

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**ALI JAMA, d/b/a
DIP FOOD MART
MOBILE, ALABAMA**

ORDER NO. 00-211-AP

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 Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended, and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS:

1. Ali Jama (hereinafter "the Operator") operates the DIP Food Mart, located in Mobile, Alabama. Associated with the DIP Food Mart is a gasoline dispensing facility.
2. ADEM Admin. Code R. 335-3-14 requires that any source of air pollution must apply for and obtain a permit from the Department for operation of said source.
3. On January 8, 1999, the Department mailed the Operator an Air Permit application fee letter requiring an application and permit fee to be submitted to the Department no later than February 3, 1999. No response to this letter was received.
4. On June 14, 1999, the Department mailed a certified letter to the Operator again requesting a permit application and accompanying fee. No response to this letter was received.

5. On January 10, 2000, the Operator informed a Department representative that the pumps had been removed and that the DIP Food Mart no longer operated as an air pollution source.

6. A follow-up inspection on February 24, 2000 revealed that the pumps had not been removed and that the Operator continued operating the gasoline dispensing facility.

ORDER

Based upon the foregoing FINDINGS and pursuant to §§ 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That, not later than 30 days after receipt of this Order, the Operator shall pay to the Department a civil penalty in the amount of \$1050.00 for the violations cited herein .

B. That, immediately upon receipt of this Order, the Operator shall submit to the Department a permit application and the accompanying air permit fee of \$550.00

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

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

ORDERED and ISSUED this 20th day of September, 2000.

A handwritten signature in black ink, appearing to read "James W. Warr", written over a horizontal line.

James W. Warr, Director
Alabama Department of
Environmental Management
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