

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF )  
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)

W. C. MANAGEMENT, INC. )  
NPDES PERMIT NUMBERS )  
AL0045349 AND AL0046647 )

ORDER NO. 90-091-WP

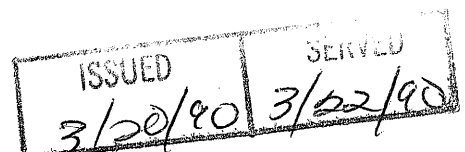
FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 through 22-22A-16 (1975 and 1989 Cum. Supp.), the Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 through 22-22-14 (1975 and 1989 Cum. Supp.), and the National Pollutant Discharge Elimination System (NPDES) administered by the Alabama Department of Environmental Management (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. W. C. Management, Inc. owns or operates two surface mines, one located at Township 15 South, Range 2 West, Section 21, in Jefferson County, Alabama, and the other is located at Township 15 South, Range 2 East, Section 27 in St. Clair County, Alabama.

2. On or about January 1, 1982, the Department issued to W. C. Management, Inc. NPDES Permit Number AL0045349 for its Jefferson County operation.

3. On or about May 30, 1983, the Department issued W. C. Management, Inc. NPDES Permit Number AL0046647 for its St. Clair County operation.



4. Both permits have expired, NPDES Permit Number AL0045349 on October 13, 1982 and NPDES Permit Number AL0046647 on May 31, 1988.

5. W. C. Management, Inc. never applied for reissuance of these permits.

6. Since the expiration of these permits, both operations, although inactivated, have continued to discharge without NPDES permits.

#### ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Ala. Code §§ 22-22A-5(10), 22-22A-5(18), 22-22-9(c), 22-22-9(j), and 22-22-9(1) (1989 Cum. Supp.), it is hereby ORDERED:

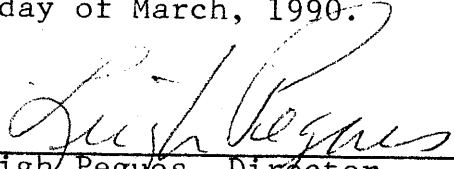
A. That within 14 days from the date of receipt of this Order, W. C. Management, Inc. will submit to the Department complete NPDES applications for all of its surface mining operations in the State which are presently unpermitted.

B. That failure to comply with this Order will constitute cause for the revocation or suspension of any NPDES permits as are now, or may be hereafter held by W. C. Management, Inc. or those officers of W. C. Management who may now or hereafter hold NPDES permits.

C. That the issuance of this Order does not preclude the Department from seeking appropriate relief for the violations referenced above.

D. That failure to comply with this Order will constitute cause for the imposition of civil fines and/or the commencement of legal action for the recovery of civil or criminal penalties.

ORDERED and ISSUED this 20th day of March, 1990.

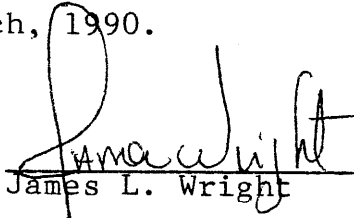
  
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Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 90-091-WP upon W. C. Management, Inc. by sending the same, postage paid, through U.S. Mail, as Certified Mail No. P 070 963 748, with instructions to forward and return receipt requested to:

Mr. Derrell Chamblee, President  
W. C. Management, Inc.  
1300 Beacon Parkway East, Unit 811  
Birmingham, AL 35209

Done this 20th day of March, 1990.

  
James L. Wright