

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
NEWTON BROTHERS LUMBER CO., INC. }
AIR PERMIT NO. 401-S001 }

ORDER NO. 87-048-AP

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 1986 Cum. Supp.) and the Alabama Air Pollution Control Act, Code of Alabama 1975, §§22-28-1 to 22-28-23 (1984 and 1986 Cum. Supp.), the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Newton Brothers Lumber Company, Inc. operates a sawmill, Air Division Facility Number 401-S001, located on U.S. Highway 69 North, in Moundville, Hale County, Alabama.
2. On January 21, 1987, a Department representative observed an open fire at the Newton Brothers Lumber Company, Inc. sawmill, in violation of Part 3.1 of the Department's Air Division Regulations, which prohibits the maintenance of open fires not expressly excepted by regulation or permitted by the Director. The fire involved sawdust and scrap wood produced by the mill which are stored on-site. Newton Brothers Lumber Company, Inc. advised the Department representative of its intent to extinguish the fire.

3. On February 3, 1987, a Department representative again observed the open fire at the Newton Brothers Lumber Company, Inc. sawmill. No attempt had been made to extinguish the fire since January 21, 1987.

4. On February 10, 1987, the Department issued a Notice of Violation to Newton Brothers Lumber Company, Inc. directing the company to meet with Department representatives in order to resolve the violations.

5. Newton Brothers Lumber Company, Inc. has failed to respond to the February 10, 1987, directive.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, § 22-22A-5(10), § 22-28-10(2), and §22-28-18 it is hereby ORDERED:

A. That immediately upon receipt of notice of this Order, Newton Brothers Lumber Company, Inc. shall cease the maintenance of all open fires on the premises of its sawmill in Moundville, Alabama, except as may be authorized under Part 3.1 of the Department's Air Division Regulations.

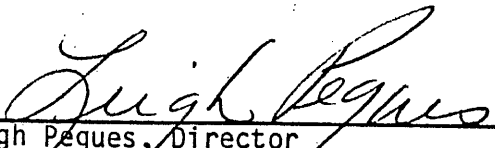
B. That Newton Brothers Lumber Company, Inc. shall not, after receipt of notice of this Order, ignite, cause to be ignited, permit to be ignited, or maintain any open fire on the premises of its sawmill in Moundville, Alabama, except as may be authorized under Part 3.1 of the Department's Air Division Regulations.

C. That not later than fifteen (15) days of the receipt of notice of this Order, Newton Brothers Lumber Company, Inc. shall submit to the Department a written certification that all open fires on the premises of its sawmill in Moundville, Alabama, have been extinguished and a written procedure for the prevention, detection and extinguishing of open fires. A copy of this procedure shall also be provided to each employee of Newton Brothers Lumber Company, Inc.

D. That failure to comply fully with this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties or other appropriate relief by the Department against Newton Brothers Lumber Company, Inc.

E. That issuance of this Order does not preclude the Department or others from seeking civil penalties or other appropriate relief against Newton Brothers Lumber Company, Inc. for the violations stated herein.

ORDERED and ISSUED this 2 day of July, 1987.



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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Ralph Newton
 Newton Brothers Lumber Company
 Moundville Industrial Park
 P.O. Box 487
 Moundville, AL 35474

4. Article Number

P 705 743 407

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

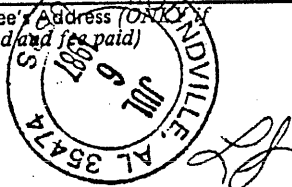
X *Charles Newton*

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (Only if requested and fee paid)



PS Form 3811, Feb. 1986

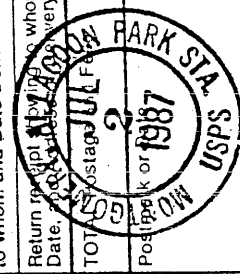
DOMESTIC RETURN RECEIPT

P 705 743 407
 REG/FL:dm
 RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Mr. Ralph Newton Newton Brothers Lbr. Co. Inc.	
Street and No. P.O. Box 487	
P.O., State and ZIP Code Moundville, AL 35474	
Postage	\$.22
Certified Fee	.70
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	.70
Return receipt showing to whom, Date, Postage and Delivery	
TOTAL Postage Fee	\$ 1.67
Postage or 1987	



* U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982