

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF  
SUMITON WATER SYSTEM  
WALKER COUNTY, ALABAMA

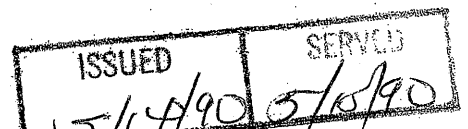
ORDER NO. 90-103-DW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama 1975 (1989 Cum. Supp.), the Alabama Safe Drinking Water Act, §§22-23-30 through 22-23-53, Code of Alabama 1975 (1989 Cum. Supp.), and the regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Sumiton Water System operates a "public water system" as defined at §22-23-31(11), Code of Alabama 1975 (1989 Cum. Supp.). The public water system is also a "community water system" as defined at §22-23-31(13), Code of Alabama 1975 (1989 Cum. Supp.), which utilizes a surface water source.

2. ADEM Administrative Code of Regulations (hereinafter "ADEM Admin. Code R.") §335-7-2-.09(a) requires all community water systems to perform analyses for coliform bacteria on water samples which "shall be taken at points which are representative of the conditions throughout the distribution system."



Furthermore, "...the number of sites sampled during a 12-month period should be at least three times the number of required monthly samples up to 50 sites or the total number of service connections, whichever is fewer."

3. ADEM Admin. Code R. §335-7-2-.09 provides a table which indicates the minimum number of distribution samples required of a public water system, based upon the size of population served. According to said table, Sumiton Water System is required to perform eight (8) distribution samples per month.

4. ADEM Admin. Code R. §335-7-.02(a) thus requires Sumiton Water System to sample twenty-four (24) sites during a 12-month period.

5. Investigation by Department personnel has revealed the failure of Sumiton Water System properly to collect bacteriological samples on a monthly basis representative of the distribution system, and that for at least ten years bacteriological samples have been collected only at the surface treatment plant even though the sample locations shown on the bacteriological forms indicate various areas in the distribution system.

6. By Notice of Violation dated January 17, 1990, the Department cited Sumiton Water System for the above violations and required written response within fifteen (15) days as to required responsive action, to-wit: notification to the system's customers of the failure to collect the proper distribution

) samples; three (3) series of weekly bacteriological sampling; a map of the distribution system marking twenty-four (24) distribution sampling points; and the development and submission of a sample monitoring plan designating the person responsible for sample collection, a designated back-up individual, and sample collection instructions.

7. By letter dated January 31, 1990, Fred A. Greer, Chairman of the Sumiton Water System, submitted to the Department the required management plan, Bacteriological Water Sampling Plan, a map showing the distribution points selected, and certification of the required customer notification.

) 8. The aforesaid violations were committed knowingly and intentionally and have resulted in the quality of the water being provided to persons served by Sumiton Water System being largely unknown.

9. Sumiton Water System has realized an economic benefit from its violation of the Safe Drinking Water Act and its implementing regulations.

10. Sumiton Water System has the ability to pay a civil penalty.

) 11. By notice dated April 9, 1990, the Department issued notice of proposed administrative action to Sumiton Water System and, pursuant to §22-22A-5(18)(a), Code of Alabama 1975, afforded Sumiton Water System an opportunity at 2:00 p.m. on April 18, 1990, for an informal conference with Department representatives concerning the proposed administrative order.

12. Sumiton Water System failed to appear at the scheduled informal conference, but submitted documentation of its financial condition and ability to pay by correspondence dated April 26, 1990.

ORDER

Based on the forgoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18) (1988 Cum. Supp.) and §22-23-43 (1984), it is hereby ORDERED:

A. That there is hereby assessed a civil penalty against Sumiton Water System in the amount of Fifty-Five Hundred Dollars (\$5,500.00) to be paid to the Alabama Department of Environmental Management within thirty (30) days of receipt of this Order.

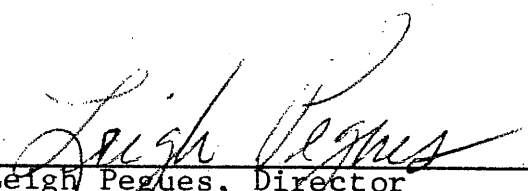
B. That Sumiton Water System forthwith shall comply with the Bacteriological Water Sampling Plan as submitted to the Department on January 31, 1990.

C. That Sumiton Water System forthwith shall comply with all applicable monitoring and sampling requirements of community water systems, and shall continuously remain in compliance with all water supply regulations each and every day thereafter as long as it continues to operate the system.

D. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Sumiton Water System for violations cited herein.

E. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against Sumiton Water System for recovery of civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 14th day of May, 1990.


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

CERTIFICATE OF SERVICE

I, Thomas L. Johnston, hereby certify that I have served the foregoing proposed Administrative Order by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 873-074-707 with instructions to forward and return receipt requested to:

Mr. Fred A. Greer, Chairman  
SUMITON WATER SYSTEM  
P. O. Box 1  
Sumiton, Alabama 35148

DONE this 14th day of May, 1990.

  
Thomas L. Johnston