

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

LINCOLN MINING COMPANY, INC.
NPDES NUMBER AL0047732
MARION COUNTY, ALABAMA

ORDER NO. 88-002-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 (1984 and 1986 Cum. Supp.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1984 and 1986 Cum. Supp.), 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. Lincoln Mining Company, Inc. (hereinafter, "the Permittee") owns an underground coal mine in Marion County, Alabama.

2. The Permittee was issued NPDES Permit Number AL0047732 by the Department authorizing the discharge of pollutants and other industrial wastes from outfall serial number 001 to New

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River, a water of the State, subject to certain limitations, terms and conditions.

3. Among the terms and conditions of NPDES Permit Number AL0047732 is the requirement that the Permittee shall submit to the Department, no later than the 28th day of January, April, July, and October of each year, quarterly Discharge Monitoring Reports.

4. The Permittee has violated this condition of NPDES Permit Number AL0047732 by failing to submit timely Discharge Monitoring Reports for the fourth quarter of 1986 and the first quarter of 1987.

5. The results of monitoring reported to the Department on Discharge Monitoring Reports indicate that approved collection and analysis techniques may not have been observed by the Permittee.

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(g), and 22-22-9(k) (1984 and 1986 Cum. Supp.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the U.S. Environmental Protection Agency under the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That immediately upon receipt of notice of this Order, the Permittee shall commence and continue at all times thereafter making timely submissions of quarterly Discharge Monitoring

Report forms in accordance with Section I.B.8. of NPDES Permit Number AL0047732.

B. That immediately upon receipt of notice of this Order, the Permittee shall submit to the Department the following information for each sample collected and analyzed pursuant to the conditions of NPDES Permit Number AL0047732 from the date of permit issuance and shall continue to provide said information on a quarterly basis each time Discharge Monitoring Reports are submitted to the Department and until such time as the Permittee is released from this requirement in writing by the Department:

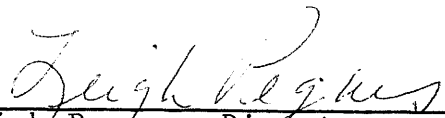
1. The name of the person responsible for sampling each outfall;
2. The dates and times each analysis was performed;
3. The name(s) of the person(s) who performed the analyses;
4. The analytical techniques or methods used;
5. The names of any commercial laboratory used to perform analyses.

C. That the failure of the Permittee to comply with any of the provisions of this Order or of NPDES Permit Number AL0047732 shall constitute cause for the revocation of NPDES Number AL0047732 and/or commencement of legal action by the Department or others for the recovery of civil penalties, criminal fines, or other appropriate relief.

D. That the 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 stated herein.

ORDERED and ISSUED THIS 16th October, 1987.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205)271-7700

CERTIFICATE OF SERVICE

I, Olivia Hardy Hudgins, hereby certify that I have served Order Nos. 88-001-WP and 88-002-WP upon the Lincoln Mining Company, Inc. by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P-625-511-229, with instructions to forward and return receipt requested to:

Mr. Gary Vickery
Lincoln Mining Company, Inc.
1625 9th Avenue
Haleyville, Alabama 35565

Done this 16th day of October 1987.


Olivia Hardy Hudgins