

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

SCHILLINGER JOINT VENTURE II

ORDER NO. 99-046-MNPS

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 § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342, the Alabama Department of Environmental Management makes the following FINDINGS OF FACT:

1. Schillinger Joint Venture II (hereinafter "Schillinger") operated a construction site and related earth moving activities in Mobile County, Alabama from 1987 until 1997.
2. Between 1987 until 1997 Schillinger discharged sediment, a pollutant, from the construction site to Second Creek, a water of the State, without a permit in violation of the Alabama Water Pollution Control Act.
3. These discharges resulted in the sedimentation of Second Creek, in violation of State narrative water quality criteria.
4. Schillinger was issued a warning letter for the above unpermitted discharges on September 11, 1996. Schillinger responded to the warning letter with a note, and On October 15, 1996 Schillinger was again warned that the response was inadequate.

Executed
1/28/99
mailed 5/10/99
returned
unclaimed

5. On November 20, 1996 Schillinger was issued a Notice of Violation for the above discharges. Schillinger has not responded to the Notice of Violation.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama (1975) §§22-22A-5 and 22-22-9 (1991 Cum. Supp.) it is hereby ORDERED:

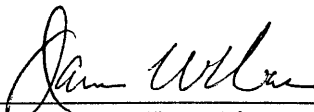
A. That, within thirty (30) days from the date of this Order, Schillinger will pay to the Department a civil penalty in the amount of Five Thousand Dollars (\$5,000.00).

B. That Schillinger will immediately and hereafter cease and desist from unpermitted discharges to waters of the State.

C. 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

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

ORDERED and ISSUED this 28th day of January, 1999.



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

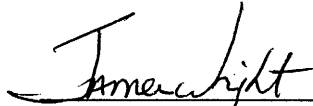
CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 99-046-MNPS upon Schillinger Joint Venture II by sending the same, postage paid, through the United States Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. Z 200 484 599

Schillinger Joint Plaza II
Gary Breen
2610 S. Schillinger Road
Mobile, Alabama 36695

DONE this 28th of January, 1999.



James L. Wright