

ONIS "TREY" GLENN, III
DIRECTOR



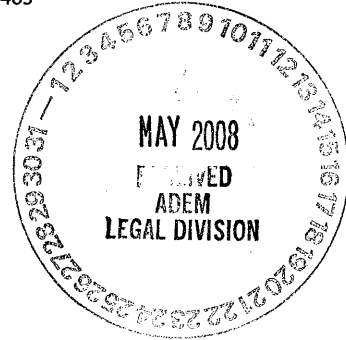
Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2059 ♦ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700
FAX (334) 271-7950

BOB RILEY
GOVERNOR

April 25, 2008

CERTIFIED MAIL NO: 7007 0710 0001 6199 2017
RETURN RECEIPT REQUESTED



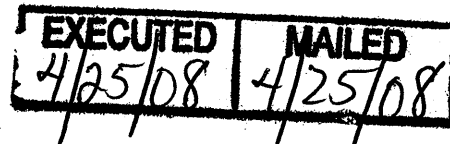
Mr. Tommy Lentz
Kitchens Mill Car Wash
6524 County Road 434
Trinity, Alabama 35673

RE: **ADMINISTRATIVE ORDER NO. 08-140-GW**
Kitchens Mill Car Wash
Highway 72 & Highway 101, Lauderdale County, Alabama
UIC Permit No. ALSI9940382

Dear Mr. Lentz:

Enclosed please find the **Administrative Order No. 08-140-GW**, which requires certain actions to be taken regarding violations of applicable environmental laws and regulations by the above referenced facility. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on behalf of the operator/owner.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to Twenty-Five Thousand dollars (\$25,000) per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, §22-22A-7(c)(1) this Order may be appealed by filing a request for a hearing before the Environmental Management Commission within thirty days after receiving this Order. The request should be addressed to the Chair of the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code r. 335-2-1-.04. Copies of ADEM Admin. Code, Div. 2, Environmental Management Commission regulations can be viewed or downloaded from ADEM's webpage at <http://www.adem.state.al.us/Regulations/regulations.htm> or may be obtained by submitting a request in writing to the ADEM – Permits & Services Division.



Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (Fax)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (Fax)


Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (Fax)

Mobile - Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (Fax)

Mr. Tommy Lentz
Kitchens Mill Car Wash
Page 2

Should you have any questions concerning this matter, please contact Ruth Maxey of the Groundwater Section by phone at (334) 271-7937.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. McIndoe".

James E. McIndoe, Chief
Water Division

JEM/SSM/LD/MFB/rh

Enclosure

Cc: Sonja M. Massey, Chief ADEM Groundwater Branch, Land Division
Dorothy Malaier, Correction Action Section, Groundwater Branch
ADEM Office of General Counsel

**ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

In The Matter Of:

Tommy Lentz

Kitchens Mills Car Wash

UIC Permit No. ALSI9940382

Moulton, Lawrence County, Alabama

ADMINISTRATIVE ORDER

No. 08-140-GW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 to 22-22A-16 Ala. Code (2006 Rplc. Vol.); the Alabama Water Pollution Control Act, §§ 22-22-1 to 22-22-14 Ala. Code (2006 Rplc. Vol.); and the ADEM Administrative Code of Regulations (ADEM Admin. Code r.) promulgated pursuant thereto, the Alabama Department of Environmental Management (the "Department" or "ADEM") makes the following FINDINGS:

1. Tommy Lentz is the owner of a regulated underground injection well located at Kitchens Mills Car Wash, 2199 County Road 327, Moulton, Lawrence County, Alabama. Pursuant to ADEM Admin. Code r. 335-6-8-.02(p)(5), the well is classified as a Class V underground injection well that discharges from a self-service car wash into groundwater, a water of the State, via injection into a subsurface formation.

2. ADEM is a duly constituted agency of the State of Alabama pursuant to §§ 22-22A-1, Ala. Code (2006 Rplc. Vol.).

3. Pursuant to § 22-22A-4(n), Ala. Code (2006 Rplc. Vol.), ADEM is the State Environmental Control Agency for the purposes of federal environmental law, including 42 U.S.C. §§ 300f, et. seq., as amended.

4. ADEM is authorized to administer and enforce the provisions of the Alabama Water Pollution Control Act, §§ 22-22-1 Ala. Code (2006 Rplc. Vol.), including § 22-22-9(i)(1), which authorizes the Department to issue Orders abating discharges of pollutants into waters of the state.

