

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

SHOOK LOGGING COMPANY, INC.)

NPDES PERMIT NUMBER AL0067857)

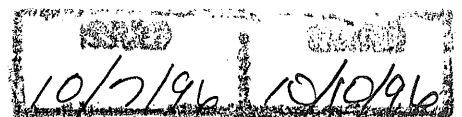
ALLSBORO, ALABAMA)

ORDER NO. 97-003-WP

FINDINGS OF FACT

Pursuant to the Provisions of the Alabama Environmental Management Act, Code of Alabama (1975), §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), and the Alabama Water Pollution Control Act, Code of Alabama (1975), §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), 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. Shook Logging Company, Inc., (hereinafter "the Permittee") operates a sawmill in Colbert County, Alabama.
2. On July 14, 1994 the Department issued NPDES Permit AL0067857, which authorizes the discharge of pollutant bearing stormwaters to waters of the State subject to certain terms, conditions and limitations.



3. Among the conditions of the Permit is the requirement that the Permittee sample stormwater runoff from the facility, test the runoff for certain pollutants and report the results of the monitoring to the Department at specified intervals.

4. The Permittee violated the monitoring and reporting provisions of the Permit as follows:

a. The Permittee failed to monitor or report monitoring results for the months of October, November and December, 1994 for outfall 001

b. The Permittee failed to submit annual certification for outfall 002 for 1994.

c. The Permittee failed to monitor and report for January, February and March 1995 for Outfall 001.

d. The Permittee failed to monitor or report for oil and grease from outfall 001 for October, November and December 1995.

e. The Permittee failed to submit annual certification for outfall 002 for 1995.

f. The Permittee submitted monitoring reports for January, February and March 1996, which were due on or before April 28, 1996, on May 17, 1996.

5. The Permittee violated Part IV,A of the Permit by failing to develop and implement a Best Management Practices plan for the reduction of stormwater borne pollutants. The inadequacy of the Permittee's pollution control measures has resulted in the deposition of sawdust and bark in adjacent watercourses.

7. The Permittee violated Part I,A of the Permit by failing to develop or implement Spill Prevention and Containment Countermeasures for fuel storage tanks. The inadequacy of the Permittee's spill containment measures has resulted in oil contaminated soils at the facility.

8. The Permittee reported no rainfall for July, August or September 1995 when, in fact, local weather records indicate several rain events during that period.

9. On September 17, 1996, during a routine inspection, the Department discovered that the Permittee is discharging wastewaters from an oil/water separator. This discharge is not authorized by the Permit.

10. The Permittee was issued Notices of Violations on November 9, 1995, and warning letters for the foregoing violations on March 1, May 25, and November 29, 1995, none of which have secured compliance with the Permit.

11. The above violations were committed after notice and warning and with knowledge of the illegality thereof and indifference to the consequences thereto.

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(i) and 22-22-9(k) (1990 Rplc. Vol.) 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, within 30 days from the date of this Order, Shook Logging Company Inc. will pay to the Department a civil penalty in the amount of Eight Hundred Dollars (\$800.00).

B. That, within 60 days from the date of this Order, Shook Logging Company, Inc. will develop and complete implementation of a Best Management Practices Plan for the control of stormwater borne discharges of pollutants from the sawmill, and a Spill Containment and Countermeasures Plan for above ground petroleum products and wastes storage tanks at the sawmill.

C. That, within 30 days from the date of this Order, Shook Logging Company, Inc. will remove and properly dispose all oil contaminated soils from the sawmill.

D. That, within 180 days from the date of this Order, Shook Logging Company, Inc. will remove and properly dispose all sawdust, bark and any other mill generated debris from watercourses adjacent to the sawmill.

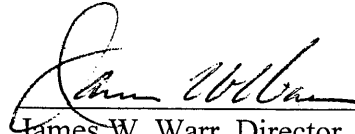
E. That Shook Logging Company, Inc. will immediately develop and implement a monitoring and reporting plan in compliance with the Permit.

F. That, within 45 days from the date of this Order, Shook Logging Company, Inc. will apply for a modification of the Permit to include discharges from the oil/water separator.

G. 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.

H. 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 AL0067857.

ORDERED and ISSUED this 7th day of October, 1996.

A handwritten signature in dark ink, appearing to read "James W. Warr", is written over a horizontal line.

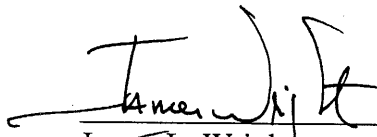
James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36109-2608
(334) 271-7977

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 97-003-WP upon Shook Logging Company, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 841 389 317, with instructions to forward and return receipt requested to:

Wayne Shook
Shook Logging Company, Inc.
P.O. Box 488
Cherokee, AL 35616

DONE this 7th of October, 1996.



James L. Wright