

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

WARRIOR CLAY COMPANY, INC.  
9500 DADS HILL ROAD  
WARRIOR, ALABAMA 35180

NPDES PERMIT NO. AL0058556

ORDER NO. 92-006-WP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1990 Replacement Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1990 Replacement Vol.), and the National Pollutant Discharge Elimination System (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, §402, 33 U.S.C. §1342 the Department makes the following FINDINGS:

1. Warrior Clay Company, Inc. (hereinafter "the Permittee") operates a fire clay mining operation located in Blount County, Alabama, known as "Pit #4".

2. The Permittee was issued NPDES Permit No. AL0058556 on July 12, 1989.

3. Among the terms, limitations and conditions of its NPDES permit is the condition that the Permittee shall submit Discharge Monitoring Reports on or before the 28th day following the end of each reporting period.

ISSUED 10-16-91	SERVED 10-18-91
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4. DMR's for the third quarter 1989 due October 28, 1989, first quarter 1990 due April 28, 1990, second quarter 1990 due July 28, 1990 and third quarter 1990 due October 28, 1990 were not received by the Department until January 2, 1990, June 14, 1990, August 28, 1990 and December 14, 1990, respectively.

5. Part II, A.2.a. of the Permittee's permit requires that, unless otherwise authorized by the Department, subsurface withdrawal shall be provided for any point source identified in the permittee's permit.

6. An inspection on April 4, 1991, revealed that the Permittee had no means of subsurface withdrawal at its permitted discharge point.

7. Part II, A.2.c. of the Permittee's permit requires that a Spill Prevention Control and Countermeasures (SPCC) Plan be prepared in accordance with 40 C.F.R. Parts 112.1-.7 or an equivalent plan for all substances other than oil, if required by the Department's Director.

8. An inspection on October 26, 1989 revealed that the SPCC plan had not been implemented for the Permittee's fuel tanks located at the Permittee's facility.

9. In a subsequent inspection in April 4, 1991, it was revealed that the SPCC plan had not been implemented for the Permittee's fuel tanks located at the Permittee's facility.

10. Part II, A.2.d. of the Permittee's permit requires that all surface water and storm water runoff which originate

within or enters the Permittee's facility shall be discharged from the point source identified in the Permit.

11. During the inspection of April 4, 1991, it was revealed that the Permittee had mined an area in such a manner that the surface water and/or storm water which originates on the facility was not discharged through the designated point source.

12. The Permittee's violations of its permit discharge monitoring report submittal requirements is a disregard for the terms, limitations and conditions of the permit and for the Department's regulations.

#### ORDER

Based upon the foregoing FINDINGS and pursuant to Ala. Code §§22-22A-5(10), 22-22-9(c), 22-22-9(j), and 22-22-9(1) (1990 Replacement Vol.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of 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 immediately upon the receipt of notice of this Order, the Permittee shall achieve compliance with the terms, limitations and conditions of NPDES Permit No. AL0058556 by submitting its Discharge Monitoring Reports in accordance with its Permit and shall continuously maintain compliance with the terms, limitations and conditions of said permit each and every day thereafter until said permit expires.

B. That immediately upon receipt of notice of this Order, the Permittee shall implement its Spill Prevention and Countermeasures Plan in accordance with the requirements of the Permittee's NPDES permit AL0058556.

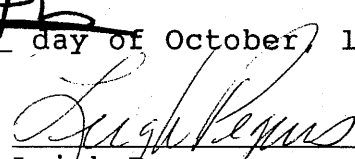
C. That immediately upon receiving notice of this Order, the Permittee shall comply with the terms, limitations and conditions of the Permit by discharging all surface water and storm water originating on its facility through the permitted point source identified in its NPDES permit AL0058556.

D. That not later than 30 days after receipt of notice of this Order, the Permittee shall pay to the Department a civil penalty in the amount of Five Thousand Dollars (\$5,000.00).

F. That the failure of the Permittee to comply with any and all provisions of this Order shall constitute cause for the commencement of legal action for the recovery of criminal fines, civil penalties, and other appropriate relief and/or constitute cause for revocation of the Permittee's NPDES Permit No. AL0058556.

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

ORDERED and ISSUED this 16<sup>th</sup> day of October, 1991.

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

CERTIFICATE OF SERVICE

I, James G. Stevens, hereby certify that I have served a copy of Administrative Order No. 92-006-WP upon Warrior Clay Company, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 811 987 579, with instructions to forward and return receipt requested to:

Warrior Clay Company, Inc.  
c/o Beryl Mahaffey, President  
9500 Dads Hill Road  
Warrior, Alabama 35180

DONE this 16 day of October, 1991.

  
James G. Stevens