

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

JAMES NORMAN
SULFUR SPRINGS COMMUNITY

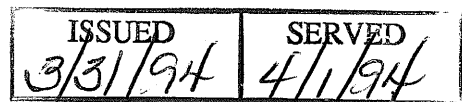
ORDER NO. 94-052-HW/WP/AP

FINDINGS

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 1993 Supp.), the Alabama Hazardous Wastes Management and Minimization Act of 1978, Code of Alabama 1975 §§ 22-30-1 through 22-30-20 (1990 Rplc. Vol. and the 1991 Supp.), the Alabama Water Pollution Control Act, Code of Alabama, 1975, §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), and the National Pollutant Discharge Elimination System ("NPDES") administered by the Alabama Department of Environmental Management, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama 1975 (1990 Rpl.Vol.), and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, the Alabama Department of Environmental Management ("the Department") makes the following FINDINGS:

1. James Norman, a citizen of the State of Alabama, owns property in a residential area located off DeKalb County Road 140 in Sulfur Springs, Alabama.

2. Mr. Norman operates a scrap business on his property.



Said scrap is salvaged for usable metals through burning, physical separation, and acid precipitation.

3. An inspection, by the Department, which took place on February 26, 1993, revealed that Mr. Norman's activities were causing the property to become contaminated with hazardous waste constituents.

4. On April 8, 1993, Mr. Norman received a Notice of Violation ("NOV") from the Department due to the potential mismanagement and disposal of hazardous waste on his property. The NOV was based on analyses of two soil samples, taken during the February 26, 1993 inspection, which indicated elevated levels of hazardous constituents (TCLP lead - 45 ppm and 209 ppm, TCLP cadmium - 3.66 ppm and 8.55 ppm).

5. On May 7, 1993, Mr. Norman responded to the Department's NOV of April 8, 1993. The corrections were deemed to be inadequate according to the requirements of the ADEM Admin. Code. 335-14.

On July 23, 1993, the Department issued a letter to Mr. James Norman which established that Mr. Norman's May 7, 1993, response was inadequate, and that Mr. Norman should submit a revised response no later than 15 days from his receipt of the July 23, 1993, letter. This letter also informed Mr. Norman that waste determinations were required on any waste materials removed for disposal as required by ADEM Admin. Code R. 335-14-3-.01(2).

7. The Department did not receive a response from Mr. James Norman to the July 23, 1993, letter.

8. During the inspection of February 26, 1993, Mr. Norman told the inspectors that he burns wood waste. Open burning of wastes is a violation of ADEM Admin. Code R. 335-3-3-.01. Mr. Norman was previously issued Notices of Violation for illegal open burning on April 1, 1988 and April 4, 1989.

9. As of the date of this Administrative Order, Mr. James Norman has not applied for a storm water permit. ADEM Admin. Code R. 335-6-6-.03 requires a person to obtain a valid Individual NPDES permit before discharging pollutants into waters of the state.

10. At the informal conference held on January 28, 1994, Mr. Norman stated that several dump truck loads of soil had been excavated and hauled to landfills in Dade County, Georgia, and Dekalb County, Alabama. Mr. Norman indicated that he had not made a waste determination on the soils, nor had any documentation to verify that the wastes were received by the landfills.

11. During the informal conference Mr. Norman was told to appropriately identify the drums of spent aqua regia with labeling and accumulation dates. Mr. Norman told the Department representatives that all the aqua regia was drummed, and that he would label the drums with the required information upon his return to the property.

12. A follow-up inspection on February 3 and 4, 1994, revealed the presence of five 55-gallon drums of spent aqua regia. Measurements taken during the inspection revealed that each drum had a pH of 2 standard units or less. Two composite samples collected from these drums during the inspection revealed the presence of characteristic hazardous wastes in excess of the Toxicity Characteristic Leaching Procedure regulatory levels (Cadmium - 21.8 ppm, Chromium - 5.56 ppm and 14.9 ppm, and Lead - 643 ppm and 1800 ppm).

Eight 5-gallon buckets were also stored in the same shed as the drums. Measurements taken during the inspection revealed that each bucket had a pH of 2 standard units or less. Mr. Norman told the inspectors that the buckets contained spent aqua regia. A composite sample collected from all eight buckets revealed the presence of characteristic hazardous wastes in excess of the Toxicity Characteristic Leaching Procedure regulatory levels (Cadmium - 4.34 ppm, Lead - 1540 ppm, and Silver 9300 ppm).

Soil samples collected during this inspection also revealed the presence of hazardous constituents (Cadmium, Chromium, Lead, and Silver), which indicates that these contaminants resulted from Mr. Norman's burning and acid precipitation processes.

