

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

STANLEY LANDSCAPING AND  
CONSTRUCTION COMPANY

\*  
\*  
\*  
\*  
\*  
\*  
\*

ORDER NO. 95-023-GW

---

**FINDINGS**

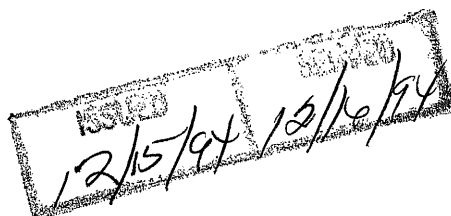
Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama 1975, as amended, the Alabama Water Pollution Control Act §§22-22-1 through 22-22-14, Code of Alabama 1975, as amended, and the administrative regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS:

1. Stanley's Landscaping & Construction Company (Stanley) operates a landscaping business at 4410-A Evangel Circle, Huntsville, Alabama.

2. A complaint from Mrs. Lillian Baker received by the department on or about February 11, 1993 revealed that Mrs. Baker's water from her water well had the smell and taste of diesel fuel.

3. Further investigation by the department revealed that Stanley had applied an undiluted mixture of diesel fuel and the herbicide Pramitol to a prepared road that crossed the property of Mrs. Lillian Baker. The road passed within 70 feet of Mrs. Baker's water well.

4. The application of the undiluted mixture of diesel fuel and the herbicide Pramitol resulted in a discharge of pollution to a private water well belonging to Mrs. Lillian Baker.



5. The undiluted mixture of diesel fuel and the herbicide Pramitol constitute "pollution" as that term is defined in §22-22-1(b)(3) Code of Alabama 1975, as amended.

6. §22-22-9(i)(3), Code of Alabama (1975), as amended, provides that:

Every person prior to discharging any new or increased pollution into any waters of the state, shall apply to the [Alabama Department of Environmental Management] in writing for a permit and must obtain such permit before discharging such pollution.

7. Stanley did not apply for and had not received a discharge permit from the Department before its discharge of the undiluted mixture of diesel fuel and the herbicide Pramitol.

8. Water samples taken from Mrs. Baker's kitchen faucet and tested by the Department on or about March 3, 1993, revealed the presence of diesel constituents and 3.73 ppm of Pramitol.

9. Stanley executed an affidavit on October 26, 1992, admitting that it had applied a the undiluted mixture of diesel fuel and the herbicide Pramitol to the road that crossed Mrs. Baker's property.

### **ORDER**

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-5(10), 22-22-7 and 22-22-9, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That immediately upon the receipt of this Order, Stanley- shall cease and desist any and all discharge of pollutants into waters of the State without first applying for and obtaining a permit, as required by Code of Alabama 1975, §22-22-9(l)(3).

B. That not later than 30 days from receipt of notice of this Order, Stanley shall submit to the department an investigative and corrective action plan that addresses the following:

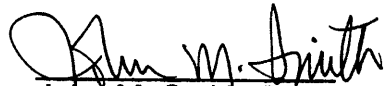
1. The full extent of the lateral and vertical soil and groundwater contamination;
2. The migration of groundwater contamination;
3. The removal of any soil that is contaminated;
4. The treatment of any groundwater contamination in an effective and timely manner according to ADEM Admin. Code R. 335-6-15-.31 or .32; and
5. Measures that are necessary to meet local, state, and federal requirements for control of surface and air discharges or disposal of contaminated soil.

C. That not later than 180 days from receipt of this Order, Stanley shall have implemented and completed all the requirements of paragraph "B" above.

D. That the issuance of this Order does not preclude the Department from seeking criminal penalties or other appropriate sanctions or relief against Stanley for the violations stated herein.

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

ORDERED and ISSUED this 15 day of December 1994.



John M. Smith, Director  
Alabama Department of  
Environmental Management  
1731 Cong. W.L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7977

CERTIFICATE OF SERVICE

I, James G. Stevens, hereby certify that I have served Administrative Order No. 95-023-GW upon Stanley Landscaping & Construction Company by sending the same postage paid, through the U.S. Mail, as certified mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. Z 073 536 430  
Stanley Landscaping and Construction Company  
4410-A Evangel Circle  
Huntsville, AL 35816

DONE this 15<sup>th</sup> day of December, 1994.

  
James G. Stevens