any permittee that wishes to continue a discharge regulated by the permit after the expiration date of that permit must apply for reissuance of said permit at least 180 days prior to the permit's expiration date. Parts II.10 (a) and (b) of Permit No. AL0021555 contain the same requirement for reissuance of the permit.

7. Schmidt failed to apply for reissuance of NPDES Permit No. AL0021555 180 days prior to its expiration and, as of this date, Schmidt has still not applied for reissuance of its NPDES permit.

8. Schmidt has not applied for coverage under General Permit No. ALG340000.

### **ORDER**

Based upon the foregoing FINDINGS and pursuant to Code of Alabama (1975), §§ 22-22A-5(1), 22-22A-5(12), 22-22A-5(18), 22-22-9(I), and 22-22-9(k), as amended, it is hereby ORDERED:

A. That not later than 45 days after receipt of notice of issuance of this Order, Schmidt shall submit to the Department a complete application, including the application fee, for a NPDES permit.

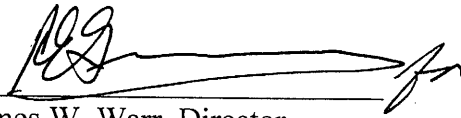
B. That not later than 90 days after receipt of notice of issuance of this Order, Schmidt shall have obtained a NPDES permit authorizing the discharge of its wastewaters to waters of the State.

C. That not later than 30 days after receipt of notice of issuance of this Order, Schmidt shall pay to the Department a civil penalty in the amount of Two Thousand Dollars (\$2,000.00) for the violations cited herein.

D. That failure to comply with any and all provisions of this Order may constitute cause for the assessment of additional civil penalties and/or the commencement of appropriate legal action for civil or criminal sanctions.

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

ORDERED and ISSUED this 1 day of April, 1997.



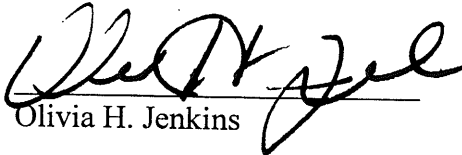
James W. Warr, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36109-2608  
(334) 271-7700

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served Administrative Order No. 97-155-WP, upon Schmidt Oil Products by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 591-992-025, with instructions to forward and return receipt requested to:

Randall Mummert  
President  
Schmidt Oil Products  
P.O. Box 1309  
Decatur, AL 35602

DONE this 1<sup>st</sup> of April, 1997.

  
Olivia H. Jenkins