

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

JOSEPH FRANDERS, d/b/a
FRANDERS MOBILE HOME PARK

ORDER NO. 86-061-DW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984) and the Safe Drinking Water Act of 1977, Code of Alabama 1975, §§ 22-23-30 to 22-23-53 (1984), the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS OF FACT:

1. Joseph Franders owns and operates Franders Mobile Home Park, which includes a "public water system" as defined in Code of Alabama 1975, § 22-23-31(11) (1984). The public water system is also a "community water system" as defined in Code of Alabama 1975, § 22-23-31(13) (1984), which utilizes only groundwater sources.

2. Pursuant to Code of Alabama 1975, § 22-23-49 (1984), the Department promulgated Water Supply Regulations applicable to public water systems including the following:

(a) Section 3-221.02 which requires that the owner or operator of a community water system shall collect and analyze a minimum of two samples of water per month for coliform bacteria.

(b) Section 3-221.08 which requires daily determinations of chlorine residual and maintenance of no less than 0.5 mg/l free chlorine throughout the public water distribution system.

(c) Section 3-231.01 which requires the supplier of water to report to the Department the results of any test, measurement or analysis required by Section 3-200 through 3-242 within the first 10 days following the month in which the result is received or the first 10 days following the end of the required monitoring period, whichever is shorter.

(d) Section 3-511 which requires that the casing pipe and protective curbing of all groundwater sources shall project at least 12 inches above the pumphouse floor or cover installed, and that the top of every well station floor shall be at least 6 inches above the finished yard level, and that the casing pipe shall terminate at least 18 inches above the original ground level.

(e) Section 3-526 which requires that prior to use, any well shall be inspected by the Department to determine if the discharge contains any rock particles, silt, mud, or other foreign material.

(f) Section 3-528 which requires that after the final pumping equipment has been installed in a groundwater facility and pumped until a representative sample is obtained, a complete chemical analysis shall be performed for inorganic, secondary, and radiological contaminants by a laboratory certified by the Department.

(g) Section 3-524 which requires that no well shall be placed into use under any circumstances before notification is filed with the Department and an on-site inspection is conducted by the Department.

(h) Section 3-1310 which requires that community water systems shall be operated by a certified water operator.

3. Code of Alabama 1975, § 22-23-41 (1984) which requires any person proposing to operate, construct, install, add to or make major modification of a public water system shall, prior to construction of such, file with the Department an application for a permit to do so, together with complete plans and specifications and a statement containing a general description of the proposed public water system or of the proposed changes in the existing system showing the geographical location thereof with relation to the source of water supply and the manner of storage, purification, treatment or delivery proposed or used for the supply, and all the sanitary and health conditions surrounding and affecting the said supply and the works, system

and plant. The plans and specifications and statements shall be in such form and shall detail such matters as the Department by regulation shall require.

4. Code of Alabama 1975, § 22-23-37 (1984) requires that the owner or operator of a public water system who fails to perform monitoring required by regulations adopted by the Department shall, as soon as practicable, notify the users, the public and communications media, the Department and others of such violations and extent, nature and possible health effects of such violations.

5. Joseph Franders failed to collect and analyze two satisfactory samples for coliform bacteria during the month of January 1986 in violation of Section 3-221.02 of the Department's Water Supply Regulations.

6. Joseph Franders has failed to maintain a chlorine residual of no less than 0.5 mg/l free chlorine throughout the system in violation of Section 3-221.08 of the Department's Water Supply Regulations.

7. Joseph Franders has failed to forward to the Department the records of daily chlorine residual determinations by the 10th day of February 1986 in violation of Section 3-231.01 of the Department's Water Supply Regulations.

8. The casing pipe and protective curbing of the well of the mobile home park does not project at least 12 inches above

the pumphouse floor or cover installed, and the top of the well station floor is not at least 6 inches above the finished yard level in violation of Section 3-511 of the Department's Water Supply Regulations.

9. Joseph Franders has used a well prior to having it inspected by the Department to determine if the discharge contains any rock particles, silt, mud or other foreign material in violation of Section 3-526 of the Department's Water Supply Regulations.

10. Joseph Franders failed to have a chemical analysis performed for inorganic, secondary, and radiological contaminants by a laboratory certified by the Department after the final pumping equipment had been installed and pumped until a representative sample was obtained, in violation of Section 3-528 of the Department's Water Supply Regulations.

11. Joseph Franders placed a well into use before notification was filed with the Department and an on-site inspection was conducted by the Department in violation of Section 3-524 of the Department's Water Supply Regulations.

12. Joseph Franders has failed to notify the users, public and communications media, and the Department of its failure to perform the monitoring required by Sections 3-221.02 and 3-221.08 of the Department's Water Supply Regulations in violation of Code of Alabama 1975, § 22-23-37 (1984).

13. Joseph Franders is operating such system without the services of a certified operator in violation of Section 3-1310 of the Department's Water Supply Regulations.

14. Joseph Franders has neither filed an application for a permit, nor obtained a permit to add the well at Franders Mobile Home Park to his public water system in violation of Code of Alabama 1975, § 22-23-41 (1984).

15. The community water system owned and operated by Joseph Franders at Franders Mobile Home Park is not suited to the production and delivery of healthful, pure and wholesome water.

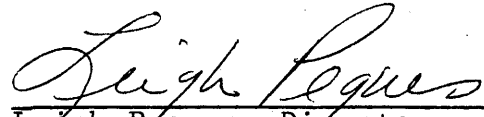
ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10) and 22-23-43 (1984), it is hereby ORDERED:

A. That Joseph Franders shall immediately disconnect the well at Franders Mobile Home Park from the public water system and said well shall remain disconnected until he has obtained a permit from the Department to add said well to such public water system or until the system ceases to be a public water system as defined in Code of Alabama 1975, § 22-23-31(11) (1984).

B. That issuance of this Order does not preclude the Department from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against Joseph Franders.

ORDERED and ISSUED this 8th day of April 1986.

A handwritten signature in cursive script, reading "Leigh Pegues", written in dark ink. The signature is positioned above a horizontal line.

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

CERTIFICATE OF SERVICE

I hereby certifiy that I have served Order No. 86-061-DW upon Joseph Franders, d/b/a Franders Mobile Home Park, by sending the same, postage paid, through the United States Mail, as Certified Mail No. 686585710, with instructions to forward and return receipt requested to:

Joseph Franders
Franders Mobile Home Park
1600 280 Bypass
Phenix City, Alabama 36867

Done this 3rd day of April 1986.



David A. Ludder

PS Form 3811, July 1982

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery


2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Joseph Franders
Franders Mobile Home Park
1600 280 Bypass
Phenix City, AL 36867

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
☐ REGISTERED ☐ INSURED
☒ **CERTIFIED** ☐ COO **686585710**
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent


5. **DATE OF DELIVERY** **POSTMARK**
4-10-86 (may be on reverse side)

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**

RETURN RECEIPT

Final Order 86-061-DW

★ U.S.G.P.O. 1983-379-503

P 686 585 710

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

Sent to Joseph Franders Franders Mobile Home Park Street and No. 1600 280 Bypass P.O., State and ZIP Code Phenix City, AL 36867	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, Feb. 1982