5. Section 22-22-9(i)(3), Ala. Code (2006 Rplc. Vol.), provides:

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.

6. Based upon a review of facility records and/or an inspection of the UIC facility on April 28, 2006, Department personnel have documented the violations alleged herein.

7. On March 17, 2000, the Department issued Underground Injection Control ("UIC") Permit No. ALSI9940382 authorizing Tommy Lentz to discharge from the Class V well to waters of the state, subject to certain terms and conditions. UIC Permit No. ALSI9940382 expired on March 16, 2005.

8. Since March 16, 2005, discharges from the Tommy Lentz injection well have been unpermitted discharges, in violation of §22-22-9(i)(3), Ala. Code (2006 Rplc. Vol.).

9. On April 28, 2006, an inspection by Department personnel documented that the Tommy Lentz injection well remains operable and continues to discharge to waters of the state, in violation of §22-22-9(i)(3), Ala. Code (2006 Rplc. Vol.).

10. On March 29, 2007, the Department received a report documenting the presence of lead in the wastewater effluent, in violation of §22-22-9(i)(3), Ala. Code (2006 Rplc. Vol.).

11. On April 24, 2007, the Department received a report documenting the presence of lead in the wastewater effluent, in violation of §22-22-9(i)(3), Ala. Code (2006 Rplc. Vol.).

12. The owner has refused or otherwise failed to fully comply with the Notice of Violation and ADEM's requests for information, in violation of ADEM Admin. Code r. 335-6-15-.13.

13. The violations cited above are continuing violations, and each day such violation continues constitutes a separate violation pursuant to §22-22A-5(18)(c), Ala. Code (2006 Rplc. Vol.).

ORDER

Based upon the foregoing FINDINGS and pursuant to §§ 22-22-9, 22-22A-5(10), 22-22A-5(12), and 22-22A-5(18), Ala. Code (2006 Rplc. Vol.), as amended, it is hereby ORDERED:

A. That the owner immediately shall take such steps as are necessary to cease all unpermitted discharges from the facility to waters of the state until such time the owner obtains a valid UIC permit authorizing such discharges.

B. That the owner shall otherwise comply with all applicable UIC requirements and shall continuously remain in compliance therewith each and every day thereafter until such time the UIC well is permanently removed from service.

C. That, if the violations cited herein are corrected, the owner may reactivate the system upon executing and filing with the Department the attached "Certification of Compliance." The "Certification of Compliance" will be subject to verification, and the Department may proceed with additional enforcement actions and the assessment of additional civil penalties if the cited violations are not corrected.

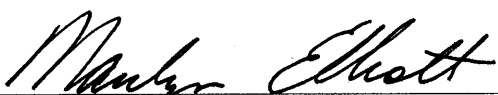
D. That, should any provision of this Administrative Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law, and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

E. That, except as otherwise set forth herein, this Administrative Order is not and shall not be interpreted to be a permit or modification of a permit under Federal, State or local law, and shall not be construed to waive or relieve the Owner of the obligation to comply in the future with all applicable law.

F. That the issuance of this Administrative Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Owner of the violations cited herein.

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

ORDERED and ISSUED this the 25th day of April, 2008.



Onis "Trey" Glenn, III
Director

**ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

In The Matter Of: _____)

Tommy Lentz)
Kitchens Mills Car Wash)
UIC Permit ALSI9940382)
Moulton, Lawrence County, Alabama)

ADMINISTRATIVE ORDER

No. _____

CERTIFICATION OF COMPLIANCE

I certify under penalty of law that the UIC violations cited in this Consent Order have been corrected and the actions identified below were completed on the dates indicated:



Discontinuation of Service.

All discharges into the UIC well have been discontinued pending issuance of a valid UIC Permit and written approval by ADEM.

Date Completed: _____



Other.

Date Completed: _____

DATED this _____ day of _____, 2008.

(Signature)

(Please Print Name and Title of Authorized Officer)

Tommy Lentz

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U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

R.M.A.O.
 Postmark Here
 4/25

Sent To
Tommy Lentz - Kitchens Mill Car Wash
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Tommy Lentz
 Kitchens Mill Car Wash
 6524 Co. Rd. 434
 Trumbull, Al. 35673

2. Article Number

(Transfer from service label)

7007 0710 0001 6199 2017

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Tommy Lentz ☒ Agent ☐ Addressee

B. Received by (Printed Name) TOMMY LENTZ C. Date of Delivery 5-1-08

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes