

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
DAIRY FRESH
HIGHWAY 12 WEST
COWARTS, ALABAMA 36321

ORDER NO. 92-002-WP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 through 22-22A-16 (1990 Replacement Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§22-22-1 through 22-22-14 (1990 Replacement Vol.), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS :

1. Dairy Fresh operates a raw milk processing facility located in Cowarts, Alabama.
2. The Department issued Administrative Order 91-168 to Dairy Fresh on September 27, 1991.
3. Due to a typographical error Administrative Order 91-168 is due to be amended.

ORDER

Based upon the foregoing FINDINGS and pursuant to Code of Alabama 1975, §§22-22A-5(10), 22-22-9(c), 22-22-9(i), and 22-22-9(k) (1990 Replacement Vol.) it is hereby ORDERED:

ISSUED 16-2-91	SERVED 10-4-91
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A. That paragraph "4" of Administrative Order 91-168 is amended as follows:

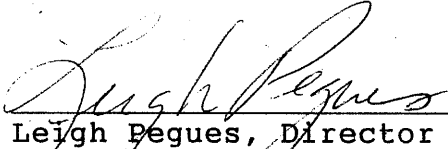
An inspection on September 6, 1990 revealed unpermitted discharges of wastewater from Dairy Fresh's facility to Cooper Creek, a water of the state, via a storm drain.

B. That all other provisions of Administrative Order No. 91-125-WP shall remain in full force and effect.

C. That the failure to comply with any and all provisions of this Order will also constitute cause for the assessment of additional civil penalties and/or the commencement of appropriate legal action for civil or criminal sanctions.

D. That the issuance of this Order does not preclude the Department or others from seeking appropriate sanctions for the violations stated above.

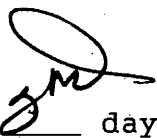
ORDERED and ISSUED this 2 day of October, 1991.

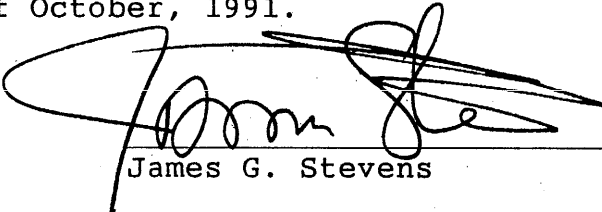

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James G. Stevens, hereby certify that I have served a copy of the foregoing Administrative Order No. 92-002-WP upon Dairy Fresh by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 622 952 567, with instructions to forward and return receipt requested to:

N. D. Brookshue
c/o Dairy Fresh
Cowarts, Alabama 36321

DONE this  day of October, 1991.


James G. Stevens