

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF  
GOSSUM SWITCH WATER SYSTEM  
WETUMPKA, ALABAMA

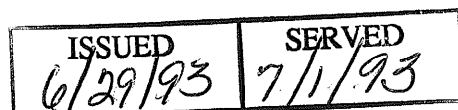
ORDER NO. 93-077-DW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §22-22A-1 et seq., Code of Alabama 1975, as amended, the Alabama Safe Drinking Water Act of 1977, §22-23-30 to 22-23-53, Code of Alabama 1975, as amended, and §§22-25-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS OF FACT:

1. Gossum Switch Water System (hereinafter "Gossum Switch") operates a "public water system" as defined in §22-23-31(11), Code of Alabama 1975, as amended, in rural Elmore County, Alabama. The "public water system" is also a "community water system" as defined in §22-23-31, Code of Alabama 1975, as amended, and a "water distribution system" as defined in §22-25-1(7), Code of Alabama 1975, as amended.

2. ADEM Admin. Code R. 335-7-13-.03 and 335-10-1-.04 requires that the operation of a community water system be conducted by a certified operator. The Gossum Switch system, according to the Department's administrative code, must have a Grade II (basic groundwater treatment) operator. See also



§22-25-14, Code of Alabama 1975, as amended, (it is unlawful for any person to operate a water treatment plant unless he/she is certified).

3. The general conditions of Gossum Switch's water supply permit, which was issued August 29, 1988, require that the system be operated by a certified operator in accordance with the regulations governing the operator certification program which is administered by the Department. Moreover, Special Condition No. 1 of Gossum Switch's permit reads as follows: "A certified operator with at least a non-restricted Grade II certificate must be hired within one month after the issuance of this permit."

4. The Department reminded Gossum Switch of the requirement that a certified operator must be employed to operate the system on October 28, 1988 and September 5, 1989 in letters to the system.

5. On January 3, 1990, the Department issued administrative order No. 90-045-DW to Gossum Switch for failing to obtain a certified operator and other violations of the Department's administrative code governing public water systems.

6. After the aforementioned administrative order was issued, Gossum Switch did obtain the services of a certified operator for a short period of time.

7. However, Gossum Switch has been operating the system without a certified operator since May of 1992 and continues to operate the system to date without the services of a certified operator.

8. On January 1, 1991, Gossum Switch began operating its community water system as only a water distribution system and, consequently, was required to employ a Grade I certified operator instead of a Grade II to be responsible for the system's operations. See ADEM Admin. Code R. 335-7-10-.02(a).

9. Administrative Order No. 90-045-DW assessed a penalty of \$1,400.00 for violations listed in that Order.

10. As of today's date, Gossum Switch has not paid any portion of the \$1,400.00 penalty.

11. Gossum Switch's permit, General Condition No. 2, reads as follows: "Monthly operation data reports which contain all required daily/monthly monitoring information must be maintained and submitted to ADEM as required."

12. On July 27, 1992, the Department sent a letter to Mr. Courtney Crenshaw, Chairman of the Gossum Switch Water System, and informed him of the necessity of maintaining and submitting the monitoring information to the Department. Another letter was sent by the Department to Mr. Crenshaw on March 5, 1993 regarding the failure of Gossum Switch to submit monthly operation reports.

13. Monthly monitoring reports have not been received by the Department since May of 1990.

14. On August 12, 1992, the Department's Office of General Counsel sent a certified mail letter to Mr. Courtney Crenshaw and demanded payment of the \$1,400.00 penalty and noted several problems the Department's staff had found with the operation of the water system. The letter required Gossum Switch to furnish

a response to the Department regarding the problems by September 11, 1992.

15. Gossum Switch never responded to the Office of General Counsel's August 12, 1992 letter or the two letters that were sent by the Department's Water Supply Branch on July 27, 1992 and March 5, 1993.

16. The Department sent a draft of this administrative order to Mr. Courtney Crenshaw, Chairman of Gossum Switch Water System, on May 18, 1993 and it was received by him on May 19, 1993.

20. As of today's date, the Department has not received a written response or telephone call from Mr. Crenshaw regarding the draft administrative order.

21. The Department has adjusted this administrative order to reflect that a Grade I certified operator is now required to be employed by Gossum Switch instead of the Grade II certified operator that was mentioned in the proposed administrative order.

#### ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-23-48, 22-23-49 and 22-25-14, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That not later than 30 days after receiving notice of this Order, Gossum Switch shall either employ a person who has been certified by the Director of the Department as a Grade I Certified Operator to be on duty and have direct responsibility

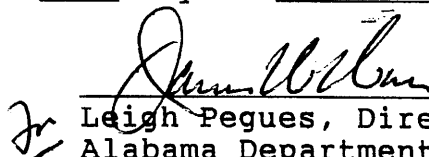
for the operation of the water system, cease operation of the water system, or provide sufficient documentation to the Department that the Gossum Switch Water System will forthrightly merge with another Department approved public water system.

B. That in the event Gossum Switch fails to respond to the requirements of this administrative order within 30 days after receiving notice of this Order, its permit to operate a public water system will be revoked.

C. That there is hereby assessed a civil penalty against Gossum Switch in the amount of \$1,400 to be paid to the Alabama Department of Environmental Management within 30 days of receipt of this Order.

D. That the failure of Gossum Switch to comply with any of the provisions of this Order shall constitute cause for the commencement of legal or other appropriate enforcement action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department or others against Gossum Switch.

ORDERED and ISSUED this 29<sup>th</sup> day of June, 1993.

  
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Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
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Montgomery, Alabama 36130  
(205) 271-7700

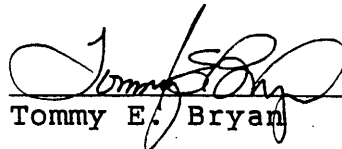
CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served the foregoing Administrative Order No. 93-077-DW upon Courtney Crenshaw, Chairman of the Gossum Switch Water System, 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. P 825 089 497

Mr. Courtney Crenshaw, Chairman  
Gossum Switch Water System  
510 Crenshaw Road  
Wetumpka, Alabama 36092

DONE this 29<sup>th</sup> day of June, 1993.

  
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Tommy E. Bryan