ORDER

Based upon the foregoing FINDINGS and pursuant to Code of Alabama, 1975, §§22-22A-1 to 22-22A-18, 22-30-20, 22-28-1 to 22-28-23, 22-30-19(a) and (b) 22-22-9(C), 22-22-9(j), and 22-22-9(i) (1990 Rplc. Vol. and the 1992 Supp.), and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of 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, Mr. James Norman shall conduct a complete inventory of all wastes on-site and make a waste determination on all wastes currently on-site, as required by ADEM Admin. Code R. 335-14-3-.01(2).

B. That within 7 days of receipt of notice of this Order, Mr. James Norman shall apply for an EPA Identification Number as required by ADEM Admin. Code R. 335-14-3-.01., and notify the Department in writing of the types and volumes of wastes on-site, and the intended disposal facilities for all wastes.

C. That within 30 days of receipt of notice of this Order, Mr. James Norman shall dispose all hazardous waste currently present on his property in accordance with ADEM Admin. Code Chapter 335-14-3, and within 90 days of the receipt of notice of this order dispose all non-hazardous waste currently present

on his property in accordance with ADEM Admin. Code Chapter 335-13-5.

D. That within 30 days of receipt of notice of this Order, Mr. James Norman shall submit to the Department a description of all processes used, the wastes generated by each process, the quantity of each waste managed on the property, and a plan to manage and dispose any future generation of these hazardous wastes in accordance with ADEM Admin. Code Chapter 335-14-3, and to manage and dispose non-hazardous solid wastes in accordance with ADEM Admin. Code Chapter 335-13-5.

E. That within 60 days of receipt of this Order, Mr. James Norman shall submit to the Department a plan for assessing the extent of soil contamination remaining on his property. This assessment plan shall provide measures for establishing background levels for constituents of concern, a demonstration of the impacts of all hazardous wastes identified on Mr. Norman's property upon the soils, surface waters, and groundwater of the property, or in the vicinity of the property, and the identification of all hazardous waste management units on the property. The plan shall allow up to 60 days for completion of the assessment.

F. That the assessment plan shall be implemented according to the Department's review of the assessment plan. Results of the assessment shall be sent to the Department within 15 days of completion of the assessment. Intended disposal facilities

for hazardous and non-hazardous waste shall be included with the results.

G. That no later than 180 days after completion of the assessment, all soil contaminated with hazardous constituents above background levels shall be removed. A waste determination shall be made on excavated soils. Soils identified as hazardous waste shall be disposed according to ADEM Admin. Code 335-14-3, otherwise, contaminated non-hazardous soils shall be disposed according to ADEM Admin. Code 335-13-5.

Testing must be conducted on all excavated areas to verify that background levels have been achieved. Test results must be submitted to the Department within 30 days of receipt of the test results by Mr. Norman.

H. Within 45 days of disposal of all contaminated soils, hazardous wastes, and non-hazardous solid wastes, Mr. Norman shall provide to the Department copies of manifests (for hazardous wastes), or disposal receipts (for non-hazardous solid wastes) that demonstrate disposal of these wastes in disposal facilities that are permitted by EPA or State equivalent programs to dispose hazardous wastes or non-hazardous solid wastes.

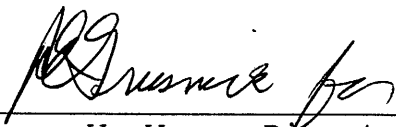
I. That immediately upon receipt of notice of this Order, Mr. James Norman and/or his employees must cease all unauthorized open burning of refuse and scrap material.

J. Within 90 days from the date of receipt of notice of this Order, Mr. James Norman must apply for and obtain an Individual NPDES permit.

K. That the failure to comply fully with the terms and conditions of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department against Mr. Norman.

L. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate relief against Mr. James Norman for the violations stated herein.

ORDERED and ISSUED this 31st day of March, 1994.



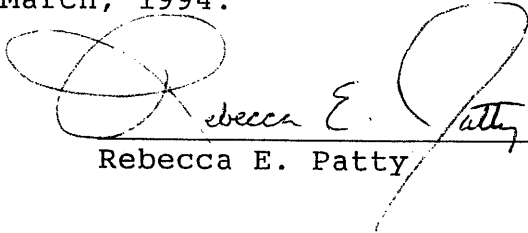
James W. Warr, Director
Alabama Department of
Environmental Management
751 Cong. W. L. Dickinson Dr.
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Rebecca E. Patty, hereby certify that I have served Draft Administrative Order No. 94-052-HW/WP/AP upon James Norman, Sulfur Springs Community, by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 014 550 807, with instructions to forward and return receipt requested to:

James Norman
Sulfur Springs Community
Route One, Box 807
Valley Head, Alabama 35989

Done this 31st day of March, 1994.


Rebecca E. Patty